

PLANNING COMMISSION
February 15, 2017

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, FEBRUARY 15, 2017, AT 6:30 PM IN THE COUNTY MEETING ROOM.

Members present were: Jay Willer, Chairman
 William Saunders, III, Vice-Chairman
 Frank Morris, Member
 John McCloskey, Member
 Victor Schaff, Member

Staff present were: Dale Herring, Ex-Officio Member
 Bart Svoboda, Planning Director
 Shawn Leake, Zoning Officer
 Marsha Alley, Secretary

CALL TO ORDER

The Chairman called the meeting to order.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

The Chairman lead the Pledge of Allegiance and offered a moment of silence.

DETERMINATION OF QUORUM

Each member stated their name on the record to determine a quorum.

PUBLIC HEARINGS

Greene Hills Club, Inc. requests a special use permit for a country club as listed in Article 4-1-2.9 excluding gun clubs on an approximately 185.33 acre tract and an approximately 16.64 acre tract zoned A-1, Agriculture, located at 3858 Dundee Road and identified on County Tax Maps as 28-(A)-63 & 63A. (SUP#16-006)

Mr. Willer read the request and asked Mr. Svoboda for a report. He announced that only one screen would be available for viewing tonight.

Mr. Svoboda apologized for the technical difficulties. He reviewed the request describing the use and the location. He presented maps, aerial photos, and other information relating to the request. He stated that the Future Land Use Map designation is rural and noted the goals of the Comprehensive Plan. He stated that staff does recommend approval of the request based on the following:

- The use does not appear to change the character and established pattern of development of the area or community in which it wishes to locate.

- The use appears to be in harmony with the uses permitted by right under a Zoning Permit in the zoning district and shall not affect adversely the use of neighboring property.
- Due consideration was given to the suitability of the property for the proposed use and it did not appear to affect the community in a detrimental manner or increase transportation, schools, parks, playgrounds, or other infrastructure needs.

Mr. Svoboda stated that the request does exclude gun club as a use allowed by special use permit. He added that the request is to bring the use into conformity and not to expand the use at this time. He stated that he believed everyone was familiar with the area and the facility.

Mr. Schaff asked why the gun club is mentioned.

Mr. Svoboda explained that the uses are associated in the listing within the zoning ordinance and that the applicant did not want to have any confusion regarding their request.

Mr. Willer stated that it was the applicant's request to exclude gun clubs.

There was discussion regarding surrounding property owned by the Greene Hills Club.

The Chairman opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Morris asked if the applicant was present.

Mr. Svoboda stated that the applicant was expected but was not present yet.

Mr. Willer clarified that the applicant is not currently requesting to expand the building, etc. but that this special use permit would allow them to in the future, noting that they would have to abide by the regulations, etc. at that time.

Mr. Morris asked about the definition of country club. He noted that there is a definition for clubs in the ordinance and referenced the definitions that were found in Wikipedia and the dictionary noting that those definitions refer to private clubs. He asked if the request is for a private and/or public club.

Mr. Svoboda stated that he understands that the club is currently semi-private, meaning that there are members with certain privileges but that the public is allowed for certain events or uses.

Mr. Morris asked if the indoor recreation use of dances with cover charges would fall under this permit.

Mr. Svoboda explained that those types of uses would be considered as an accessory use which is customary and incidental to the primary use of country club.

There was discussion relating to membership rules, packages, business models, etc.

Mr. Morris stated that he wanted to clarify that the public restaurant, dances, and those types of things were on record to show that they are in place and so that the applicant does not come back later for those uses.

Mr. Willer added that this does not change any of the existing operating procedures.

Mr. Svoboda explained that a site development plan would be needed for additions and expansions once the special use permit process is completed. He added that currently, they cannot expand because they are not in conformance with the zoning ordinance.

There was discussion relating to the need for the special use permit to come into compliance with the zoning ordinance. There was additional discussion relating to the public restaurant located on site which is considered customary and incidental to this type of use and would not require a separate special use permit as it is currently being used.

Mr. Morris stated that it is great for the county and that he wants to be sure that they are protected for what they are wanting to do and that nothing is overlooked.

Mr. Willer stated that this would not precluded the applicant from doing other things.

Mr. Schaff made a motion to recommend approval of special use permit application SUP#16-006 as proposed for a country club as listed in Article 4-1-2.9 excluding gun clubs.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

Mr. Morris
Mr. Saunders
Mr. McCloskey
Mr. Schaff
Mr. Willer

NAY

The motion to recommend approval of SUP#16-006 carried by a 5-0 vote.

