

PLANNING COMMISSION
December 20, 2017

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

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

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 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

Mr. Willer described the public hearing process and encouraged anyone who would like to speak to sign up on the sign-up sheets.

Mark-Dana Corporation/John, Jr. & Wanda Melone Trustees of the Melone Family Trust request a rezoning of approximately 8 acres of a 15 acre tract from B-2, Business, to R-2, Residential, located on Seminole Trail and identified on County Tax Maps as 60C-(12)-C. (RZ#17-005)

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

Mrs. Golon explained that the information that is being provided would apply to both of the requests being heard tonight. She presented an overview of the proposal to the Commission and reviewed the location, the specific acreages, and the parcel numbers. She displayed maps, aerial photos, sketches, analysis, and other information to describe the property and the request for downzoning the parcel for multi-family dwellings. She reviewed the zoning designations of the area and the uses of the properties. She reviewed the national change of

family dynamics that currently comprise American households. She reviewed the Comprehensive Plan and its goals for housing along with the Future Land Use Map. She referred to the Code of Virginia and presented the state requirements for Urban Development Areas (UDA). She noted that agencies had provided comments and reviewed that feedback. She reviewed possible traffic impacts, interconnectivity, school impacts, and infrastructure availability.

Mr. Willer pointed out that the need for an additional school has already been identified and would not be a direct result of this particular project.

Mrs. Golon agreed and noted that by-right development could impact the school system outside of this project. She gave information relating to the housing density and the likely acreage requirements. She reviewed the Housing Affordability chart that addressed household income and cost burden. She reviewed the possible benefits of a diverse housing option for the aging population. She noted that financing or ownership are not factors that the Code of Virginia enables localities to review for approval of these types of requests but added that it is relevant in the context of discussing the community's needs for diverse affordable housing, etc. She reviewed the relevant factors to be considered under the Code of Virginia.

David Koogler, President of Mark-Dana Corporation, addressed the Commission. He introduced Zach Cavender to make the presentation.

Mr. Cavender, Director with Mark-Dana Corp, addressed the Commission. He stated that staff had done a great job explaining the project and its fit within the Comprehensive Plan. He reviewed various presentation slides related to the request. He explained that there would be 105 units, a community center with a leasing center and a club room, a fitness center, a business center, parking for tenants, and a maintenance facility. He described the preliminary plan of what the project may look like and reviewed how the tax credit program works. He stated that there will be a 100% masonry exterior with no exposed wood and that it would be architecturally appealing. He described the apartments as three (3) story garden-style apartments with walkup stairs to include parking throughout. He clarified that they would be single-level units. He stated that the proposal is conforming with the goals of the Comprehensive Plan. He offered background information relating to Workforce Housing which was a program that was introduced in the 1986 tax reform package signed by President Reagan. He discussed the financial aspect, the debt service, and how the tax credit program works with this type of project. He stated that the rents are formulated so that a tenant would pay no more than 30% of their income in rental costs. He added that the developer would pay full property taxes as there is no exemption. He reviewed the breakdown of the units based on income limits. He reviewed the table of housing units, income tiers, and household sizes. He noted that the tenants would pay the utilities and added that a utility allowance is provided to decrease the amount of rent. He gave examples of the typical tenant profile which might be senior citizens, empty nesters, young families, couples, college students, or single parents who are just getting started. He stated that Mark-

Dana manages their own properties and is overseen by the VHDA, which awards the tax credits. He added that a full tenant screening/background check/credit check is performed and that there is zero tolerance for criminal activity.

Mr. Koogler gave some background information on the Mark-Dana Corporation. He stated that after his father retired from the mining business, his parents began Mark-Dana Corporation and began developing workforce housing using tax credit programs and USDA Rural Development programs. He added that the company believes that managing their own properties is the key to their success. He noted that there are about 36 employees and that they pride themselves on their management. He explained that he attended Washington and Lee Law School and practiced law in Texas for about 20 years and then decided to assist his parents in the family business. He stated that they have developed areas in Texas and Virginia. He added that no pools are planned for this project at this time. He stated that they are proud to be Virginians and enjoy being Texans. He mentioned that the business is family owned and that his parents are still active in the business in addition to his sister and himself.

