

PLANNING COMMISSION
September 20, 2017

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, SEPTEMBER 20, 2017, AT 6:30 PM IN THE COUNTY MEETING ROOM.

Members present were: William Saunders, III, Vice-Chairman
John McCloskey, Member
Frank Morris, Member
Steven Kruskamp, Jr., Member

Members absent were: Jay Willer, Chairman

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

CALL TO ORDER

The Chairman called the meeting to order.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

The Vice-Chairman lead the Pledge of Allegiance and offered a moment of silence. He asked that those so inclined to pray during that time to please remember the Commission in their decision making.

DETERMINATION OF QUORUM

Each member stated their name on the record to determine a quorum. He noted that the four members present do constitute a quorum. He pointed out that the Chairman will not be attending and that as Vice-Chairman, he would be acting on his behalf.

PUBLIC HEARINGS

TowerCom, LLC (Valerie Long, Esq.)/Ronald & Janet Parham request a special use permit as required by Article 3-1-2.19 of the Greene County Zoning Ordinance for a 195 ft. monopole and wireless telecommunications facility on a 176.27 acre tract which is zoned A-1, Agricultural, and C-1, Conservation, located at 2100 Simmons Gap Road and identified on County Tax Maps as 46-(A)-20. (SUP#17-003)

Mr. Saunders announced that the request was deferred by the applicant in order to advertise the additional information.

Preddy Gables, LLC has filed a rezoning application to amend proffers approved on July 13, 2004 (RZ#04-152) regarding the development of the property as listed in Exhibit A as submitted for a 28.51 acre tract and a 0.229 acre tract zoned R-2, Residential, located in Ruckersville on Terrace Greene Drive/Seminole Trail and identified on County Tax Maps as 66-(A)-52 & 52C. (RZ#17-004)

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

Mr. Svoboda apologized for the technical difficulties and presented an overview of the request. He reviewed the proffer amendment noting that Preddy Gables is in the last phase of development which makes the proffers about ten years old. He described the zoning of the property and the location of the parcel. He stated that the property is subject to proffers approved under RZ#04-052 and special use permit conditions approved under BZA#00-662. He reviewed the proffers and conditions. He noted that given the span of time since approval and the growth in that area, the question would be the necessity of having the residential/commercial phasing in place. He added that the current proffers address phasing and the square footage requirements based on residential and commercial development. He added that some proffers have been completed and could be removed. He stated that the applicant would like to build the final phase at full development to the 350 units with a little change in the concept plan. He reviewed various plans, maps, and displays. He noted that agency comments have been addressed. He deferred the presentation to the applicant.

Chris Gordon, representative for Fried Companies, Inc., addressed the Commission. He reviewed the concept plan for the request and presented a slide display for the project. He described the proposed construction of the final phase with the revisions from the approved concept plan, pointing out the improvements and amenities that the revisions offer. He reminded everyone that the plan is a conceptual plan and that the proposed construction would blend in with the current buildings. He reviewed the parking area under the housing areas which allows for better use of space for other amenities as well. He stated he believes this is a very sensitive solution noting that an elevation study was performed to address eave heights and ground heights. He stated that he would answer any questions.

Mr. McCloskey asked if the road that runs behind the development is located along the trees.

Mr. Gordon explained that the road that runs behind the development is actually a parking lot that offers a double wide aisle for parking, adding that the building would actually be lower in that area. He explained the topography details of the area and the proximity of the proposed building to the neighbors, etc.

Mr. McCloskey asked if the stormwater runoff would go into existing ponds.

Mr. Gordon explained that the stormwater would be collected by the existing

ponds as they were designed and constructed to accommodate the buildout of 350 units and that the impervious surfaces were taken into consideration at that time, noting that tap fees were also paid at that time.

There was a brief discussion relating to the originally proposed building size and the current proposal. It was noted that simply stated, the primary difference in the currently proposed building is that it is not as wide and is a little taller and provides several amenities.

Mr. Gordon reviewed the original site plan and pointed out the revisions to provide the current proposal. He stated that although the building exterior will be similar, it will also make a statement.

Mr. Saunders asked if the developer has been able to connect with adjoining property owners regarding the project.

Mr. Gordon stated that they do have the list of neighbors and their intent is to reach out to them but that it has not been done yet.

Barbara Fried, applicant, stated that they wanted to get feedback from the Commission prior to reaching out to the neighbors.

Mrs. Golon stated that the adjacent property owners were notified and that two citizens had called in to discuss the request.

