

PLANNING COMMISSION

May 16, 2018

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, MAY 16, 2018, AT 6:30 PM IN THE COUNTY MEETING ROOM.

Members present were: Jay Willer, Chairman
William Saunders, III, Vice-Chairman
Ron Williams, Member
Steve Kruskamp, Jr., Member

Members absent were: John McCloskey, Member

Staff present were: Dale Herring, Ex-Officio Member
Stephanie Golon, County Planner
Shawn Leake, Zoning Officer

CALL TO ORDER

The Chairman called the meeting to order.

DETERMINATION OF QUORUM

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

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mr. Willer led the group in the Pledge of Allegiance and a Moment of Silence. He noted that it is Law Enforcement Week and if anyone was so inclined, it may be a good opportunity to be mindful of the safety of the people who keep us safe.

PUBLIC HEARINGS

All American Storage II, LLC requests an amendment to the current special use permit (BZA#00-671) to modify the existing conditions to allow additional mini-storage units on an approximately 10.84 acre tract zoned B-2, Business, and located at 10495 Spotswood Trail and identified on County Tax Maps as 38-(A)-84. (SUP#18-001)

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

Mrs. Golon addressed the Commission. She stated that the applicant had recently requested an ordinance revision to allow mini-storage in B-2 with a special use permit in order to accomplish their goal and are now moving forward with the special use permit portion of the project. She reviewed the history of the property and reviewed aerial photos, maps, growth areas, etc. She noted that there are conditions in place for the current special use permit under which they are operating and the applicant would like to revise the density condition to allow for additional mini-storage units. She described the property, the location relative

to the growth area, the screening, and the use of the parcel. She added that the request is in accordance with the Comprehensive Plan. She stated that agencies did not present any red flags for the special use permit request. She noted that impacts are minimal and that staff could support the request.

Jeff Early, attorney representing the applicant, addressed the Commission. He stated that Mrs. Golon had covered the information in her presentation and added that he would be available for any other questions.

The Chairman opened the public hearing.

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

Mr. Willer mentioned that there was an agency comment from the Health Department that would be of no concern as long as water usage or septic demands did not increase.

Mrs. Golon explained that there were no comments from agencies that would delay the special use permit process because any agency comments would be addressed during the site plan review process.

There was clarification that the existing office location would not change. There was discussion as to the location of the proposed construction and screening, noting that there would be little change in the view from Route 33.

Mr. Williams stated that the existing business has 300 storage units. He pointed out that the proposed plan reflects an additional 138 storage units, noting that the request is for an additional 300 storage units.

Mrs. Golon explained that staff has not placed a condition to limit the number of additional storage units as the parcel will limit the number of units as a result of the stormwater, setback, screening, and other requirements. She noted that the Commission could condition the number of additional units.

There was discussion regarding the location of the property in relation to the growth area and the nature of the surrounding properties.

Mr. Willer pointed out that the original special use permit has conditions attached for approval which included lighting requirements, etc. He added that the county has since revised the ordinance to address lighting, screening, etc. and noted that the ordinance would now take precedence over those conditions.

Mrs. Golon explained that the Commission could amend the existing conditions or amend the special use permit as requested which does not provide conditions.

There was discussion regarding a condition to limit the number units to be constructed, noting that the Commission is able to place conditions to mitigate anticipated impacts and concerns.

Mr. Willer pointed out that special use permit conditions can be amended if and when the situation calls for it. He asked Mr. Early if there was a limit on the number of units that the applicant would be comfortable with.

Mr. Early conferred with his clients and responded that 300 additional units would be the maximum number suitable for the parcel.

Mr. Willer reminded that the special use permit does run with the property.

Mr. Early stated that if someone was to construct some of the uses allowed by-right, there would be more intense traffic and more of a burden to the locality than what is operating now.

There was discussion regarding the zoning of the property and the maximum height allowed in the district. There was discussion regarding whether to place a limit on the number of additional units.

Mr. Willer made a motion to recommend approval of special use permit (SUP#18-001) to remove the current conditions approved under BZA#00-671 for a mini-storage unit facility that is located on County Tax Map 38-A-84 and replace them with the following condition:

1. No more than 300 additional units may be built on this property.

Mr. Williams seconded the motion.

