

PLANNING COMMISSION
January 21, 2015

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, JANUARY 21, 2015, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Jay Willer, Chairman
- Victor Schaff, Vice-Chairman
- Frank Morris, Member
- Eva Young, Member
- John McCloskey, Member
- Davis Lamb, 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. He announced that Mr. McCloskey has been reappointed by the Board of Supervisors to serve another term.

DETERMINATION OF QUORUM

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

ELECTION OF OFFICERS/LIAISONS

Mr. Willer stated that the next item would be to hold the election for officers. He opened the floor for nominations.

Mr. Schaff nominated Mr. Willer for Chairman.

Mr. McCloskey seconded the motion.

Mr. Willer was elected Chairman by a 4-0 consensus vote with Mr. Willer abstaining.

Mr. Willer opened the floor for nominations for the Vice-Chairman seat.

Mr. McCloskey nominated Mr. Schaff for Vice-Chairman.

Mr. Morris seconded the nomination.

Mr. Schaff was elected Vice-Chairman by a 5-0 consensus vote.

Mr. Willer stated that liaisons need to be appointed for the Town of Stanardsville

and the Economic Development Authority (EDA).

Mr. Willer stated that he would be pleased to continue to serve as the EDA liaison.

Mr. McCloskey volunteered to serve as the Town of Stanardsville liaison.

Mr. Schaff made a motion to appoint Mr. Willer as the EDA liaison and Mr. McCloskey as the Town of Stanardsville liaison.

Ms. Young seconded the motion.

Mr. Willer was appointed as the EDA Liaison and Mr. McCloskey was appointed as the Town of Stanardsville liaison by a unanimous consensus vote.

PUBLIC HEARINGS

Greene County Zoning Ordinance Revision: Milestone Partners request an ordinance revision to revise Article 16-8-9 and all applicable references to include Parking Ratios for Antique/Craft Shops to be inserted as Article 16-8-9A. (OR#14-009)

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

Mr. Svoboda explained that the request is not generated by staff but by the applicant, Milestone Partners. He stated that the applicant would like to amend the current parking ordinance to include a specific category for antique and craft shops under retail stores. He described the insertion of the proposed language and the proposed ordinance reference. He explained that this revision does not address parking regulations as a whole, noting that it is for Antique and Craft Shops. He noted that the current requirements provide one (1) parking space per 200 square feet of retail; he pointed out that the request would be for *one (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per two hundred (200) square feet of customer service area, but with a minimum of one (1) space per one thousand (1000) square feet of gross floor area.* He stated that the language proposed by the applicant is taken from a Rockingham County model and added that staff suggests that the one space per 200 square feet of customer service area be removed from the proposed language. He stated that staff recommends approval as the proposed parking ratio does accommodate the specific use, would lessen the need for additional best management practices, resulting in possibly lower construction costs, etc., and may address the excess parking areas that often create unnecessary run-off.

There was discussion regarding the need for adequate parking in retail areas that may currently be an antique shop but may change to a more intense retail use in the future. There was discussion regarding shared parking agreements to address those situations.

L.J. Lopez, applicant, addressed the Commission. He described the process by which the parking ratios were determined. He reviewed construction costs as they compare to antique mall space and parking needs for the space. He noted that the use does not require the number of parking spaces at peak hour demand as required by the current ordinance. He noted that less parking is needed for the use as it is not as intense as a non-specific retail use. He reviewed various areas that are owned by Milestone Partners and the parking needs for these areas.

There was discussion regarding the proposed language and the criteria that must be met to determine the number of parking spaces. There was additional discussion regarding the minimum parking requirements and how they would come into play should the use change to a more intense retail use based on the square footage of gross floor area.

The Chairman opened the public hearing.

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

- David Holtzman, Piedmont Environmental Council: Believes that the language relating to customer service area may be confusing.
- Neil Williamson, Free Enterprise Forum: Believes that the rationale for the proposed revision is good, common sense; concerned at first but realized the proposal makes sense given that the parking requirements would change if the use changed; encouraged the Commission to support the revision; noted that the employee aspect could be arguable as some employees may use public transportation.