Mr. McCloskey asked if these units would be upscale from the existing units.

Mr. Gordon stated that there is no deviation intended.

Steve Rotter, also representing the applicant, explained that the significant difference is the walk-up access versus the elevator access and covered parking versus surface parking. He noted that it is an upgrade as they are nicer amenities which include an additional pool and fitness center.

The Vice-Chairman opened the public hearing.

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

Mr. Saunders asked if there was any further discussion and asked Mr. Svoboda for a closing statement.

Mr. Svoboda asked if there were any questions for staff.

Mr. Morris asked if a building could have a 12:12 roof pitch if the ordinance was changed to allow a 50 ft. height limit.

Mrs. Golon noted that this discussion relates to the proffer amendment, not the ordinance revision.

Mr. Morris stated that they go hand in hand.

Mr. Svoboda stated that in regard to the ordinance revision, apartments are allowed in R-2 by special use permit only and that conditions could be added to address height specifications during that process to address those impacts and concerns.

There was discussion regarding the height, impervious issues, and parking features of the project.

Mr. Svoboda stated that the request is in accordance with the Comprehensive Plan as it relates to growth and transportation. He noted that the project is about 13 years old and near build-out. He added that the few concerns raised by the citizens who did call the office were related to the height of the building and the concern for expansion.

Mrs. Golon added that screening was also a concern of the callers. She pointed out that the screening would be addressed through the site development plan review process.

There was discussion relating to the screening requirements, landscaping, and buffering.

Mr. McCloskey asked if there would be interconnectivity to the south.

There was a brief discussion regarding interconnectivity to the south. It was noted that there are properties between the project and the Holiday Inn Center and that interconnectivity is not likely at this time. It was noted that if the properties were ever redeveloped, it could possibly be considered.

Mr. McCloskey stated that it seems like a great project.

Mr. Saunders stated that the project fits into the land and noted that the property line offers a good setback into the woods as well, adding that it seems well buffered.

Mr. McCloskey stated that more affordable housing is needed in Greene County and that he liked the property.

Mr. Saunders added that the project does complete an existing plan.

Mr. McCloskey made a motion to recommend approval of the request, RZ#17-004, to amend proffers approved on July 13, 2004 as submitted.

Mr. Kruskamp seconded the motion.

The vote was taken.

AYE

Mr. Kruskamp
Mr. McCloskey
Mr. Morris
Mr. Saunders

NAY

The motion to recommend approval of RZ#17-004 carried by a 4-0 vote.

Greene County Zoning Ordinance Revision: Preddy Gables, LLC requests an ordinance revision to revise Article 6 Residential District, R-2, and all applicable references to amend the height regulations in the R-2, Residential, zoning district. (OR#17-003)

Mr. Saunders introduced the second public hearing.

Mr. Svoboda presented an overview of the request noting this is the ordinance revision that Mr. Morris had referred to earlier regarding changing the height in the R-2 district. He presented various slides that included, language, zoning maps, growth area maps, etc.

Mr. Svoboda stated that the applicant is requesting to amend the height requirements in the R-2 zoning district to accommodate changes at Terrace Greene, keeping in mind that the revision would apply to all R-2 zoned properties, by extending the height of the final phase of Terrace Greene. He stated that Article 6-7-3 would be added to read, *within multi-family projects with at least three buildings, buildings may be erected up to an average height over the entire Community of fifty (50) feet as measured at the bottom of roof eaves, except that no accessory building shall be more than one story high.* He pointed out that this added language would apply to multi-family projects in the R-2 zoning district, noting that the current R-2 height regulation is 40 feet which matches the Senior Residential district height regulation. He explained that in R-2 this unit type is allowed by special use permit which would require that the request be heard by the Planning Commission and the Board of Supervisors. He stated that although this revision may open up the ordinance, it is not a by-right setback and must be heard by the Commission and the Board to be sure that the development would be appropriate.

Mr. Saunders stated that it would change the level of scrutiny across the board as it would affect any R-2 zoned property.

Mr. Svoboda stated that the ordinance revision is not parcel specific and would apply to any parcel zoned R-2. He referred to a map in the packet that demonstrates the properties by zoning district.

Mrs. Golon explained that she had queried the R-2 district and found that there are 67 parcels that are zoned R-2 and nine (9) of them are unimproved lots. She noted that the largest one that is unimproved is the property owned by Larry Hall which is also slated for apartments. She stated that this map offers a concept of

the R-2 zoning as it exists currently. She added that this can evolve as redevelopment occurs in the future.