The vote was taken.

AYE

Mr. Kruskamp
Mr. Williams
Mr. Saunders
Mr. Willer

NAY

ABSTAIN

The motion to recommend approval of SUP#18-001 carried by a 4-0 vote.

Kinvara Properties, LLC has filed a rezoning application to amend proffers approved on July 22, 2014 (RZ#13-001) regarding the removal of proffer #2 which relates to cash proffer payment. This amendment would affect a 24.19 acre tract, a 1.04 acre tract, and a 8.08 acre tract zoned PUD, Planned Unit Development, located in Ruckersville near Seminole Trail/Buck Drive/Deerfield Drive/Cedar Grove Road and identified on County Tax Maps as 66-(A)-6, 6C, & 6E. (RZ#18-001)

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

Mrs. Golon addressed the Commission. She gave a history of the property being rezoned to PUD and an overview of proffers and how they are voluntarily presented and what impacts are addressed. She noted that the existing proffer

is for \$9000 per unit and the proposed revision is to lower the proffer to \$1,200 per unit which would eliminate \$450,000 for this property. She added that the voluntary cash proffer of \$1,200 per unit would total \$60,000 which is a \$390,000 difference of revenue to the county. She reviewed the proffers and the concept plan, noting that it is a concept plan and could change due to development needs. She reviewed the previous Cash Proffer Policy and how it was developed at that time which was designed for the development of detached single-family homes. She pointed out that later it was argued that other housing options did not have the same impacts of detached single-family homes. She addressed the Proffer Reform Bill and how legislation has evolved throughout the process of proffer development.

Butch Davies, representative for the applicant, addressed the Commission. He stated that this has been an ongoing process relating to cash proffers. He stated that at the time the \$9,000 was a general cash proffer which was necessary to move forward with the rezoning. He noted that it was a challenge but that the applicant lived with it. He added that since that time, the economy has changed and several people of shown interest in developing the property but the proffer was unacceptable. He stated that he and his clients reevaluated the situation regarding what has already been contributed through tap fees, monthly fees, significant funds for road improvements, etc. and found that they are far in excess of contributing the \$9,000 per unit. He pointed out that their original recent submittal had removed the proffer completely but that they determined that a commitment had been made to assist education in Greene County and that they are willing to submit \$1,200 per unit to cover the cost of the few children that could reside in the development because they believed that to be important. He added that it was also important to acknowledge the funds that have already been spent. He stated that the \$1,200 per unit proffer has been designated specifically for education as it addresses the impact and that the new law requires that the funds be designated. He stated that the applicant is simply asking for a reduction in the amount of proffers for the balance of the number of units to be built. He noted that they believe that the apartment units are needed and at the time the project was considered, the proffers were not an issue but that now it is an issue. He added that they believe that there is enough interest to develop and construct those units if there are reasonable terms and conditions. He noted that he and the applicants would be available for questions.

Mrs. Golon clarified that various types of housing options are allowed in PUD not just apartments.

Mr. Willer asked Mr. Davies if there was a particular type of housing in mind at this time.

Mr. Davies stated that the party that was interested had been interested in a multi-family housing option. He added that it would likely have been along the lines of 2 bedroom units which would likely not result in a large number of children. He compared the concept project to other projects in the area.

Mr. Williams referred to the concept plan and to the proffer related to the dedication of a parcel to the county. He asked where that dedicated parcel is located.

Mr. Davies pointed out that it would be located to the rear of the Foodlion.

Mr. Williams mentioned that there would be a specific property dedicated to the county. There was discussion regarding the parcel dedicated to the county, its size, use, and how it would be created to meet the particular details as proffered. It was noted that those items would be addressed during the appropriate site development plan review.

There was discussion regarding the proposed features, businesses, and housing options to be located on site, noting that the plan is directionally correct but could change with engineering and development needs. It was noted that Kinvara is working with potential developers to develop the site. It was also noted that the maintenance of open space would eventually be the responsibility of the association but is currently the responsibility of Kinvara.

