

PLANNING COMMISSION
July 15, 2015

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, JULY 15, 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.

DETERMINATION OF QUORUM

The Chairman took a roll call vote to determine a quorum. He encouraged those who wish to speak for any public hearing to sign in on the appropriate sheets.

PUBLIC HEARINGS

Mount Vernon United Methodist Church requests a special use permit for an existing non-conforming church, which would bring the church use into conformance with the Greene County Zoning Ordinance and allow for future expansions, on an approximately 2.00 acre tract which is zoned A-1, Agriculture, located on Dyke Road/Garth Road (76 Garth Road) and identified on County Tax Maps as 36-(A)-4. (SUP#15-005)

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

Mr. Svoboda reviewed the request and the description of the property. He noted that the existing church is not compliant as it was established prior to zoning, noting that further expansions require a special use permit in order to be compliant. He reviewed maps, sketches, photos, etc. of the property and the proposed locations of the parking expansion and a gazebo for the peace garden. He reviewed agency comments which were included in the Commission packets. He pointed out an old road that was abandoned by VDOT.

There was discussion regarding the property lines and the right-of-way as abandoned by VDOT some time ago.

Mr. Svoboda reviewed the Comprehensive Plan as it relates to the request. He noted that staff recommends approval after consideration of the following:

- The use does not appear to change the character and established pattern of development of the area or community in which it wishes to locate.
- The use appears to be in harmony with the uses permitted by right under a Zoning Permit in the zoning district and shall not adversely affect the use of neighboring property.
- Staff and agencies were unable to identify potential impacts; therefore, staff did not provide recommended conditions.
- Due consideration was given to the suitability of the property for the proposed use which does not appear to effect the community in a detrimental manner or increase transportation, schools, parks, playgrounds, or other infrastructure needs.

Mr. Svoboda informed the Commission that a citizen did present concerns to the Board of Supervisors at last night's meeting noting that there are issues with traffic congestion and right-of-way in that location. He noted that the citizen has signed up to speak during the public hearing as well.

There was discussion regarding the expansions that would trigger the need for a special use permit for churches. There was also discussion regarding the terms non-conforming and non-compliant.

Mr. Svoboda noted that the church is non-conforming as it is but that it must come into compliance due to the requested expansion as any expansions or changes must be compliant with the ordinance and any permitting requirements.

Mr. Morris asked if permits were required for the electric and the water that have been installed at the peace garden.

Mr. Svoboda stated that those items may require a permit through the Building Inspections Department but would not require a permit through the Zoning Department.

Mr. Morris asked if permits are required and asked if Zoning has to sign off on those permits.

Mr. Svoboda stated that zoning does not have to sign off on electrical or plumbing permit applications, noting that the Building Official could better answer those questions.

Mr. Morris asked about the handicap parking that is not properly marked.

Mr. Svoboda stated that it would also be a question for the Building Official. He added that he would not want to speak for the Building Official, noting that the

Building Official determines whether or not upgrades are required based on the Building Code.

Kendall Tata, Mt. Vernon United Methodist Church, addressed the Commission thanking them for the opportunity to speak. She stated that the peace garden is an effort to enhance Greene County to be enjoyed by all of its citizens. She noted that parking is an issue. She asked for approval of the project. She stated that they have met with various agencies to review the needs and requirements. She noted that the gazebo is the primary intent.

Mr. Morris asked if there is a physical survey of the property.

Ms. Tata stated that there is an old survey from way back when but that she was unsure of the date. She added that they have spoken with several surveyors but were instructed that a survey is not required for this meeting.

Mr. Morris asked if Dennis Seale, VDOT, required a survey for the placement of the benches.

Ms. Tata stated that they did not.

Mr. Willer asked if permits were obtained for the electrical and plumbing work at that peace garden site.

Ms. Tata stated all of the proper procedures were followed.

Mr. Morris asked again for clarification if permits were issued for the lighting and plumbing work.

Ms. Tata stated that permits were obtained.