The Town of Stanardsville has adopted a resolution to initiate the rezoning (RZ#16-001) of the following parcels as identified below:

- **TMP#37A-(A)-14** unidentified acreage from Town R-3, Residential, to Town RC, Residential-Commercial, owned by Earl & Lois Mundie, located at 215 Ford Avenue
- **TMP#37A-(A)-15** unidentified acreage from Town R-1, Residential, to Town RC, Residential-Commercial, owned by Manuel & Eva Collier, located 199 Ford Avenue
- **TMP#37A-(A)-16** 0.438 acre from Town R-3, Residential, to Town RC, Residential-Commercial, owned by Heflin Properties, LLC, located at 191 Ford Avenue
- **TMP#37A-(A)-17** 0.47 acre from Town R-3, Residential, to Town RC, Residential-Commercial, owned by Nathaniel Greene Development Corporation, located at 167 Ford Avenue
- **TMP#37A-(A)-18** 0.60 acres of a 0.94 acre tract from Town R-3, Residential, to Town RC, Residential-Commercial, owned by Bailey Court Limited Partnership, located on Village Road
- **TMP#37A-(A)-19** unidentified acreage from Town R-3, Residential, to Town RC, Residential-Commercial, owned by Nathaniel Greene Development Corporation, located at 139 and 151 Ford Avenue

Mr. Willer read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request for rezoning as initiated by the Town of Stanardsville. He stated that the Planning Commission is now acting as the Town Planning Commission. He presented maps, aerial photos, and other information relating to the request. He noted the zoning designations on the zoning map and the areas that are included in the request. He noted that there are some mixed use residential and commercial uses along Main Street and that the proposed parcels are similar in use. He noted that the parcels are located within the Town Growth Area as noted in the Town Comprehensive Plan. He pointed out the county line and the town line. He stated that the Code of Virginia allows for the adjustment of these zoning lines and that the property owners have indicated agreement with the request. He added that staff supports the request as it is similar to a previous rezoning for multiple properties in the town.

Gary Lowe, Mayor of Stanardsville, addressed the Commission. He stated that the town believes that this request will increase commerce in the Town and that the request is supported by the town.

Mr. Morris asked if approval of this request would place more restrictions on the schools or water system.

Mr. Lowe stated that any development would have to go through the normal

review process to address those items and others.

Mr. Morris asked if there were any known developments for the area.

Mr. Lowe stated that he was not aware of any commercial interest at this time but noted that it may attract some. He added that this would mirror the south portion of Ford Avenue. He stated that they are trying to add flexibility of commercial and residential within the town.

Mr. Morris asked if there are any plans for sidewalk improvements.

Mr. Lowe stated that the town continues to apply for grants for those types of improvements as well as others. He noted that if a developer were interested in the area, then the town would be interested in a partnership for those types of improvements.

Mr. Willer asked if the pending CDBG grant would involve any of these properties.

Mr. Lowe stated that some of those properties will be involved in upgrades and facades.

Mr. McCloskey asked if feedback had been received from adjoining property owners.

Mr. Lowe stated that he was not aware of any, adding that notices were sent out. He added that no objections were received at the town meeting for the resolution.

Mr. Svoboda stated that notices were sent to adjoining property owners as well as the property owners. He added that there had been some inquiries but that there had been no objections, noting that most were welcoming facelifts and upgrades.

Mr. Lowe stated that the general consensus has been to attract businesses to the Town and have a vibrant community that everyone can be proud of.

Mr. Saunders referred to the upcoming request for a special use permit which will overlay on this request.

Mr. Willer reminded everyone that it would be a separate issue.

Mr. Lowe noted that it is a separate issue that would be reviewed by the Town and that it is a private request not being initiated by the Town.

The Chairman opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Schaff stated that he believes it is a great idea.

Mr. Willer asked if approval would hinder any present uses.

Mr. Svoboda state that it would not.

Mr. Saunders made a motion to recommend approval of rezoning request RZ#16-001 with a zoning designation from TR-3 to TRC as submitted.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

Mr. Schaff
Mr. McCloskey
Mr. Morris
Mr. Saunders
Mr. Willer

NAY

The motion to recommend approval of RZ#16-001 carried by a 5-0 vote.

Nathaniel Greene Development Corp. requests a special use permit for multifamily apartments as listed in Article 502.01 of the Town of Stanardsville Zoning Ordinance. This request is being proposed on property which is currently zoned, TR3, Town-Residential-R3, and which is currently under review for rezoning to Town RC, Residential-Commercial, and is located at 151 Ford Avenue and identified on County Tax Maps as 37A-(A)-19. (SUP#17-001)

Mr. Willer read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request noting that approval would be contingent upon the Town Council ruling on the previous rezoning request. He noted that this parcel is a part of the previous rezoning request. He stated that the applicant is seeking a special use permit for a multi-family structure to come into compliance with the zoning ordinance. He noted that the structure does not meeting the setbacks for the current zoning designation and that the rezoning would allow it to meet the setbacks for the new designation, adding that the use would then require a special use permit to be allowed within the new zoning designation. He reviewed the language in the Town zoning ordinance. He noted that the property is located within the Town growth area and is in accordance with the Town Comprehensive Plan. He noted that conditions can be applied but noted that the size of the parcel seems to limit the use itself. Staff supports the request based on the following points contingent upon the Town Council ruling relating to the rezoning request:

- The use does not appear to change the character and established pattern of development of the area or community in which it wishes to locate.