The Chairman opened the public hearing.

The following citizens offered the comments and concerns:

- Ed Yensho: spoke against both of the requests as it is not economically viable for the county using references from the applicant; noted that the project will not bring net revenue to the county; water capacity is a problem; it is not required that tenants come from the county; request to deny the rezoning and the special use permit.
- Nancy Rodland: former teacher with the Greene County Public School system, and parent who has an invested interest on the educational impact of this project; realize and support the need for affordable housing for the legal and gainfully employed working poor in the county; referred to JFK quote regarding education and knowledge; referred to potential school impacts relating to classroom size, transportation, school lunch program, resources, and others; referred to pages 2, 23, 24, 25, and 29 of the information packet regarding education and school impacts relating to children per household, student enrollment and school capacity; asked the Commission to vote no to rezone as the children, teachers, and community deserve better than this.
- John Melone: native of Greene County; owns the property with his wife; described the portion of the property that is included in the request being located to the rear of the parcel; originally, the 15 acres was deeded to him with the parcel being zoned Agriculture; a few years later, they requested that the county zone the front portion to B-2 with the back portion to remain Agriculture; several years later, the county decided to zone the entire parcel as B-2; he did not challenge the county action at the time thinking that it may assist in selling the property later; believes in what the Mark-Dana Corporation is proposing for that parcel; would be an asset to the county and a major step in the development of the Comprehensive Plan; asked that the rezoning and special use permit be

allowed.

- Bert Nye: resident of Greene County; spoke in opposition of the rezoning at this time due RSA being at full capacity and not being able to increase capacity until about 2024 when White Run Reservoir is completed; the project is proposed to be completed by 2019 and will need service from RSA; pointed out that until the reservoir is completed and operational, RSA's capacity is capped at 1.15 million gallons per day; reviewed the previous reports from WW Associates regarding RSA capacity; have been water restrictions at various times such as in 2005 during a drought situation; the technology of the current system has not been used in new construction for twenty years and the equipment is past the useful life expectancy; Greene County has a fragile system that must serve current users for about seven more years until White Run is completed; the predicted demand is impossible to meet until White Run project is operational; operating above capacity is not reasonable; project must be delayed until adequate sewer and water infrastructure is available.
- Keith Bourne: thanked the Commission for the opportunity to speak; property owner and tax payer in Greene County; requested that the Commission not recommend approval of the request; proposal removes commercial property from the commercial inventory in Greene; property could be developed for revenue generating businesses; if approved, it will allow high density residential development which will cost the taxpayers; the rezoning is for a portion of the property only and it is reasonable to assume that rezoning will be requested for the remainder of the property in the future which will further increase burden to taxpayers; noted that Ruckersville Elementary School would serve this development and that it is at or over capacity at this time; the Board of Supervisors recently authorized the water infrastructure project and a school facilities project; additional spending at this point is irresponsible and unacceptable.
- Simon Fiscus, interim Executive Director of Skyline CAP: approve of the project; believe that the project meets the needs listed in the Comprehensive Plan for affordable housing; hopeful that some current Headstart students are fortunate enough to move into a complex like this; have worked with Mark-Dana in the past and found them to be a top-notch agency; find it to be a nice fit and to meet several points in the Comprehensive Plan; look forward to a continued relationship with Mark Dana during this project; noted that the project will also meet needs for those with disabilities; pushing for the swimming pool on behalf of the kids.
- Richard Johnson: with Blackwell Engineering; prepared the preliminary layouts of the project which meets the requirements that were provided by the county planners and the Mark-Dana Corporation; available for questions; supports both requests.
- Meghan Boydston: declined comment

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

Mr. Willer reminded that this is a two-step process and the first hearing is for the rezoning only. He gave an overview of each step.

