

**PLANNING COMMISSION**  
**April 20, 2005**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, APRIL 20, 2005, AT 7:30 pm IN THE COUNTY MEETING ROOM.

Those present were: Gary Lowe, Chairman  
Brent Wilson, Vice-Chairman  
Mike Skeens, Member  
Mickey Cox, Ex-officio Member  
Bart Svoboda, Zoning Official  
Marsha Alley, Secretary

The chairman called the meeting to order.

Mr. Lowe stated that there would be two public hearings, one for a special use permit request and one for an ordinance revision request. He explained that those who wished to speak must sign-up and reviewed the public hearing process for those who had not attended before.

**PUBLIC HEARING: Greene County Fair Association, Inc.**  
**Special Use Permit Request #05-736**

Mr. Lowe read the request: Greene County Fair Association, Inc./Ramona Eddins request the renewal of and amendments to Special Use Permit SUP#94-567 which will include the construction of additional buildings and additional use of the property as an outdoor recreation facility on a 65.42 acre tract, which is zoned A-1, Agriculture, located on Madison Road and identified on County Tax Maps as 20-(A)-20. (SUP#05-736)

Mr. Svoboda reported that the applicant is seeking to renew the previous special use permit and make some amendments to it at this time. He stated that the applicant would like to offer an outdoor facility for recreational uses such as concerts, events, etc. He added that the Comprehensive Plan supports the proposal in regard to tourism noting that the County Fair is considered a cultural asset as well. He stated that staff recommends approval of the special use permit subject to submittal of a complete site development plan addressing issues related to traffic impacts, parking, site improvements, Health Department concerns, outdoor lighting, noise and days/hours of operation.

Marie Durrer addressed the Commission on behalf of the Greene County Fair Association, Inc. She stated that the Fair Committee has had requests in the past to allow citizens to use the fairgrounds for family reunions, picnics, etc. She added that the committee would like to be allowed to use the grounds to accommodate these request as well as for antique shows, car shows, auctions, etc. She added that the latest that they would operate would be midnight. She explained that the committee will need to replace former structures which were destroyed in the hurricane and would like

to add a few buildings such as a new pole barn and picnic shelter.

The chairman opened the public hearing.

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

Mr. Wilson asked when the committee would like to use the fairgrounds through the year.

Mrs. Durrer stated that the committee would like to at least be able to use the grounds from April through November but added that they could actually use the buildings year-round if allowed.

Mr. Wilson asked if there would be concerts planned on the grounds.

Mrs. Durrer stated that they would like to host some concerts but added that they would not be large ones as the stage is not large enough to accommodate a large concert.

Mr. Wilson asked Mr. Svoboda if the site plan would be necessary for tonight's decision.

Mr. Svoboda stated that it would not although the decisions made tonight must be reflected on the site plan when it is submitted.

Mr. Wilson asked if the existing buffer would be maintained.

Mrs. Durrer stated that the buffer would be maintained adding that its maintenance is a condition of their contract.

Mr. Wilson stated that he would be in favor of approval noting that the fair is good for the county.

Mr. Skeens agreed with Mr. Wilson. He asked who would be the responsible for the operation with the approval of expanding the uses.

Mrs. Durrer stated that one of the committee members will take on the responsibility or someone would be hired to manage the operation.

Mr. Skeens stated that he supports the idea and asked if additional septic fields or wells would be necessary.

Mr. Svoboda explained that the septic and well issues would be addressed and determined by the Health Department and would likely be event based.

Mr. Lowe stated that he favors the project and judges it as a success given that the

committee wants to broaden the scope a bit. He added that he wanted to be assured that there would not be a "Woodstock" in Greene County but noted that the stage size would prohibit that.

Mrs. Durrer stated that the landlord has restrictions against tractor pulls and the consumption of alcohol on the property included in the contract and added that she believed the landlord would not want "Woodstock" either.

Mr. Lowe asked how long the property is leased for.