Mr. Morris stated that as of 4:00 pm today, Mr. Borders, Building Official, was not aware of those permits being issued.

Mr. Willer stated that this issue could likely be discussed later in the meeting.

The Chairman opened the public hearing.

The following citizen addressed the Commission asking questions and offering comments and concerns regarding the upcoming civil matter that will go to court regarding the right-of-way that was referred to, previously submitted information packet as distributed by Roger Morris, Mr. Morris' driveway, parking issues for church services and other uses, road congestion, infringement of neighbors rights, lack of speed limit signs, suggestion that VDOT install No Parking signs, road being blocked for a Fall Festival, and the history of the church and area property:

- Roger Morris

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

Mrs. Young stated that there is a need for parking, noting that she visited the property and the parking area is small.

Mr. McCloskey stated that the view from the property is lovely and there are a few issues there.

Mr. Schaff stated that there have been several churches that have requested special use permit to come into compliance for issues that they are facing in wanting to make these types of improvements.

There was discussion regarding the special use permits to bring churches into compliance for needs such as this and what the triggers might be that require the special use permit. There was also discussion regarding the site development plan requirements, noting that improvements must be conforming.

There was discussion as to how many other churches are in the same situation within the county.

Mr. Willer stated that he visited the site and recognized a parking issue.

There was discussion regarding the conditioning of parking requirements on site if it is considered to be an impact.

Mr. Willer asked the applicant if there was any suggested resolution to the parking problem. He suggested off-road/on-site parking on the church property.

Ms. Tata agreed that parking is a quandary. She added that she believed the church would be cooperative.

There was discussion regarding a possible motion and suggested conditions.

Mr. Morris stated that he visited the site and asked what events take place outside of church activities.

Ms. Tata stated that there are other meetings held at the church that are not a church event.

There was discussion regarding the possible need for additional parking near the church.

There was discussion regarding the need for additional information relating to parking.

Ms. Tata asked if the parking would be tied to the gazebo approval.

Mr. McCloskey explained that approval would be based on parking for the site

which would include the gazebo approval.

There was discussion regarding the parking needs and the need for resolution.

There was discussion regarding the need for deferral or the possible motion with conditions to address parking issues and problem resolution for the parking issues.

Mrs. Young noted that the parking situation encroaches on the neighbor demonstrating a current parking shortage.

Mr. Willer suggested a motion to recommend approval of SUP#15-005 with the following condition:

- The church must work with VDOT to provide a solution for parking on site as near as possible to the peace garden.

Mrs. Young suggested deferral as an option.

Mr. Morris made a motion to defer SUP#15-005 until the September 16, 2015 Planning Commission meeting in order to resolve parking issues at the peace garden with VDOT.

Mrs. Young seconded the motion.

The vote was taken.

AYE

Mr. Morris
Mr. Schaff
Mrs. Young

NAY

Mr. McCloskey

Mr. Willer

The motion to recommend deferral carried by a 4-1 vote.

Michael Williams/Virginia Lawnsapes request a special use permit for a home business for lawn and landscaping services to include up to five employees that do not reside on the premises and outdoor storage of business related items on a 1.59 acre tract zoned R-1, Residential, located at 179 Red Cedar Road and identified on County Tax Maps as 66F-(13)-104. (SUP#15-006)

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

Mr. Svoboda gave an overview of the request. He presented a PowerPoint presentation reviewing maps, sketches, photos, etc. He reviewed agency comments which were included in the Commission packet. He reviewed the Comprehensive Plan goals as they relate to the property. He noted that staff

recommends the following conditions to ensure that the character of the community is retained:

- a) The lawn and landscaping service business shall comply with the definition for a Home Business under Article 22 of the Greene County Zoning Ordinance.
- b) There shall be no more than four (4) trucks and four (4) trailers associated with the home business.
- c) The outdoor storage of the equipment associated with the home business shall be limited to the area indicated on Exhibit A.
- d) Should the applicant desire to modify the special use permit, the applicant must request an amendment to the special use permit from the Board of Supervisors.
- e) An accurate and detailed site sketch showing the building, storage, screening yard, parking and related characteristics for the home business shall be submitted to the Zoning Administrator for approval prior to the commencement of the use.
- f) The home business shall have a screening yard on the eastern (263.89 linear feet) and northern (150 linear feet) boundaries and shall be in compliance with Article 19-6-2 of the Greene County Zoning Ordinance. The screening yard shall be at least 20 feet wide and the existing vegetation may be used to satisfy the screening requirement.