Mr. Willer reviewed Mrs. Golon's introduction of the rezoning request.

Mr. McCloskey stated that he has no objection with the rezoning noting that it is difficult to separate the two, noting that the property owner would like to rezone the property.

Mr. Willer commented that Mrs. Golon's chart regarding the acreage available in the business district was helpful.

There was discussion regarding the by-right housing density for R-2 zoned property if the area of the property in question were zoned R-2. It was noted that the density would be 48.

Mr. Saunders asked if there was any historical zoning information available.

Mrs. Golon stated that she did not find any information to that effect.

Mr. Morris asked why this property was chosen given that the rezoning and special use permit process would be necessary, noting that there are other properties that may not require this process.

Mr. Koogler stated that other tracts in the Ruckersville area that were looked at but they were not feasible due to development needs or they were cost prohibitive. He stated that this site fits well within the Comprehensive Plan. He stated that the company looks at the different needs throughout the state and in areas of demand and the likelihood of having a successful property that can contribute to the community. He reviewed that application process for the tax credit program and how they are awarded, noting that it is a once a year application due in Mid-March. He stated that it is a competitive program with a points driven application and that a lot of things need to line up for it to work.

Mr. Saunders asked how the water capacity threshold is determined.

Mr. Willer stated that it was his understanding that state law prohibits the consideration of available capacity in making a decision although it may be a concern.

Mr. Svoboda explained that a proposal cannot be faulted because of something that is already failing as that responsibility would fall on the managing agency of that particular infrastructure.

Mrs. Golon stated that the developer would also be required to pay the impact fee which ensures that the current and proposed capacity is met.

There was discussion regarding the availability of EDUs and the ability or inability to consider the capacity of infrastructure in deciding on requests that may have impacts. There was also discussion regarding what issues can be considered during this type of decision noting that the decision must be based on the use

being requested and how it aligns with the Comprehensive Plan, not based on discriminatory factors of any type.

Mr. Svoboda stated that the Code of Virginia requires that localities develop in accordance with their Comprehensive Plan, noting that it is a guiding document to provide for planning ahead for infrastructure and other county needs. He reviewed the data that is being used for calculating possible impacts and the provision of infrastructure.

Mr. Saunders stated that we cannot legally throttle growth but we can plan for it.

Mrs. Golon clarified that you can plan for growth management but that it must be recognized in the Comprehensive Plan.

There was discussion relating to planning for development and growth, the ratio of residents versus business growth, etc.

Mr. Willer stated that the proposal is toward the southern edge of the property and that there is not much residential zoning in that mixed-use area. He reminded that this hearing is only regarding the rezoning. He noted that if the proposal is approved and the special use permit is denied, then there is the potential of 48 houses on that property.

Mr. Morris stated that he does not see rezoning business zoned property to residential. He added that he continues to see residential growth and very little business growth.

There was a brief discussion regarding the potential impacts and B-2 zoning areas.

Mr. McCloskey stated that 48 houses may have a higher water use as well as additional children living in the household. He made a motion to recommend approval of RZ#17-005, rezoning 8 acres of a 15-acre tract (TMP 60C-12-C) from B-2, Business, to R-2, Residential.

Mr. Willer seconded the motion.

The vote was taken.

AYE

NAY

ABSTAIN

Mr. Morris

Mr. Saunders
Mr. McCloskey
Mr. Kruskamp
Mr. Willer

The motion to recommend approval of RZ#17-005 carried by a 4-1.

Mark-Dana Corporation/John, Jr. & Wanda Melone Trustees of the Melone Family Trust request a special use permit for up to 105 apartment units in multifamily apartments as listed in Article 6 of the Greene County Zoning Ordinance. This project is proposed on approximately 8 acres of a 15 acre tract currently zoned B-2, Business, and pending a rezoning request to R-2, Residential (RZ#17-005), located on Seminole Trail and identified on County Tax Maps as 60C-(12)-C. (SUP#17-004)

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

Mrs. Golon presented an overview of the proposal to the Commission. She explained that the applicant is requesting up to 105 units of multifamily apartments. She reviewed the criteria for approval of special use permits and the guidelines that should be used for review of such requests. She added that the previously provided information does apply to this request as well.