Mr. Svoboda pointed out some smaller parcels that are zoned R-2 which alone could not accommodate multi-family structures due to their size. He noted that public processes would take place for redevelopment of those parcels. He stated that the only unimproved R-2 parcel that could accommodate a multi-family project more easily the Larry Hall property located behind the bank on Route 29 that has already been approved for apartments.

There was discussion regarding the multi-family use within the R-2 district and the processes that must be followed for approval because it is not a current by-right use, noting that it is a use allowed by special use permit. It was noted that the special use permit process would allow conditions to be placed on approvals if impacts were identified.

Mr. McCloskey asked if the proposed language refers to three (3) dwellings or three (3) buildings.

Mr. Svoboda stated that the language refers to apartment buildings, noting that the height regulation would apply to projects with a minimum of three (3) multi-family buildings.

Mr. Saunders asked if there is a slide that refers to the language.

Mr. Svoboda displayed the slide that listed the proposed language and read it again.

Mr. Saunders stated that it sounds as if there are very specific locations that would accommodate the type of project referred to by the language and that they are located within the growth area.

Mr. Svoboda stated that the growth plan refers to denser uses being developed within the growth area, noting that if you cannot build out, then you must build up in order to achieve the housing densities that are needed in urban development areas.

Mr. Morris asked how many properties in the county have been approved for apartment buildings that would not have to come before the Commission or the Board of Supervisors.

Mr. Svoboda stated that the Kinvara property is a Planned Unit Development (PUD), the previously mentioned Hall property that was rezoned around 2002 and this project, Terrace Greene, which technically is before you now given the previously heard proffer amendment.

Mr. McCloskey stated that he questioned the request upon first reading it but has given thought to the special use permit process and the ability to place conditions

to address specific parcels, characteristics, and situations.

Mr. Svoboda stated that the topography of the parcel should also be taken into consideration for height accommodations so that the overall heights of the buildings are similar upon completion.

Mr. Saunders asked if the term combined would be better than the term average.

There was discussion as to the best term to use in order to achieve the desired height regulation. It was noted that average would be the best term as it is the mathematical calculation for the overall concept of height, in this case.

Mr. Morris asked why the measurement is being taken at the center of the roof line as opposed to the eaves.

Mr. Svoboda stated that it has been found that there is habitable space above the eaves that is taken into consideration. He added that it would offer a standard of measurement that is easy to identify. He noted that it also assists when dealing with a flat-roofed building. He stated that the market would likely dictate those features at development and that the county is trying to be cautious in this. He added that the Ruckersville Area Plan is also being reviewed and that it should be taken into consideration. He noted that while those discussions are taking place, development must also happen in an orderly fashion. He stated that the Comprehensive Plan points to denser development in those Urban Development Areas.

Mr. McCloskey mentioned the possibility of a lower topography allowing a 70 ft. building to be built whose height would be in line with other 50 ft. buildings around it simply because it is built in a lower spot, or a valley, on the parcel. He asked if that would be allowed.

Mr. Svoboda stated that the 70 ft. building would not be allowed according to this revision. He offered an example of similar situations with signs. He stated that this language offers an extra check through the special use permit process and the ability to attach conditions for approval.

Mr. Saunders restated that it would be a case by case determination reviewing the benefits and issues at hand during that process.

Mr. Svoboda stated that this allows folks the opportunity to determine what is feasible for how they want to live.

There was discussion regarding the new opportunities for choosing where one wants to live, the size of homes, amenities, which features that are needed nearby and which ones are not, and whether or not one would want a yard, etc.

Mr. Kruskamp asked how the building would be defined.

Mr. Svoboda explained that the definition that would be used would be the definition used in the Building Code.

There was discussion regarding tiered buildings. It was noted that the height at the highest peak is what would be measured.

Mr. Morris stated that he could see this working on this previously discussed parcel but that he was unsure about changing the ordinance because it would affect every R-2 parcel in this small country county.

Mr. Svoboda pointed out that the R-2 zoning districts allow for denser development as noted in the Comprehensive Plan. He stated that those area types are called Urban Development Areas because they allow for denser development. He noted that the only way to do that in a small county is to build up instead of out and that it can be achieved in various ways.

Mr. McCloskey noted that this height regulation is allowed by-right in the Senior Residential areas and that it is more conservative than what is already allowed in R-2.

Mr. Svoboda stated that this is more conservative than the Senior Residential district.

Mr. Saunders noted that it does fall in line with previous Boards and Commissions in bringing in the density.