Mr. Svoboda stated that several emails that were received today have been placed before you for the meeting tonight, noting that the applicant may have additional information as well.

There was discussion regarding screening.

There was discussion regarding the harmony of home businesses in subdivision areas and the limitation of four (4) trucks and four (4) trailers. There was discussion regarding the number of employees.

Rachel Williams, applicant/co-owner, addressed the Commission. She added that the request is made in order to allow for employees to report to work on site. She stated that off-site rental for space is not feasible at this time. She added that there is a neighbor who photographs their home when anyone visits.

The Chairman opened the public hearing.

The following citizens addressed the Commission asking questions and offering comments and concerns regarding property value, resale potential, safety, the establishment of a precedent in the area which would take away from the beauty and ambiance, additional modifications to the property would impact the foliage, the diminishment of the area, history of business on site, tour bus parking, equipment beeping and strewn across the lawn, cost effective for home business but grown to a commercial use, description of vehicles and equipment, reporting of violations to Planning/Zoning Department, casual disregard for authority, character of the neighborhood has changed, eyesore devalues neighboring

homes, building of second garage violated covenants, other options for locating the business elsewhere are available, applaud entrepreneurship but undesirable in the area, pedestrians and children walk in the area, employees travel at high rates of speed, parking in the roadway is prohibitive to emergency services access to homes in the neighborhood, open to free enterprise and small businesses in designated commercial areas, request denial of request, trucks and trailers have blocked traffic including school buses, should be located in a business park, rain creates gullies in the driveway causing washing into the road and other properties, blight on the neighborhood, and break-in in the neighborhood:

- Donald Lamb
- Bonnie Goldwein (presented photo and read a prepared statement)
- Neil Goldwein (presented photo and a prepared statement)
- Stephen McCall
- Kim McCall (presented photo)
- Suzanne Litchford
- Mike Pugh (no comment, signed up on wrong sheet)
- Joe Greenwood
- Cesar Bolanos

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

Mrs. Williams stated that after speaking with the Planning and Zoning Department, they have come into compliance. She added that the parking on the road has been corrected noting that they did not realize that it was a violation. She stated that she does not want to devalue her home or any of the neighbors'.

There was discussion regarding the violations. It was noted that 18 visits have been made to the property resulting from reports or compliance checks. Additionally, there was discussion regarding the driveways and the VDOT compliance.

There was discussion regarding covenants. It was noted that covenants cannot be enforced by the Zoning Department.

Mr. Schaff explained that there is an option for the development of a Homeowner's Association but that for this development, an HOA has not been established. He added that the county cannot enforce those covenants.

Mr. Willer noted that the request is for the expansion of the existing Home Occupation.

Mr. Schaff stated that this is bringing in more traffic than designed. He referred to the Zoning Ordinance. He added that he has issue with the traffic and the eyesore component, noting that screening may be an option.

There was discussion regarding the aspect of the area being a residential area

and that the character of the neighborhood has been changed.

Mrs. Young referred to Article 22 noting the reference to outdoor changes being apparent.

Mr. McCloskey made a motion to recommend denial of SUP#15-006 for the following reasons:

- It is a residential area
- It is definitely changing the character of the neighborhood
- It is impacting the property values and safety of the neighborhood
- As a whole, to attract people to Greene County, and this is one of the nicer neighborhoods in the county, it is not in keeping with maintaining the residential character.

Mrs. Young seconded the motion.

The vote was taken.

AYE

NAY

Mr. Morris
Mr. Schaff
Mr. McCloskey
Mrs. Young
Mr. Willer

The motion to recommend denial of SUP#15-006 carried by a 5-0 vote.