- The use appears to be in harmony with the uses permitted by right under a Zoning Permit in the zoning district and shall not affect adversely the use of neighboring property.
- Due consideration was given to the suitability of the property for the proposed use and it did not appear to affect the community in a detrimental manner or increase transportation, schools, parks, playgrounds, or other infrastructure needs.

There was discussion relating to the current non-conforming status of the multi-family use and the process required to bring the parcel and the use into conformity with the Town zoning ordinance.

Larry Lamb, applicant, addressed the Commission. He stated that Mr. Svoboda had explained the situation. He stated that apparently when the Town adopted the Comprehensive Plan, the property immediately became non-conforming and it was unknown that they could not do anything with it. He added that the non-conformity was discovered when he began a four-foot addition to the structure, noting that most of the property owners in the area likely did not know this either. He described the issue and his understanding of the process to bring them into conformity with the ordinance. He added that this process will allow them to become conforming and able to make improvements to the property.

The Chairman opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Willer asked for a description of the non-conformity.

Mr. Svoboda explained that there is a non-conforming building that does not meet setbacks and that there is a non-conforming use that is not allowed without a special use permit. He stated that approval of the previous rezoning request would bring the structure into conformity by allowing it to meet setbacks and that approval of this special use permit would bring the multi-family use into conformity within the district.

Mr. Willer asked if there are other buildings located on the properties from the previous rezoning request that also house multi-family units.

Mr. Svoboda stated that there may be others, adding that it was not a part of that review because special use permits are usually only approved on an individual basis. He noted that there may be two structures that would be in use as multi-family units. He added that these issues are usually found when improvement processes begin.

Mr. McCloskey asked if the triggering event was the expansion of the building and if there was no expansion, then the multi-family could continue without a special use permit.

Mr. Svoboda agreed that it would likely be the case.

Mr. McCloskey asked if there is a process for obtaining building permits for this type of expansion.

Mr. Svoboda stated that there is and that sometimes folks get ahead of themselves. He added that this issue was found during the building permit process. He noted that the county strives to work with the property owner to gain compliance in order to protect property rights and the use of their properties.

Mr. Schaff asked if this use was in place before the zoning change.

Mr. Willer stated that the original building was but not the addition.

Mr. Svoboda agreed that it was in place from what the records determine.

Mr. Morris asked how many units could be located on the property if the special use permit is approved and then the property was sold to a developer.

Mr. Svoboda stated that it would be hard to determine without knowing specific details but added that the developer would still have to meet the density requirements, parking requirements, and any other requirements.

There was discussion relating to the density requirements within the Town, the number of units, the acreage, development requirements, market trends, etc. There was also a brief discussion relating to the possible future regulation revisions within the Town.

Mr. Willer pointed out that many of those issues are beyond the scope of the issue before the Commission tonight.

Mr. Leake pointed out that there are no density requirements in TRC.

Mr. Willer asked if that reference was to density requirements or to density limits.

Mr. Leake stated that there are no density requirements in TRC.

Mr. Svoboda agreed that the density limits apply in TR-3.

Mr. Morris wondered if that would allow for them to build as many as they want in the TRC area.

Mr. Svoboda stated that it would be contingent on the building regulations, water/sewer availability, etc. He added that the property is located in the Town and in the growth area.

Mr. Willer asked if there were other questions or comments.

Mr. Lowe stated that it is not appropriate to comment on the specific application because it will be coming before the Town Council for review. He added that he would like to comment on the general need to work with property owners to come into conformity with the Town zoning ordinance in order to work toward economic growth and to protect property rights as well.

Mr. Morris stated that he does not have a problem with Mr. Lamb doing this but that he is concerned with the possibility of these parcels being sold and likely redeveloped with no limitations of the number of units that can be built. He added that it will place a burden on the schools and the water system that we need to figure out how to pay for.

Mr. Lowe stated that there may not be density requirements in the ordinances but noted that the items that will limit those issues will be the access to parking as well as lot size being a limiting factor.

There was discussion relating to density issues within communities as they relate to parking requirements, height restrictions, and checks and balances that are in place, etc.

Mr. Willer reminded that the question tonight is whether or not this use can be a multi-family dwelling.

Mr. Morris asked if the Commission could condition approval to apply to the existing buildings.

Mr. Svoboda stated that it could be done and wondered if the growth would be the impact.