David Koogler addressed the Commission. He stated that there has been an assumption that the residents would be new to the community but noted that it is not the case. He added that the project would be marketed to the area but noted that they could not discriminate against those who may not be residents already. He stated that most of the students in these units could likely be students who are already in the school system.

The Chairman opened the public hearing.

The following citizens offered comments and concerns:

- Nancy Rodland: referred to her previous comments; addressed the remark from the Mark Dana group that they feel that the families would be from Greene County and there is no way to predict that; the Commission cannot discriminate and cannot make decisions based on feelings; referenced the capacity of Ruckersville Elementary School and noted that the county cannot afford a new school; based on the previous vote on the rezoning, the next logical vote will be for approval of the apartments; pleading with the Commission to think about the children.
- Simon Fiscus, Skyline CAP: noted that they manage housing as well as preschool needs in the county; referred to page 75 of the Comprehensive Plan, which notes that there are 41 affordable rental units currently available in the county; noted that Skyline CAP works with 190 families who are eligible for this project; find that this is a home team project and many people who need this project in Greene County; project will be advertised in Greene County and citizens will be more likely to take advantage of it and you will be supporting your own citizens.
- Ed Yensho: wanted to make note on record that the only people speaking in favor of the rezoning or special use permit are people who have a vested interest in the project either benefiting through the financial transaction or through being a government entity; the Mark-Dana Corporation lives off of the government; does not think that it is the role of the government to supply money to build residential units so he objects

even to Mark-Dana's existence in Greene County.

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

Mr. Willer explained that the rezoning of the property would now allow 48 by-right units and the special use permit would allow up to 105 units, consisting of 1, 2, or 3-bedroom apartments.

Mr. Morris stated that water and the schools play a large factor in this decision because it is going above and beyond in allowing a special use permit and the burden on the water and schools does come into play.

Mr. McCloskey stated that the request aligns with the Comprehensive Plan and that affordable housing is needed and is being requested within a growth area. He noted that the water capacity cannot be considered.

Mr. Willer reviewed comments from RSA and reviewed the displayed maps for traffic impacts in the area.

There was discussion regarding parallel roads, interconnectivity, and the site development plan review process.

Mr. Morris asked if comments were provided by Emergency Services.

Mrs. Golon stated that she had a conversation with the Emergency Services Director and there were no comments to offer at this time for the rezoning or special use permit requests. She noted that the Emergency Services Director will also participate in the site development plan review, at which time, comments may be provided.

Mr. Willer stated that there has been an ongoing discussion regarding additional fire services in that area.

There was discussion regarding the Tax Credit Program and its continued existence. It was noted that the program may not be awarded this year.

Mr. Willer pointed out that if the project is not awarded and the special use permit was approved, then this parcel would have a special use permit for up to 105 units because the special use permit would run with the property. He noted that there is also no control over who may or may not rent those apartments and that there is no guarantee that the tenants would be county residents. He added that growth projections are just that, projections, but noted that growth is coming and cannot be prevented. He stated that it is the job of the Commission to anticipate the growth and plan for it properly.

Mr. Morris supposed what would happen if other properties made the same request and suggested that the Commission be careful about setting precedents relating to going above the by-right limits.

Mr. Willer reminded that each request is taken on an individual basis and decisions are based on each specific case.

Mr. McCloskey stated that it is affordable housing and wondered if affordable housing could be a condition of approval. He noted that this is an opportunity to provide 105 units of affordable housing.

There was discussion regarding conditioning approval for affordable housing only.

Mrs. Golon explained that approval cannot be conditioned to affordable housing only but could be conditioned to a particular number of units.