Mr. Willer explained the public hearing process with the Board of Supervisors.

There was applause from those in the audience.

Mr. Willer announced that it was neither necessary nor appropriate.

Leon Fleisher et als Trustees/Melissa Andrysczyk/Ruckersville Rummage request a special use permit for an antique, craft and gift shop on a 0.86 acre tract which is zoned A-1, Agriculture, located at 14343 Spotswood Trail and identified on County Tax Maps as 60B-(A)-2. (SUP#15-007)

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

Mr. Svoboda reviewed the request and presented maps, sketches, photos, etc. He described the property location and zoning use, noting that flea markets are prohibited. He reviewed agency comments that were included in the Commission packet. He noted that the Comprehensive Plan designates the area as mixed use residential. He added that staff and agencies identified potential impacts; therefore, staff recommends the following condition:

- To ensure the proposed use does not change the character of the

community, outdoor sales of merchandise, outdoor display of merchandise, or an outdoor flea market is prohibited.

Mr. Morris asked if outdoor sales would deem it a flea market.

Mr. Svoboda stated that if tables were placed outside it could be considered a flea market if it is not compliant. He added that the use has to be specific to what it is, noting that the zoning district does make a difference.

There was discussion regarding various other shops having outdoor displays.

Melissa Andrysczyk, applicant, addressed the Commission. She stated that she currently has Ruckersville Rummage and would like to relocate to this property. She added that the store would be retail for gifts and antiques understanding that there would be no outdoor sales.

Mr. Morris asked if there were plans for outside sales.

Mrs. Andrysczyk stated that there would be not outdoor sales. She added that there may be potential for expansion in the rear.

Brad Andrysczyk, applicant, asked for clarification of outdoor display noting that there may be times when items could be placed outside but with no tables.

There was discussion regarding the outdoor display of merchandise or outdoor sales. There was discussion regarding the condition language.

The Chairman opened the public hearing.

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

Mrs. Young made a motion to recommend approval of SUP#15-007 with the following conditions:

- To ensure the proposed use does not change the character of the community, outdoor sales of merchandise and an outdoor flea market are prohibited.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

Mr. McCloskey

Mrs. Young

Mr. Schaff

Mr. Morris

Mr. Willer

NAY

The motion to recommend approval of SUP#15-007 carried by a 5-0 vote.

The Town of Stanardsville has adopted a resolution to initiate the rezoning (RZ#15-001) of the following parcels as identified below:

- **TMP#37A-(A)-20: 0.20 acre from Town R-3, Residential, to Town RC, Residential-Commercial, owned by George T. Foley, located at 57, 59, & 61 Main Street**
- **TMP#37A-(A)-51A: 2.15 acres from Town R-1, Residential, to Town RC, Residential-Commercial, owned by Riverside Healthcare LTD, located 118 William Mills Drive**
- **TMP#37A-(5)-1: 0.13 acre from Town R-3, Residential, to Town RC, Residential-Commercial, owned by Spotswood Development Corporation, located at 9 Main Street**
- **TMP#37A-(5)-2: 0.14 acre from Town R-3, Residential, to Town RC, Residential-Commercial, owned by Spotswood Development Corporation, located at 17 Main Street**
- **TMP#37A-(5)-4: 0.94 acre from Town R-3, Residential, to Town RC, Residential-Commercial, owned by Morris House Associates, located at 49 Main Street**

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

Mr. Svoboda reviewed the rezoning request noting that it was initiated by the Town of Stanardsville and not the property owners. He reviewed the locations of the properties and explained that the rezoning would allow for residential and commercial uses.

Mr. McCloskey pointed out that tonight's outcome would be forwarded to the Town Council.

Mr. Svoboda agreed.

There was discussion regarding the exclusion of a parcel near other included parcels. It was noted that the Town could proceed without the property owners' agreement but has chosen not to take that action. There was discussion regarding the tax rate status for the property owners. It was noted that the tax rate would not change until the use of the property changes.