Mr. Svoboda stated that Mr. Morris' concern in preserving our rural character is valid and that in doing that, growth must be concentrated in the appropriate areas with regulations for growth. He noted that the Comprehensive Plan calls for focused growth in the growth areas. He stated that the Ruckersville Area Plan may focus on other items when that is revised. He pointed out that the proposed language requires this use to be allowed by special use permit in areas that would be appropriate for the use, noting that concerns could be alleviated through that process.

There was discussion relating to the development of multi-family dwelling units, the density in the areas that allow those units, and the special use permit requirement.

Mr. Gordon addressed the Commission on behalf of the applicant. He stated that the average height in Terrace Greene is 42 ft. which is eight feet less than the Senior Residential height regulation. He described the process in which he evaluated the building heights in Terrace Greene which did not include the lower buildings and allowed for the topographical characteristics in the area. He stated that Terrace Greene would be in character with the site and with the buildings there. He added that the podium parking and the swimming pool area are the amenities that make the height allowance necessary, noting that those amenities are driving the market.

The Vice-Chairman opened the public hearing.

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

Mr. McCloskey stated that he did not see any risk in the proposed revisions, noting that it seems conservative, would require a special use permit, would be for multi-family dwellings only.

Mr. Morris stated that he was fine with the Terrace Greene site as they had done an outstanding job there. He added that he believes that the revision would open the ordinance too wide for others that could do different things. He referred to the current regulation and noted that the proposed language would allow for big differences.

Mr. Saunders noted that he understood Mr. Morris' caution and added that he believes the process would allow for each case to be reviewed under their own merits and by public comments for those cases.

Mr. McCloskey made a motion to recommend approval of ordinance revision OR#17-003 to amend height regulations in Article 6 of the Greene County Zoning Ordinance as submitted

Mr. Kruskamp seconded the motion.

The vote was taken.

AYE

Mr. Kruskamp
Mr. McCloskey
Mr. Saunders

NAY

Mr. Morris

The motion to recommend approval of OR#17-003 carried by a 3-1 vote.

OLD/NEW BUSINESS

Mr. Svoboda stated that the Ruckersville Area Plan review is underway and a public meeting will be held on October 3rd at 6 pm at the Holiday Inn in Ruckersville. He noted that the event has been advertised by various organizations by various methods. He added that the county encourages public input on this plan. He stated that the process will mimic the same process as the Comprehensive Plan review.

Mrs. Golon explained that the goal of the October 3rd meeting is to gather public input relating to the vision for Ruckersville. She noted that it will be an open space meeting with several stations set up with someone available to work directly with the public at each station in order to gain feedback. She reviewed

the survey that is available for the Ruckersville Area Plan feedback and encouraged everyone to participate in the survey. She reviewed the survey input that has been received so far, noting that the survey will be available for about another month. She stated that the goal is to present the Plan to the Commission in or around April 2018.

Mr. Svoboda stated that there may be specific ordinance items that arise from these meetings that may come before the Commission later as well.

Mrs. Golon stated that the public meetings are scheduled for October 3rd, December, and February, noting that the dates for December and February have not been set. She added that the Advisory Panel meetings are held every month and are open for the public to observe. She stated that there is a web site for information on the plan and that this process would hopefully result in a plan that includes some great actionable items.

Mr. McCloskey asked if this plan would be an addendum to the Comprehensive Plan.

Mr. Svoboda and Mrs. Golon state that it is an addendum to the Comprehensive Plan.

There was discussion as to how the Ruckersville Area Plan relates to the Comprehensive Plan and how it would be updated in the future.

Mr. Morris asked when the monthly meetings are held.

Mrs. Golon stated that the dates have not been set, adding that when they are set, they will be posted on the plan web site along with various other informative items. She stated that a press release is soon to be released as well as other announcement methods, such as FaceBook, flyers, etc.

APPROVAL OF MINUTES

Mr. Morris made a motion to defer the approval of the August 16, 2017 meeting minutes as only two members present tonight were present at that meeting.

Mr. McCloskey seconded the motion.

The minutes for the August 16, 2017 meeting were deferred by a 4-0 vote.

OTHER PLANNING MATTERS

Town of Stanardsville

Mr. Svoboda stated that the construction of the Blue Ridge Heritage Memorial is underway. He added that there is some interesting information on their web site relating to the stones that are being used.

Mr. Saunders stated that the date for the commemoration ceremony has been

set and he encouraged everyone to attend.

Bill Martin stated that the date is October 29th at 2 pm.

