

**PLANNING COMMISSION**  
**October 15, 2014**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, OCTOBER 15, 2014, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:            Jay Willer, Chairman  
  Eva Young, Member  
  John McCloskey, Member  
  Bart Svoboda, Planning Director  
  Stephanie Golon, County Planner  
  Shawn Leake, Zoning Officer

**CALL TO ORDER**

The Chairman called the meeting to order.

**DETERMINATION OF QUORUM**

The Chairman took a roll call vote to determine a quorum.

**PUBLIC HEARINGS**

**Milestone Investment Group, LLC/George & Suzanne Haney, Jr. request a rezoning from B-2, Business, to B-3, Business, on a 1.16 acre portion of the total 3.62 acre tracts located on Jennings Loop/Seminole Trail and identified on County Tax Maps as 60C-(A)-25 & 29. (RZ#14-001)**

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

Mr. Svoboda addressed the Commission and reviewed the request details. He displayed a PowerPoint presentation including aerial photos, maps, etc. He explained that the request is for a rezoning from B-2, Business, to B-3, Business. He stated that the request is made by two property owners under the same application. He explained that proffers, which address the status of Jennings Loop, are included in the packet in addition to other items. He noted that interconnectivity could be achieved. He stated that the request does comply with the Comprehensive Plan. He added that a site development plan would be required if the request is approved. He described the zoning designations of neighboring properties. He reviewed agency comments which were included in the Commission packet as well. He stated that staff supports the request as the proffers address concerns, it does provide interconnectivity, and is in accordance with the Comprehensive Plan. He reviewed the proffers by each item.

Mr. Svoboda clarified that a locality does not normally initiate a rezoning request as that request is usually made by the property owner(s). He explained that initially the applicant had requested all of the B-2 property to be rezoned to B-3, but after review and further examination, the applicant revised the request to

apply only to the 1.16 acres as designated due to the intensity of some of the uses and the design of the parcels.

There was discussion regarding the building façade proffer and how that would be monitored. It was noted that, although the county does not have an Architectural Review Board, the façade proffers would be addressed and enforced during the site development plan review as the proffers become a part of the zoning regulation for that property.

There was discussion regarding the potential sewer usage on this property and Architectural Review Boards and their function.

L.J. Lopez, Milestone Partners, addressed the Commission representing Milestone Investment Group and George Haney. He stated that Mr. Svoboda gave a thorough report. He noted that they are committed to quality development. He stated that the design will be formalized when the market has determined who/what will be locating there. He added that there are seven sewer edus; currently, two are being used. He stated that the property is zoned B-2 and is not being used to its potential; hence, the rezoning request. He explained that the concept plan proposes a gas/convenience store, possibly two commercial retail areas, and a food/beverage space. He explained that the proposal was scaled back due to traffic issues at the intersection, entrances, traffic patterns, and the possible effects on the site. He noted that it was determined that the B-2 uses would be appropriate for the other parcels, resulting in the request being limited to 60C-(A)-25 & 29.

There was discussion regarding the design criteria being applicable to the two listed parcels. Mr. Lopez assured the Commission that the design criteria would be consistent in quality of material, etc. on the other parcels as well, noting that the architectural design may vary if there is a national design or brand locating there.

Mr. Willer asked if there is a timeline for the removal and replacement of some of the existing structures.

Mr. Lopez stated that it will be determined by the nature and location of the first user of the site. He added that the general goal is to leave the existing structures in place for as long as possible as they are income producers, noting that they would likely be phased as to when the buildings would be removed.

Mr. McCloskey asked what the stormwater bmp would consist of regarding retention versus detention.

Mr. Lopez explained that there would be underground detention through the pipes that would result in a staged release during a storm event that would outflow at the southern end of the property.

Mr. Willer asked if that meant that there would be underground holding area on

the subject property.

Mr. Lopez agreed.

There was discussion regarding the stormwater pipes regarding size, storage, calculations, etc. There was also confirmation that parking would be provided over the pipes.

There was discussion between the Commission and Mr. Svoboda regarding the impervious area and the potential for run-off in respect to the newly implemented regulations. Mr. Svoboda added that these concerns would be addressed during the site plan process.