Mr. Willer stated that previous comments indicate that the potential developer seemed to be only interested in the residential portion of the PUD and asked if there was any commercial interest at this time.

Mr. Davies explained that there has been recent interest in the residential aspect of the development but that others have looked at the commercial area along the front of the property, noting that it has not been the focus in the last several months.

Mr. Williams clarified that this project would not be subject to the Proffer Reform Law due to the date of the origination of the project.

Mr. Willer stated that the Lily Ridge portion that was previously constructed did pay the \$9,000 proffer per unit upon being issued the Certificate of Occupancy.

Mr. Davies state that there was an economic change since that time and there has been a struggle to find interested parties. He noted that there is a need for residential and commercial and the interest is returning.

The Chairman opened the public hearing.

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

There was discussion regarding water and sewer connections and the density options of the plan. It was noted that there are only 50 additional housing units that may be constructed. There was discussion comparing the proposed plan to the existing Lily Ridge complex. It was noted that the child per household ratio is 0.58 children per house at Lily Ridge compared to 0.11 at Terrace Green. There was discussion regarding the possible number of children for the proposed development based on the number of bedrooms and the number or units.

There was also discussion related to the estimated commercial benefit from the commercial aspect of the property.

Mr. Kruskamp asked if the number of children would be different if townhomes were considered.

Mrs. Golon stated that the Weldon Cooper Center did provide that information and that it was similar to the figure for apartments.

Mr. Williams asked how the \$1,200 amount was determined.

Mr. Davies explained that the amount was determined by looking at what other applicants had proffered and by basing the amount on the likely number of additional students.

Mr. Willer referred to a previous remark made by Mr. Davies and asked what was meant by the comment which was recalled as "the amount necessary to work forward with the rezoning", noting that the phrasing troubled him.

Mr. Davies explained that the number had evolved over a period of time and was taken out of the air and was not a specifically derived figure, adding that it was a number that was used to encourage approval.

Mr. Willer asked if the applicant had been comfortable offering that number at that point.

Mr. Davies stated that the applicant is comfortable now with offering \$1,200 and believes there should be a commitment for public education. He added that previous applicants had offered reasonable figures dedicated to education and that they should be responsible for the same standard.

There was discussion regarding other locations that had been mentioned and the proffers in place for those properties as well as the existing proffers for the property in question.

Mr. Willer stated that he was struggling with not having enough of an analysis to consider.

Mr. Davies stated that there has been some interest but the deal fell through based on the \$9,000 proffer per unit.

Mr. Kruskamp asked if the interested party had an idea of what a suitable figure would be.

Mr. Davies stated that another developer has used the \$1,200 amount and they believed the same standard should apply.

There was discussion regarding equality in the market place as well as responsibility for the county's revenue.

Mr. Williams stated that the overall plan appears to be consistent with the Ruckersville area and that the proffer may create a financial obstacle, noting that if it is not desirable, when would it be desirable. He added that he would be inclined to support the applicant's request.

Mr. Saunders stated that the original proffer amount is apparently not economically feasible and is preventing development.

Mr. Kruskamp stated that he struggles with how the proposed cash proffer amount is determined.

There was discussion regarding the proffer amount, the lack of data to determine the correct amount, and county revenue from property taxes and commercial uses.

Mr. Willer stated that he would like to see this develop in this area but was unsure that he could vote to support the request without having additional information, noting that he was not sure what the information would be.

Mr. Williams made a motion to recommend approval of the request, RZ#18-001, to amend proffers approved on July 22, 2014, as submitted.

Mr. Saunders seconded the motion.

The vote was taken.

AYE

Mr. Williams
Mr. Saunders
Mr. Kruskamp

NAY

Mr. Willer

ABSTAIN

The motion to recommend approval of RZ#18-001 carried by a 3-1 vote.

Ruckersville Area Plan (RAP)

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

Mrs. Golon addressed the Commission. She reviewed the options for having the RAP be a stand-alone document or include it as an addendum to the Comprehensive Plan. She suggested that it be incorporated as an addendum to the Comprehensive Plan so that there are future reviews. She introduced Wood Hudson and Kristian Zimmerman from the Thomas Jefferson Planning District Commission (TJPDC).