Mr. Svoboda stated that the county would try to get that posted on the web site.

Mr. McCloskey stated that the William Moore house has encountered some issues but noted that the owners want to move forward with the façade upgrade. He noted that the CDBG grant process is moving slowly. He reviewed the components of the project and the need for matching funds.

Mr. Svoboda stated that it had originally been a two-phase grant.

Next Month's Agenda

Mr. Svoboda stated that the deferral for the tower is the only item for next month.

Mr. Saunders noted that the agenda had been completed and the meeting could be closed.

Mr. Morris stated that he would like to make a motion if possible to amend the bylaws to bring prayer back to the meeting.

Mr. Saunders stated that he had some thoughts on that since Mr. Morris had made a public announcement in the paper that he would be bringing that item up tonight. He pointed out that the Commission had discussed this issue and voted on it in July of 2016 when the bylaws were reviewed and updated. He recalled that at that time there had been a unanimous vote to have a moment of silence in lieu of a prayer in order to allow people to have a personal silent prayer and not feel subjected to any particular view or religion. He explained that there have been a number of cases in the US Circuit Courts and that if the Commission wants to do something like this, it needs to be very careful in doing so and that it must be done right. He reviewed some case law and case references that relate to prayer and to The Establishment Clause of the First Amendment to the United States Constitution. He stated that the Commission must be careful not to become a target for legal repercussions. He added that he believed that the intent has always been to use the moment of silence as an opportunity for those who choose to, to go to their higher power to ask for guidance, judgment, and fairness given the context of the meeting and to not subject anyone to anything that they may not like or that may make them feel uncomfortable. He stated that the Commission represents the county and is working with people who are appearing before them requesting a fair decision. He offered additional case law information that related to prayer. He noted that the BZA has instituted prayer and that Mr. Morris has led that prayer, adding that there may be some constitutional problems that would be concerning. He stated that he does not want to make the county a target for potential lawsuits, etc. He asked if there was any other input, adding that the motion would be addressed as well.

Mr. McCloskey stated that he believes that the moment of silence allows

everyone the right to do what they want to do, whether they pray or do something else and that it does not subject an applicant to any additional scrutiny as a result of whether they stood for prayer or not.

Mr. Kruskamp agreed with Mr. McCloskey on the social impact adding that it is too great of a risk in today's environment to open the county up to lawsuits. He added that the moment of silence meets the need for anyone to do what they would choose to do whether it is reflect or to pray in whatever religion that they participate, noting that he would encourage that.

There was discussion regarding the necessity of inviting various churches, religions, ministers, etc. to lead the prayers if that is required by law.

Mr. Saunders referred to the July 2016 minutes and stated that the moment of silence could be clarified in the bylaws. He reviewed references that he had gathered from court cases that addressed the use of various chaplains and various religions, etc. He noted that this would be watched and that he was concerned about the legal issues and the reputation of the county.

Mr. Morris stated that he believes it is a great idea and that prayer needs to be brought back into a lot of things. He added that this country is getting scared of offending people and that it was founded on religion. He noted that he is a strong believer of it and will stand behind it.

Mr. Saunders stated that he too is a devout believer in prayer.

Mr. Morris pointed out that prayer is in the White House and in the Senate and a lot of places.

Mr. Saunders stated that those items were mentioned when the BZA discussed this issue. He noted that the difference is that they are a group of politicians with a chaplain that services them and that the chaplains are usually of various faiths in order to meet the needs of all of the people present. He noted that he believes that at this point in time, there are many open issues. He added that if there is a way to accommodate these issues that meets the purpose of prayer in a way that is more public, then everyone should do their homework and review it again at the next revision of the bylaws. He encouraged the Commission to review the case law. He added that there is a great deal of risk in this environment. He stated that he believes that the intent of the prayer is met by allowing people to have the moment of silence.

Mr. Kruskamp stated that he was happy to admit that he uses the moment of silence to pray, noting that he is Pentecostal and that is how he uses it.

Mr. Saunders urged those who use the time for a silent prayer to pray for the Commission in their job. He noted that he believes that is what Mr. Morris is trying to get at, to get some guidance for the work that is being done for the county.

Mr. Morris agreed, adding that it is also for the people traveling to and from as well.

Mr. Saunders opened the floor for a motion.

Mr. Morris restated his motion to amend the bylaws to bring prayer back to the meeting.

There was no second to the motion, therefore the motion failed.


Mr. Saunders thanked Mr. Morris for bringing the issue forward.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman 12.20.17
Date