Alan Yost, EDA Director, addressed the Commission representing the application. He gave an overview of how the properties were determined for inclusion and responses from property owners when they were approached with the proposal. He noted that feedback was overall encouraging. He noted that there is interest in renovating the William Mills house as well. He reviewed commercial options for these locations noting that nothing has been determined at this time.

The Chairman opened the public hearing.

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

Mr. Schaff made a motion to recommend approval of rezoning RZ#15-001 with a Town Residential/Commercial, RC, zoning designation as submitted.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

NAY

Mr. Morris
Mr. Schaff
Mrs. Young
Mr. McCloskey
Mr. Willer

The motion to recommend approval of RZ#15-001 carried by a 5-0 vote.

Greene County Zoning Ordinance Revision: Revise Article 3-Conservation (C-1), Article 4-Agricultural (A-1) to include Bed and Breakfasts, Tourist Lodging, and Transient Lodging and related uses as uses permitted by-right or by special use permit in the C-1 and A-1 zoning districts and revise Article 22-Definitions and all applicable references to define Bed and Breakfasts, Tourist Lodging, and Transient Lodging and related terms. (OR#15-001)

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

Mr. Svoboda explained that a work session has been held previously to review the proposed language and that recommended revisions have been made as directed by the Commission as a result of the work session. He reviewed the language.

Mr. McCloskey asked for clarification on the reference to a parcel.

Mr. Svoboda stated that a parcel is a parcel of record.

There was discussion regarding uses and impacts. There was discussion regarding the definition of tourist lodging.

Mr. Svoboda reviewed the criteria for a dwelling and an accessory structure.

There was discussion regarding Article 16-8-4 as it relates to dining facilities, restaurants, and kitchens. There was review of these topics and how they are addressed by the proposed language.

Mr. Schaff stated that he liked the proposal.

Mr. McCloskey agreed.

The Chairman opened the public hearing.

The following citizens addressed the Commission asking questions and offering comments and concerns regarding opposition to the proposed language as the current ordinance addresses needs appropriately, want to live in peace, allowing these types of businesses without community input can and will have a negative effect on the neighborhood, subdivisions should be excluded, would allow business where it was not intended, request to deny the revision and require the special use permit process, recent request in neighborhood was rejected and this proposal would stop community input, encourage Commission to vote no or amend the language to exclude subdivisions, discovered Greene County as a tourist and now will become a county citizen, in favor of the revision as it offers economic opportunities, sovereignty of subdivisions should be considered, protect citizens living in subdivisions, exclude A-1 zoned subdivisions, great job by staff in writing the language, call it what it is transient lodging not tourist lodging, the dining is likely to be a restaurant, the by-right use offers no means of neighborhood or county review, nothing to prohibit absentee ownership of the potential bed and breakfast, completely contrary to the intent of the Comprehensive Plan for A-1 and C-1, and it is wrong on so many fronts:

- Richard and Candace Davis
- Lija Arsenovic
- Mike Pugh
- Randy Hartley
- Paul Harrington
- Keith Bourne

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

Mrs. Young asked if this revision would bring any business now operating in violation into compliance.

Mr. Svoboda stated that it may bring some of them into compliance but not all of them. He added that without doing a case by case analysis that cannot be determined. He added that any tourist lodging business would need to be registered and meet the criteria as approved by the Board of Supervisors if the revision is approved.

Mrs. Young asked what the purpose is of the revision.

Mr. Svoboda stated that the Board of Supervisors, in working with the EDA/Tourism, directed staff to work on the revision in effort to open opportunities for Bed and Breakfasts as a result of recent legislation.

There was discussion regarding the number of subdivisions located in the A-1 zoning district.

There was discussion regarding the lack of support for allowing this type of business in subdivisions. Several commissioners agreed that they did not like the idea of these types of businesses locating in residential subdivisions. There was discussion regarding how limitations could be placed to restrict the locations of these types of businesses.

Mr. McCloskey stated that his concern was that the interests that are economically impacted by this may not be represented tonight as they may have thought the language revisions were finished.