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

Mr. McCloskey stated that he finds it to be a great proposal noting that business is driving the need and updating the ordinance would be beneficial, noting that it seems to be a win-win situation.

Mr. Schaff stated that it is a logical proposal and suggested that Parking regulations be moved higher on the work list.

Mr. Willer suggested reviewing the work list at the February meeting. He added that he is pleased to see the proposal. He noted that the county must stay competitive.

There was discussion regarding the discussed strikethrough suggestions by staff in addition to removing the requirement for a required space for employees. It was noted that the revision would not be retroactive.

Mrs. Young made a motion to recommend approval of OR#14-009 with the following revisions:

- Strike through: One (1) space per employee on the maximum working shift, plus one
- Strike through: One (1) space per two hundred (200) square feet of customer service area.

Mr. Morris seconded the motion.

There was discussion on the motion to assure clarity; the motion remained unchanged.

The vote was taken.

AYE

NAY

Mr. McCloskey
Ms. Young
Mr. Morris
Mr. Schaff
Mr. Willer

The motion to recommend approval of OR#14-009 carried by a unanimous vote.

OLD/NEW BUSINESS

Mr. Svoboda informed the Commission of upcoming training opportunities.

Mr. Svoboda gave a brief update relating to the CIP progress.

APPROVAL OF MINUTES

Mr. Willer noted to Mrs. Golon that the December minutes reflect the discussion regarding the business zoning numbers being updated and wanted to provide a reminder to that effect.

The minutes for the December 17, 2014 meeting were approved by a 5-0 vote.

OTHER PLANNING MATTERS

Work Session for Proposed Ordinance Revision:

Greene County Zoning Ordinance Revision: Revise Articles 3-Conservation (C-1), 4-Agricultural (A-1), 5-Residential (R-1), 6-Residential (R-2), 16-General Provisions, 22-Definitions and all applicable references, to define Winery/Brewery/Agritourism and various other agriculture-related definitions and to include Winery/Brewery/Agritourism and various other agriculture-related uses as uses permitted by-right or by special use permit in the C-1, A-1, R-1, and R-2 zoning districts. (OR#14-010)

Mr. Willer gave an overview of the process and purpose of the public work session. He encouraged those who would like to speak to sign up.

Mr. Svoboda stated that the proposed revisions are in line with recent legislation that was passed at the state level. He added that the revisions address agricultural uses, not zoning designations, noting that the revisions do not address uses such as bed and breakfasts, inns, etc. He noted that definitions are provided through the Code of Virginia and are available in the packet. He stated that the Code of Virginia was amended to address bona fide agricultural issues relating to tourism on July 1, 2014. He described the difference between agricultural uses and agricultural zoning designations.

Mr. Svoboda gave a PowerPoint presentation to review agricultural operations and farm breweries as described and listed in the Code of Virginia. He also reviewed usual and customary activities associated with an agricultural operation.

There was discussion regarding agricultural uses, prohibited and redefined uses within the zoning ordinance.

Mr. Schaff stated that this revision is to come into compliance with the Code of Virginia.

Mr. Svoboda agreed. He added that the legislation does allow the locality to regulate uses and activities with substantial impact on public health, safety, and welfare, noting that the restrictions shall be reasonable and consider the economic impact on the bona fide agricultural operations.

Mrs. Golon reviewed the proposed format of the ordinance to give some clarity to the revisions and offering a similar lay out as the current ordinance.

Mr. Svoboda and Mrs. Golon continued the review of the ordinance revision language, using tables in the presentation.

There was discussion regarding definitions as provided in the ordinance and the Code of Virginia, state requirements, attendance limitations, traffic impacts and VDOT concerns, parcel size requirements, and the proposed language, including uses by right, with zoning certifications, and by special use permit.

The Chairman opened the public work session.