Mr. Morris stated that it would be the growth because the number of units could be unknown.

Mr. Svoboda stated that the Town Ordinance is different from the County Ordinance and reviewed the language. He added that he is not arguing for or against the ordinance. He noted that based on the language, the Town governing body wants development to the fullest as long as all requirements can be met. He noted that the Commission can make recommendations for approval but suggested that any limitations be made to the number of units as opposed to the existing buildings.

There was discussion regarding the possible condition to limit the number of units for the property. It was noted that this would also limit growth which resulted in discussion relating to the possible increase in impacts for schools, water, etc. There was discussion as to the limiting of growth within a designated growth area. It was noted that development requirements, lot size, the market, etc. would limit the growth on these types of properties.

Mr. Willer stated that he believed that some of these items are beyond the scope

of tonight's request. He added that a motion could be offered with the condition as discussed but that he could not support it.

Mr. Morris stated that it appeared to be figured out.

Mr. Svoboda pointed out some developed properties nearby that have been limited by the requirements, lot size, etc. He added that he understood Mr. Morris' concern and suggested that it be reviewed during the upcoming Comprehensive Plan review. He reviewed the limiting factors and also noted that factors need to be identified that would allow for growth.

Mr. Morris restated his concern as it relates to the possible sale and redevelopment on the property and the resulting density impact. He added that the Comprehensive Plan is a plan but that it is subject to change.

Mr. Svoboda stated that the Comprehensive Plan is likely the most important document as it is a guideline as to the vision for development of the Town. He noted that this type of development is in accordance with the current Town Plan.

Mr. Willer asked if someone purchased all of the properties and used one lot as parking and the rest as multi-family units, is there enough water to supply these units.

Mr. Svoboda stated that EDU purchases would be required based on the type of housing and that he could not give specific answers for that. He noted without having specific details that large apartment buildings would likely not be served but that was not to say that they may not be served in the future.

Mr. Schaff stated that there is also the possibility that with growth would come improvements to the existing infrastructure.

Mr. Svoboda stated that staff would not know the schedule for RSA's improvement plans.

Mr. Morris stated that he is hearing concerns from parents regarding children having to leave one school to another to use the restroom due to water issues. He noted that he deals a lot with water lines and is familiar with those issues. He added that he had hoped that Mr. Woodson would have stayed because he is on that Board and that he could have answered some questions.

Mr. Willer stated that the request before the Commission tonight is for a Special Use Permit as opposed to solving the broader issues of the Town.

Mr. Svoboda reminded the Commission that the request is for a Special Use Permit for multi-family units. He added that conditions may be applied to the approval.

Mr. Schaff made a motion to recommend approval of special use permit application

SUP#17-001 as proposed.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

Mr. Schaff
Mr. McCloskey
Mr. Saunders
Mr. Willer

NAY

The motion to recommend approval of SUP#17-001 carried by a 4-0 vote with Mr. Morris abstaining.

OLD/NEW BUSINESS

Mr. Svoboda pointed out the training information that was included in the packet. He noted that if members would like to attend that they should contact the office.

Mr. Svoboda informed the Commission that the CIP was approved by the Board of Supervisors at their meeting last night and that there was discussion regarding the facilities study to bring the CIP process together.

Mr. Willer stated that there was encouraging discussion by the Board regarding the CIP and its importance in the budget process.

APPROVAL OF MINUTES

Mr. Morris made a motion to approve the January 18, 2017 meeting minutes as presented.

Mr. Schaff seconded the motion.

The minutes for the January 18, 2017 meeting were approved by a 5-0 vote.

OTHER PLANNING MATTERS

Next Month's Agenda

Mr. Svoboda stated that next month there will be two ordinance revisions and the Town of Stanardsville Comprehensive Plan Review. He added that there are some legislative code updates that are being considered in the General Assembly. He noted that a rezoning may have been submitted but that it was not scheduled for next month.

Town of Stanardsville Information

Mr. Svoboda stated that the mayor had referred to revitalization. He updated the Commission regarding the Town grants, additional information to be submitted, and the anticipated upcoming improvements.

Mr. Willer announced that tonight is Mr. Schaff's last night in serving on the Planning Commission. He thanked Mr. Schaff for his valuable service and insight.

Mr. Morris asked Mr. Lowe if he could provide updated Town Ordinances.

Mr. Lowe stated that they are available online and that Mr. Svoboda may be able to provide hard copies as well.

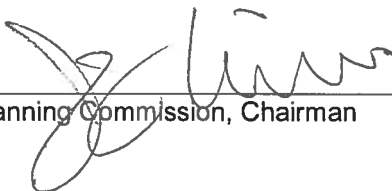
There was a brief discussion relating to the distribution of updated Town Zoning Ordinances.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman

4.19.2017

Date