The Chairman opened the public hearing.

The following citizens addressed the Commission voicing their comments and concerns:

- Terry Wilmer: signed the sheet in error
- Tim Hilton: signed the sheet in error
- Ron Mayer: signed the sheet in error
- David Holtzman: representing the Piedmont Environmental Council; seems that the issue here is design; potential for the area to be similar to a downtown environment; realize that there is no design review process but helpful to ask questions at this point and push for your vision for the future.

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

Mr. Willer asked Mr. Lopez to describe the features shown on the concept plan, such as sidewalks, parking, etc.

Mr. Lopez reviewed the concept plan pointing out the parking area, patio entrance, sidewalks, potential drive-thru area, food/beverage area, opportunity for outdoor seating as deemed appropriate. He reviewed medians, islands with plantings, buffers along Routes 33 and 29. He stated that these are conceptual in nature.

Mr. Svoboda stated that these items will be covered under the site plan review.

Mr. McCloskey stated that there is likely nothing in the County Code that would limit the density of certain businesses, such as auto parts stores or fuel stations, etc.

Mr. Svoboda stated that there is nothing in the County Code to address that as it is market driven as to what business locates in which area.

Mr. McCloskey asked if there would be enough space for parking if there were some areas dedicated to sidewalks to allow for pedestrian traffic to visit different

businesses while on the site.

Mr. Lopez stated that the mixture of uses and the interconnectivity of parcels allow citizens to fill-up and then park to go to the restaurant or shop as opposed to getting back on Route 33 or 29. He reviewed the landscaping, noting that it is conceptual. He noted that sidewalks are dictated by the code; therefore, they have not been defined as that will be addressed during the site plan phase.

Mr. Willer complimented the project, noting that it is a step in the right direction.

Mr. Lopez thanked Mr. Willer and stated that they are trying to be strategic during this reconstruction plan.

Mr. Willer asked if Jennings Loop would be maintained as access to those residents and businesses to the south.

Mr. Lopez stated that it is a complex issue. He reviewed Jennings Loop and pointed out private and public areas. He explained that there is a request to abandon a portion of the right-of-way, noting that the access for the mobile home park is being addressed with Mr. Daniel with a likely re-alignment. He added that the businesses to the south have frontage access to Route 29 and use the Jennings Loop access as a convenience or back-door access.

Mr. McCloskey agreed that the project would be an improvement but would like to be sure that the county is a destination and not a pass-through.

Mr. McCloskey made a motion to recommend approval of RZ#14-001 with a B-3 zoning designation and the acceptance of the submitted proffers dated September 19, 2014.

Ms. Young seconded the motion.

The vote was taken.

AYE

Mr. McCloskey

Ms. Young

Mr. Willer

NAY

The motion to recommend approval of RZ#14-001 carried by a 3-0 vote.

**Rodney & Jeanne Kibler request a special use permit for a Bed & Breakfast on a 150.60 acre tract which is zoned A-1, Agriculture, located at 743 Welsh Run Road and identified on County Tax Maps as 58-(A)-8B. (SUP#14-010)**

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

Mr. Svoboda addressed the Commission and reviewed the request details. He

displayed a PowerPoint presentation including photos submitted by the applicant, a plat, aerial photos, maps, etc. He described the surrounding property which is Guildford Farms Subdivision, the old Nimbus/Technipac Plant, and other agriculturally zoned areas. He reviewed several catch basins and stormwater ponds which are part of the subdivision approval. He stated that the current use is a single-family dwelling and that the proposed use is a Bed & Breakfast with a maximum of six bedrooms and outdoor events with a suggested restriction of 250 guests. He noted where adjoining residences are located. He read the definition of Bed & Breakfast as defined in the Greene County Zoning Ordinance. He reviewed the public hearing process for special use permits and the option of imposing conditions to mitigate potential impacts. He added that Future Land Use Map of the Comprehensive Plan designates the area as rural, noting that proposal meets the tourism goals of the Comprehensive Plan. He reviewed agency comments including the commercial access point for events.

There was discussion regarding the potential for the construction of accessory structures for the proposed use and the process under which permits would be reviewed and approved.