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

- Scott Winslow: thanked the Commission for the opportunity to speak; encouraged a wide latitude for farmers regarding the law; read a prepared statement; strongly recommended simplifying the matrix used to determine the permitting process; addressed the limitations of attendees and the need for zoning clearance/certifications and special use permits;

stated that although the proposed restrictions are well intended, they appear to be at odds with the state code, noting that restrictions require a basis in health, safety, or public welfare; wondered how this would apply to traffic counts and the number of attendees; adoption of the ordinance will not eliminate conflicts or problems that arise, farmers must be good neighbors; one of the goals of the law is to increase farm sustainability and profitability; address problems with good communication and neighborly cooperation; summarized that his recommendation is to increase the proposed limits so as to remain in compliance with the state code; suggested using the Kibler special use permit as a starting point and broadening those limits to comply with the state code; encouraged the county to define agriculture, noting that Goochland County has a clear definition in addition to defining event, bona fide farm.

Mr. Willer asked Mr. Winslow if he could provide the Goochland County definition that was mentioned.

Mr. Winslow stated that he would.

- Bob Steeves, Kilauren Winery: distributed a hand-out; stated that they have grown grapes for other wineries and are now growing for their own winery; focused their winery on a community basis, noting several activities that are offered on site such as artist displays and receptions, a summer theater on the lawn, etc.; noted that the idea of what a farm winery is and does is evolving; voiced one concern as it relates to farm wineries is the special use permit requirement noted in 15.2-2288 which prohibits the special use permit for agricultural production, etc.; explained that farm wineries differ from commercial wineries as to the production and use of grapes and wondered if there would be a distinction; noted some discussion among the industry relating to the limit of 200 attendees being arbitrary; various other sites nearby that have more than 200 attendees without special use permits; discussed the granting or denial of special use permits; noted that it has been said that if it ain't broke, don't fix it.

Mr. Willer stated that the county has been tasked with the responsibility driven by a state law to come up with a matrix regarding how to deal with this, noting that it is not anyone's intent to limit operations but that the intent of the law is to open it up and allow for as many opportunities as possible.

Mr. Steeves stated that there is no compulsion on the county to act, and that, in fact, the law states that no locality shall regulate any of the following activities of a farm winery and proceeded to note about six (6) items. He continued to state that the purpose of the statute was to slow down regulations on farm wineries.

- Neil Williamson, of the Free Enterprise Forum: stated that he is involved in the Virginia Wine Industry; agreed with several comments made by Mr. Steeves; cautioned the county to get a strong legal review for the

proposed agritourism language as it differs from farm wineries; thanked staff for answering many questions; listed the following questions and concerns:

- Land Use criteria for agriculture uses in conservation easements and the inclusion of the conservation easement properties for the agritourism opportunities;
- Critically important for zoning certifications to remain at a low barrier for entry;
- Are the attendance limits, etc. justifiable and restated that the county should go cautiously.
- Noted that his understanding is that the attendance limits are for events being held in addition to and outside of the winery uses itself.
- Disagreed with the last line of the staff report which suggests that a significant nexus between the agricultural activity and the agritourism activity must be shown, adding that the legislature was clear to say normal and customary items.
- Noted that Halloween brings pumpkin patches and corn mazes which would require that attendees be coordinated for time as not to be in excess of 200 attendees.
- Suggested that the biggest concern heard is the concept that cumulative impact of multiple events on the same road noting that the market will handle this issue as more wedding venues are opening to meet the demand.
- Suggested that the primary use of the property should consider adjacent parcels under the same ownership.
- Pointed out that Federal filing forms would likely become public record once submitted for Zoning Clearance/Certification or Special Use Permit approval, noting that there are stronger methods for proving a bona fide use.
- Stated that this regulation is about making rural areas economically sustainable and preserving the rural heritage of the locality.
- Stated that some localities are moving slowly to see how things go and then act, noting that the county may be moving to swiftly to enact this, which is not mandated by code, noting that what is mandated by code is that you get out of the way.

Mr. McCloskey asked Mr. Williamson how the Virginia Department of Transportation regulations of fifty vehicle trips apply to the issue.

Mr. Williamson stated that farm winery entrances are permitted by right with some site distance issues, noting that the farm wineries work with VDOT on those issues.

There was discussion regarding VDOT regulations and how the vehicle trips trigger the VDOT regulations

Mr. Willer asked Mr. Svoboda for clarification of the list of criteria for bona fide agricultural operation.