Mr. Hudson and Mr. Zimmerman addressed the Commission. They stated that there was no presentation for the meeting and that they wanted to address any questions relating to the document that was provided in the packet. It was noted that comments from the previous meeting had been included in the version being reviewed tonight.

Mr. Williams stated that he felt that he was pretty familiar with the document, having attended the open houses and the review. He pointed out a note that should be corrected on p.31 regarding C8 and C10. He also noted that on p. 9 the last sentence appears to be incomplete or blocked by a graph.

Mr. Willer stated that after the public hearing, he would like for Mr. Hudson and Mr. Zimmerman to offer their suggestions on how to move forward with the RAP as a stand-alone document or as an addendum from the Comprehensive Plan.

The Chairman opened the public hearing.

The following citizens shared their comments and concerns:

- Andrea Wilkinson: find the RAP to be a plan with potential to do good; noted that p. 30 mentions several committees and suggested that one group be selected as the ongoing committee; excited to see the RAP and includes great ideas; believes it is a good idea to continually review the RAP.
- Larry Miller: noted that on p. 10, there is a reference to Appendix 6 but he could not find it; under local policies, Comprehensive Plan should be capitalized; noted a possible tower discrepancy on the map; suggested being consistent in using *short-term* as opposed to *immediate* under the priority timelines.

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

Mr. Willer complimented those involved in organizing and drafting the RAP. He stated that the Commission must now determine how to move forward with the RAP.

Mr. Hudson and Mr. Zimmerman stated that there are several considerations to be made including having a consistent review process, adopting the document as an appendix of the Comprehensive Plan, or inserting the document within the Comprehensive Plan.

Mrs. Golon stated that there had been several conversations regarding how to progress. She added that it appeared that the general consensus and her personal preference would be to include the RAP as an addendum to the Comprehensive Plan, noting that a resolution has been prepared to that effect if the Commission decides to follow that avenue.

There was discussion regarding attaching the RAP to the Comprehensive Plan and how future revisions could be made to it when necessary as directed by the Board of Supervisors. There was also discussion regarding the language of the proposed resolution for adopting the RAP.

Mr. Saunders made a motion to adopt the resolution (provided in the packet) by the Greene County Planning Commission to recommend the draft addendum to the Comprehensive Plan to the Greene County Board of Supervisors.

Mr. Kruskamp seconded the motion.

The vote was taken.

AYE

Mr. Williams
Mr. Saunders
Mr. Kruskamp
Mr. Willer

NAY

ABSTAIN

The motion to recommend adopting the RAP as an addendum to the Comprehensive Plan carried by a 4-0 vote.

OLD/NEW BUSINESS

Mrs. Golon stated that the two school site plan projects have been approved and the site plan for the town project has been submitted. She added that the VDOT SmartScale project submittal process is underway and the deadline is June 1, 2018.

APPROVAL OF MINUTES

Mr. Williams made a motion to approve the April 18, 2018 meeting minutes as presented.

Mr. Kruskamp seconded the motion.

The minutes for the April 18, 2018 meeting were approved by a 4-0 vote.

OTHER PLANNING MATTERS

Town of Stanardsville Information

Mrs. Golon had no other updates to report from the Town of Stanardsville.

Next Month's Agenda

Mrs. Golon stated that there will be a public hearing for an ordinance revision to update the Board of Zoning Appeals language in order to be in compliance with the state code.

Mr. Williams noted that in previous years there has not been a June meeting scheduled.

Mr. Willer stated that there will be meeting in June this year.

There was discussion regarding the public work session for Animals Kennels which will also be held at the June Planning Commission meeting.

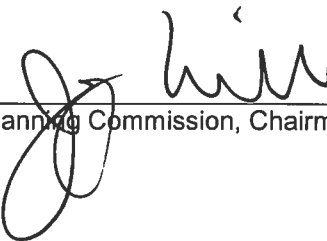
Mr. Willer complimented staff on a job well done in Mr. Svoboda's absence.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman

6.20.18

Date