Mr. Svoboda stated that a Site Development Plan including an Erosion & Sediment Control Plan and a Stormwater Maintenance Plan would be required. He stated that staff recommends approval of the request with the following conditions:

- a) The permit is limited to the operation of a Bed & Breakfast on TMP 58-(A)-8B only.
- b) The Bed and Breakfast shall consist of the existing single family dwelling with a maximum of six bedrooms.
- c) No guests would reside in the Bed and Breakfast for more than 30 days in a 365 day period.
- d) Outdoor events will be restricted to 250 guests.
- e) There will be no amplified music after 12:00 midnight.
- f) A second entrance must be installed prior to holding special events outside of the normal use of the B & B.
- g) In order to preserve the residential character of the immediate community, all outdoor lighting fixtures shall be aimed, located and maintained so as not to produce disability glare. All lighting fixtures serving these areas shall be full cut-off fixtures and shall be mounted horizontal to the ground.
- h) A site plan is required prior to the operation of the Bed & Breakfast.

Mr. McCloskey asked if the use is currently in operation as a Bed & Breakfast.

Mr. Svoboda stated that to the best of his knowledge the use is not currently operating as a Bed & Breakfast.

There was discussion regarding the proffers and division rights that are associated with the property that was developed to be Guildford Farm Subdivision.

Rodney Kibler, applicant, addressed the Commission. He stated that he was the purchaser of the original property and developed the Guildford Farm Subdivision. He added that there are 35 lots in the development and 15 have been sold. He noted that he and his wife live in the farmhouse and have recently considered operating a Bed & Breakfast there with the opportunity to host destination weddings. He stated that this would allow the farm to be an income producing property. He explained that he is sensitive to the neighborhood and the property owners and the needs to be considered. He added that he would be willing to amend the request to restrict music past 10:30 pm. He stated that he has hosted several family/friend weddings there, using the 250 guests as a limit, pointing out that with that number, the designated field parking seemed to work beautifully. He added that barn is used as well as a part of the activity area. He explained that they submitted the application in order to create a viable income for the farm and that they want to be good neighbors. He stated that he may someday likely live in the subdivision and currently owns a controlling number of lots within the subdivision, adding that he wants to sell lots and wants people to be happy there. He explained that he has a mutual interest in the two areas fitting together to not be a hinderance but to be successful as a business.

Mr. McCloskey stated that the project aligns with the Comprehensive Plan. He asked if tents or camping have taken place in conjunction with event held there.

Mr. Kibler stated that camping has taken place on the property as a family activity but not in conjunction with weddings that have been hosted there. He added that camping is not something that they would want to take place there.

Mr. Willer asked if the contruction of accessory structures would be anticipated.

Mr. Kibler stated that a pavilion could possibly be considered in the future, possibly instead of the use of tents.

Mr. Willer asked if the barn would be used for event site.

Mr. Kibler stated that it is the most viable place and located behind the farmhouse. He added that the weddings generally place a tent there.

There was discussion regarding the use of the barn with or without the use of a tent. There was also discussion regarding the location of the structures and events as they relate to neighboring residences.

The Chairman opened the public hearing.

The following citizens addressed the Commission voicing their comments and concerns:

- Terry Wilmer: referred to a petition signed by 21 adjoining residents/home owners; summarized primary concerns such as 250 guests, 365 days per year, with a time limit of midnight which has been amended to 10:30 pm with the assumption that the nature and character of the development will not change; read the declarations of the subdivision signed by Mr. Kibler:

- no obnoxious, boisterous, or offensive activity shall be permitted on any lot, nor shall anything be done thereon that may be an annoyance or nuisance to owners of the other lots in the Guildford Farm Subdivision;* pointed out of the map location of his home noting that he can hear the noise from the Kibler property at his home including music from weddings; stated that there is a web site for the Bed & Breakfast in operation currently; if he had known that this request was in effect at the time he purchased his home, he would not have purchased it; came to enjoy the peacefulness of the county; community is present to oppose the request; reviewed Article 16-2 of the Greene County Zoning Ordinance relating to changing the character of the community and impacting neighboring property adversely; cannot sit on his deck to enjoy peace and quiet with music coming from the property; being robbed of rights to enjoy their property; the proposal detracts from property values; neighbors are opposed as shown in clear, uncertain terms on the petition; not opposed to the concept of the Bed & Breakfast, but are opposed to the authorization of having 250 people, 365 days per year, blasting music until 10:30 pm, with people drinking, driving down a very narrow, dangerous, unmarked, unlit road between Welsh Run and the technology plant, creating noise and traffic congestion that is not there now, and significantly affecting the character of the development; thanked the Commission for the opportunity to speak.
- Tim Hilton: thanked the Commission for their time; similar concerns; moved to development for the quietness and privacy of the community; would not have moved there if they had known that this would be taking place; not in opposition of a Bed & Breakfast but do not believe that this is truly a Bed & Breakfast venue; venue is more of a wedding and events venue; have two young special needs children, in addition to a middle-school age child and a college age child; experienced the wedding and congratulated the Kiblers' on the recent marriage of their son; noted that the music and conversations could be heard at his home until 10:30 pm; other concern regarding alcohol and counting the number of guests; residential roads and areas; safety of the residents due to likelihood of drunk drivers.
  - Ron Meyer: not opposed to the Bed & Breakfast; major concern is regarding the egress from the Kibler property during an event; noise is a secondary concern; traffic is a concern due to the road being narrow; would like to be a part of the VDOT egress recommendation decision as it is proposed to be directly in front of his house.

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

Mr. Kibler stated that he is trying to appease his neighbors to an extent and maintain a viable business interest. He added that they do not need, nor want 365 nights of wedding events. He noted that he would be willing to limit the number of night wedding events to 25.

Mr. McCloskey stated that Mr. Kibler is a property owner in Guildford Farms and would be impacted by a loss in property value and asked for comment.

Mr. Kibler agreed and stated that one of his sons is building a home in the subdivision and another one owns a lot there. He added that he anticipates living there himself one day. He stated that he respects the neighbors and is sensitive to their concerns. He explained that he wants to offer assurances that this will be a limited use that can be viable for present and future. He added that he wants to protect the interests of his children, his neighbors, and himself, at the same time, doing what is consistent with different plans of Bed & Breakfasts with wedding venues within the county. He noted that regarding traffic, his son arranged shuttles for those who were staying at the Best Western. He added that the neighboring industrial zoned property has hundreds of vehicles in and out every day when it is fully leased.

Mr. McCloskey stated that there is a dire shortage of motel/hotel in the Greene County area and it is in all of our interest to add another Bed & Breakfast. He asked Mr. Kibler is he was aware of the opposition to the proposal.

Mr. Kibler stated that he was not aware of the opposition until he was presented with a copy of the petition at tonight's meeting. He added that he would have been happy to discuss this on a more personal basis but that he was doing his best to address their concerns tonight.

Mr. McCloskey clarified that Mr. Kibler could request a deferral if he preferred.

Mr. Svoboda stated that he could request a deferral.

Mr. Kibler stated that he would like to have the request considered given that he had offered to limit the night events to 25 and limit the music to 10:30 pm.

Mr. Willer explained that an approved special use permit would run with the land even with the change of ownership which is why conditions are attached in order to address impacts. He stated that the Planning Commission is an advisory group to the Board of Supervisors which will hold a public hearing to make a decision on the request. He added that there will be opportunities to address issues.

Mr. Willer stated that he appreciates Mr. Kibler limiting the events to 25, noting that it is likely that there would only be one event per weekend.

Mr. Kibler agreed.

Mr. Willer stated that those events would most likely be outdoor events held April through October. He added that this is about creating maximum limits.

Mr. Willer asked Mr. Svoboda if the County Code automatically include events with a Bed & Breakfast or if that is in conjunction with the special use permit.

Mr. Svoboda explained that the Bed & Breakfast could be approved without



events, adding that there are some uses that are customarily incidental. He stated that when an event reaches greater numbers, the impacts require greater review. He added that the current ordinance allows Bed & Breakfasts and staff has tried to understand the scope of the request and the types of events being requested and has tried to incorporate limitations to the events to prevent confusion of the approval conditions.