Mr. Svoboda read the list language and noted that the listed items *may* be considered, *may* being the key word.

Mr. Willer suggested that the language be clarified.

There was discussion regarding the submittal of tax filing papers becoming a public record and options to determine bona fide agricultural use.

Mr. Willer asked if there were any other speakers.

David Holtzman, Piedmont Environmental Council: stated that he is curious as to high-intensity agriculture being removed and grouped with agriculture; mystified that the distinction has been removed and wondered how setbacks and enforcement would be affected; noted that it does not appear that the legislation addresses the high-intensity distinction.

Mr. Svoboda stated that staff will re-check the revisions, noting that agriculture as permitted is not supposed to be regulated by the locality as long as it is operating where permitted.

Mrs. Golon explained that previous definitions had been unenforceable and arbitrary, noting the livestock weight limits were unenforceable by staff.

Mr. Svoboda explained that the ordinance had previously required staff to determine the size of livestock and feasibility of grazing area. He noted that the ordinance now dictates that the state agencies responsible for those issues make those determinations.

There was discussion regarding high-intensity agriculture and low-intensity agriculture and the definitions and whether or not the terms should be included in the ordinance.

Mr. Willer asked if there were any other speakers.

Mr. McCloskey stated that tourism is a life's blood to the community and supports making tourism regulations easier for this type of industry.

Mr. Willer asked why permission must be given to a winery owner to have overnight guests in their own home.

Mr. Svoboda stated that it is not necessary but added that it is included to clarify that issue for adjoining property owners to the winery or brewery. He noted that private uses are still allowed.

There was discussion regarding the language to address private uses.

Mr. Williamson noted that the language mirrors the Code of Virginia.

Mr. Willer asked why poultry was being allowed in R-1 and R-2 areas given the topic at hand.

Mr. Golon stated that it was included as it addressed the restrictiveness of the ordinance.

Mr. Svoboda agreed that it was to address recent inquiries and it was not intended to be buried in this regulation.

There was discussion as to review poultry as a separate revision not included with the agritourism proposal.

Paul Harrington addressed the Commission. He stated that he does not understand why someone has to prove that he is operating an agriculture business if he is growing vegetables, etc. He suggested simplifying the language.

Mr. Willer explained that the issue is to address the agritourism nature of the issue.

Mrs. Golon reviewed the items that need attention prior to future discussions.

Mr. Winslow suggested adding the definition of an event as it relates to agritourism.

Mr. Svoboda reviewed the current definition, noting that the determining factor cannot be based on profit or not for profit.

There was discussion regarding the need to specify that a property owner may use their property for personal uses and the definition of an event.

Mrs. Golon added Mr. Winslow's suggestion to the list.

There being no further public comment, the public work session was closed.

Town of Stanardsville Information

Mr. Svoboda stated that he will be attending the Town Council meeting next month, noting that the Town Comprehensive Plan will be an upcoming item for discussion.

Next Month's Agenda

- o Public Hearing:
 - SUP#14-011 Special Use Permit request for an Indoor/Outdoor Tennis Facility
 - OR#14-010 Ordinance Revision for Agritourism/Winery/Brewery

- Work Session:
 - Comprehensive Plan Revision: Schools

There was discussion regarding the options for additional public input at upcoming meetings and the options for language review and approval at the next meeting.

Mr. Morris suggested notifying local county wineries to notify them of the meeting and to request input.

Mr. Morris asked why the Stanardsville Streetscapes improvements were made when the water and sewer lines are likely to be replaced or repaired resulting in the demolition of some of the recent improvements.

Mr. Svoboda stated that he was unable to answer that question as he was not a party to those decisions and the project was not overseen by the Planning Department.

There was discussion regarding water and sewer issues and the possible failing lines, etc. and the recent improvements to the sidewalks and streetscapes.

Mr. Morris suggested asking town businesses to be involved in town discussions.

Mr. Svoboda stated that notifications take place as required, noting that staff has gone door to door at times to encourage input from businesses, and that folks just do not attend the meetings.

There was discussion regarding the need for more input and additional discussion regarding the future replacement of water and sewer infrastructure.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley

Secretary

Planning Commission, Chairman

Date