Mr. Svoboda stated that often times input is gathered during public hearings that may not be brought up during work sessions. He added that as a locality the decision must be made as to what we want locality wide. He noted that the language may be too broad for some areas.

There was discussion regarding the impact of citizens living in residential subdivisions. There was additional discussion regarding covenants that could protect the subdivision but cannot be enforced by the county. Additionally, there was discussion regarding the exclusion of A-1 subdivisions.

There was discussion regarding the possible motions and issues to be addressed.

Mr. Morris stated that loosening the requirements this much would allow the possible misuse of the permitted use.

There was discussion regarding that point.

Mr. Morris asked if a work session could be held with the Board of Supervisors to review this issue once more.

Mr. Svoboda stated that he could inquire about that.

There was discussion regarding the language that needs additional attention prior to approval and possible limitations based on lot size.

Mrs. Golon pointed out the by-right minimum lot size is two acres and the issue being considered would be a by-right use, noting that the requirement may be a good place to start.

There was discussion regarding the likely deferral and instructions to staff.

Mr. Schaff made a motion to defer OR#15-001 until September 16, 2015 in order to explore the definition of subdivision to be used for the purpose of this

ordinance revision.

Mr. Willer added the language *with the intent of offering some protection to residential subdivisions in the by-right concept.*

Mr. Schaff agreed.

Mr. Willer seconded the motion.

The vote was taken.

AYE

Mr. Schaff

Mr. Willer

NAY

Mr. Morris

Mr. McCloskey

Mrs. Young

The motion is defeated.

Mrs. Young made a motion to recommend denial of OR#15-001 due to the following:

- The language is unclear.

Mr. Morris seconded the motion.

The vote was taken.

AYE

Mr. Morris

Mrs. Young

NAY

Mr. Schaff

Mr. McCloskey

Mr. Willer

The motion is defeated.

Mr. McCloskey made a motion to recommend approval of OR#15-001 as submitted.

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

Mrs. Young made a motion to defer OR#15-001 to the September 16, 2015 to get clarification and protection for residential subdivisions.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

Mrs. Young
Mr. Schaff

Mr. Willer

NAY

Mr. McCloskey

Mr. Morris

The motion to defer carried by a 3-2 vote.

Mr. Willer clarified that the public hearing has been held and will come back for discussion among the Commission and staff and for a final vote.

OLD/NEW BUSINESS

Mr. Svoboda stated that he had no other business for discussion.

Mr. Willer asked that the information packet be available at least two weeks prior to the meeting.

Mr. Svoboda stated that staff will look into that possibility.

There was discussion regarding public comment being received at the last minute and the possible packet delivery or pick up options. There was also discussion relating to comment submission deadlines, limiting the number of applications per meeting, etc. There was a mention of using personal laptops but the Freedom of Information guidelines would likely relate to that use; therefore, it was determined that paper packets would be best for now.

APPROVAL OF MINUTES

Mrs. Young stated that word *yurt* is used, noting that she did not know what that was supposed to be.

Several members explained what a yurt is, noting that it was used correctly.

Mr. Willer noted that on page 3 there is a reference that Mr. Holtzman offered comments. Mr. Willer pointed out that later in the minutes there is another reference that there were no public comments. He noted that the word *further* needs to be added to that sentence.

Mr. Schaff made a motion to approve the May 20, 2015 minutes with one correction.

Mrs. Young seconded the motion.

The minutes for the May 20, 2015 meeting were approved by a 5-0 vote.

OTHER PLANNING MATTERS

Town of Stanardsville Information

Mr. McCloskey stated that the Town of Stanardsville now has a web site. It is stanardsville.org.

Next Month's Agenda

Mr. Svoboda announced that next month there will be a special use permit request for a firearms shooting range SUP#15-001. He informed those in attendance that the meeting has been scheduled to be held on August 19, 2015 at the William Monroe High School Performing Arts Center at 6:30 pm.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley

Secretary

Planning Commission, Chairman

Date