There was discussion regarding conditions that have been placed on other approvals such as traffic control when factors mitigate the need.

There was discussion regarding the need for wedding venues in the county and the varying opinion regarding the impact on property values

Ms. Young stated that her questions had been answered previously.

Mr. Willer asked Mr. Kibler to review the parking area.

Mr. Kibler reviewed the parking area and the traffic pattern that was recently used with success.

Mr. Willer asked if Mr. Kibler would consider limiting the number of events to two events per month over twelve months, giving him a total of 24 events.

Mr. Kibler stated that six months of the year weddings would not be performed outside, adding that the barn is not heated.

There was discussion regarding the options for motions for the request and who would make the motion.

Ms. Young made a motion to recommend approval of SUP#14-010 with the following conditions:

- a) The permit is limited to the operation of a Bed & Breakfast on TMP 58-(A)-8B only.
- b) The Bed and Breakfast shall consist of the existing single family dwelling with a maximum of six bedrooms.
- c) No guests would reside in the Bed and Breakfast for more than 30 days in a 365 day period.
- d) Outdoor events will be restricted to 250 guests and will be limited to 25 events per year as offered by the applicant.
- e) There will be no amplified music after 10:30 pm as offered by the applicant.
- f) A second entrance must be installed prior to holding special events outside of the normal use of the Bed & Breakfast.
- g) In order to preserve the residential character of the immediate community, all outdoor lighting fixtures shall be aimed, located and maintained so as not to produce disability glare. All lighting fixtures serving these areas shall be full cut-off fixtures and shall be mounted horizontal to the ground.

h) A site plan is required prior to the operation of the Bed & Breakfast.

Mr. Willer asked if he could amend the conditions to include for any event over 150 guests a professional traffic monitor would be required at the exit to Welsh Run Road to supervise traffic leaving the property.

Ms. Young stated that she did not know Mr. McCloskey's opinion but that she did not believe it the condition is necessary.

Mr. McCloskey asked if Ms. Young's motion should be seconded first.

Mr. Willer agreed noting that amendments could be made after the second to the original motion.

Mr. McCloskey seconded the motion as made by Ms. Young.

Mr. Willer made a motion to amend the conditions of the original motion to add item i) as follows:

- i) For any event over 150 guests a professional traffic monitor would be required at the exit to Welsh Run Road to supervise egress.

Mr. McCloskey seconded the motion to amend the conditions.

The vote was taken.

AYE

Mr. McCloskey

Mr. Willer

NAY

Ms. Young

The motion to amend the conditions to include item i) carried by a 2-1 vote.

Mr. Willer explained that the vote would now be taken for the principal motion which includes the amendment to the conditions.

The vote was taken.

AYE

Mr. McCloskey

Ms. Young

Mr. Willer

NAY

The motion to recommend approval of SUP#14-010 with conditions a) through i) carried by a 3-0 vote.

## **OLD/NEW BUSINESS**

### **Comprehensive Plan Revision: Timeline Discussion**

Mr. Svoboda stated that the public hearing/work session is scheduled for next month in order to collect feedback from the public, not for the adoption of the plan itself. He added that the memo for department heads was included in your packet for review. He added that there is hope that the public will participate in the public meetings to gain input from them.

Mr. Willer asked what might be on the agenda for next month.

Mr. Svoboda stated that he will be attending the Town Council meeting to update them on recent revisions to the Stormwater Maintenance program.

There was discussion regarding available DEQ grants and the county's participation in the RRRC grant program.

Mr. Svoboda stated that there is a rezoning request and the Comprehensive Plan discussion on the agenda for the November meeting.

There was discussion regarding the location of the upcoming Dean Center request.

## **APPROVAL OF MINUTES**

The approval of the minutes for the September 17, 2014 meeting was deferred by a 3-0 vote due to the absence of members who were present at that meeting.

## **OTHER PLANNING MATTERS**

### Town of Stanardsville Information

This was addressed under Old/New Business.

### Next Month's Agenda

This was addressed under Old/New Business.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Secretary

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Planning Commission, Chairman

Date