There was discussion regarding the need for affordable housing and how to develop it properly as addressed in the Comprehensive Plan.

Mr. Saunders stated that it seems that affordable is relative. He noted that it makes sense to create the density in the zoning area that is appropriate.

There was discussion regarding adding a condition of approval relating to the approval of the program. It was noted that the special use permit would run with the property and not with the applicant.

There was discussion regarding the impact on the schools from the Terrace Greene area and other developments as well. There was discussion on the numbers provided and how they are determined.

Mr. Morris stated that in listening to citizens who are against the apartments and in going above the by-right limits, he cannot approve the request because it would be setting a precedent for the other area businesses to make the same request. He noted that it is clear that they cannot be discriminated against. He added that affordable housing is needed but that there is no guarantee that they may be sold later and the new owner does something different.

Mr. Willer asked what the life cycle of these units would be.

Mr. Koogler stated that the apartments must remain affordable for forty years. He explained that if they were sold, the new owner must maintain them as affordable housing.

Mr. Morris asked if the agreement could be broken.

Mr. Koogler stated that a foreclosure process could break that agreement and it could become a market rate property.

Mr. Willer asked if residents must be recertified.

Mr. Koogler stated that residents are recertified and there is a criteria in place for job growth, etc. He noted that seniors tend to stay there but noted that it is for independent living. It was noted that there would be no elevators.

Mr. McCloskey made a motion to recommend approval of a special use permit (SUP#17-004) for up to 105 apartment units in multifamily apartments as listed in Article 6 of the Greene County Zoning Ordinance.

Mr. Kruskamp seconded the motion.

The vote was taken.

AYE

NAY

ABSTAIN

Mr. Morris

Mr. Saunders
Mr. Kruskamp
Mr. McCloskey
Mr. Willer

The motion to recommend approval of SUP#17-004 carried by a 4-1 vote.

OLD/NEW BUSINESS

Mr. Svoboda announced that the training has been scheduled for Wednesday, January 31, 2018 from 2 pm to 5 pm.

APPROVAL OF MINUTES

Mr. Willer noted that there were two sets of minutes to be reviewed and approved.

Mr. Morris made a motion to approve the September 20, 2017 meeting minutes as submitted.

Mr. McCloskey seconded the motion.

The minutes for the September 20, 2017 meeting were approved by a 4-0 vote with Mr. Willer abstaining as he was not present for the meeting.

Mr. Morris made a motion to approve the October 18, 2017 meeting minutes as submitted.

Mr. Saunders seconded the motion.

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

OTHER PLANNING MATTERS

Town of Stanardsville

Mr. Svoboda stated that the Town and STAR made a presentation to the Board of Supervisors regarding the recent success of Town events and plans for upcoming events. He noted that there is quite an impressive numbers of volunteer hours in these activities.

Next Month's Agenda

Mr. Svoboda stated that there will be a rezoning request scheduled for next month.

Mr. Svoboda stated that he wanted to take the opportunity to thank Mr. Morris for his participation on the Commission and his dedication.

Mr. Willer explained that he, Mr. Morris, and Mr. Kruskamp serve terms that expire at the end of December. He stated that he and Mr. Kruskamp have been reappointed and that Mr. Morris did not apply for reappointment and therefore, tonight would be his last meeting. He thanked Mr. Morris for his continued service, stating that he appreciated the hard work, focus, and interest in the best interest for Greene County.

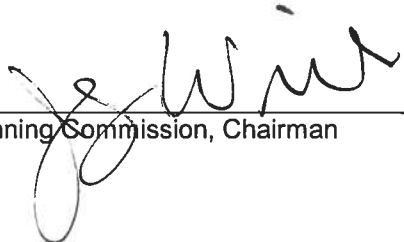
Mr. Willer stated that Ron Williams has been appointed to the Planning Commission and is present tonight. He added that he looks forward to having him join the Commission.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman

1.17.18

Date