Mrs. Durrer stated that the lease has been continued for 19 more years from now.

Mr. Lowe asked Sheriff Haas if traffic had been a problem in the past.

Sheriff Haas stated that the Fair Committee has been very responsible in their handling of traffic in the past.

Mr. Lowe asked how well the fair has been attended.

Mrs. Durrer stated that last year the total attendance was about 12,000, noting that there were two rainy days. She estimated about 2,000 to 3,000 attendees per night.

Mr. Lowe asked if 3,000 would be the maximum estimate in that case.

Mrs. Durrer stated that it would have been the maximum. She added that the demolition derby will change somewhat this year, such as having more entrances and parking.

Mr. Lowe asked if parking is near capacity.

Richard Durrer, member of the Fair Association, stated that the lot has never been full yet. He estimated that 4,500 people may equate to a full lot but added that parking is not a problem.

Mr. Lowe explained that for future growth and ownership, it may be a good idea to place some limits on the permit.

Mrs. Durrer explained that the Association leases the entire parcel and does not use it all. She added that she believes the parking needs can be accommodated.

Mr. Wilson asked what the reasonable maximum limit might be for cars or people.

Mrs. Durrer stated that the fair had the highest attendance in 1998 which was 18,489 people which would average to about 3,500 to 4,000 per night.

There was discussion between the Commission, Mr. Svoboda, Mr. & Mrs. Durrer and Ed Lumadue regarding the maximum limit of attendance and parking issues and how they could be accommodated.

Mr. Skeens asked if the size of the fair grounds will increase.

Mrs. Durrer stated that there is no plan to increase the size of the fair grounds. She added that if it were increased, the parking area would decrease. She also noted that the Fair Committee hires the deputies to patrol the event and they feel like the size suits their needs at this time.

Mr. Lowe asked if another site plan will be submitted.

Mrs. Durrer stated that another site plan will be submitted adding that she will meet with Mr. Svoboda to review what needs to be included. She stated that the Committee is willing to work with the county.

Mr. Lowe suggested that a reasonable maximum of 7,000 attendees and closing at midnight may be considered.

Mr. Wilson asked if the Fair Association had a time limit in mind for the length of the special use permit.

Mrs. Durrer stated that she would like to see the permit cover the additional 19 years of the lease.

Mr. Wilson asked Mr. Svoboda how noise would be monitored and addressed.

Mr. Svoboda stated that conditions could be placed on the permit to address days and hours of operation, etc.

There was discussion regarding noise and nuisance issues created by the event with the suggestion of regulating these issues by regulating the days and hours of operation.

Mr. Lowe asked when the music currently ends.

Mrs. Durrer stated that the concerts currently end at 11:00 pm.

Mr. Svoboda stated that Sheriff Haas has indicated that no complaints have been received with the 11:00 pm end time. He also suggested that the Committee monitor the attendance and forward an attendance report to the Commission so that the numbers may be monitored.

Mr. Lowe stated that the Fair Association has done a wonderful job which is made obvious by the lack of opposition tonight. He added that the Commission must be sure that safeguards are in place.

Mr. Wilson made a motion to recommend approval of SUP#05-736 subject to submittal of a complete site development plan addressing issues related to traffic impacts, parking, site improvements, Health Department concerns, outdoor lighting, noise and days/hours of operation, and with the following conditions:

1. The special use permit will be valid for the remaining 19 years of the current lease,
2. There will be no alcohol permitted on the property,
3. Operations will cease at Midnight and Music will cease at 11:00 pm,
4. The existing buffer will be maintained on the property,
5. There will be a maximum of 8,000 attendees per day, and upon exceeding 8,000 per day, a review must take place, and
6. The grounds may be used year-round.

Mr. Skeens seconded the motion.

The vote was taken.

AYE

Mr. Wilson  
Mr. Skeens  
Mr. Lowe

NAY

The motion carried by a unanimous vote.

**PUBLIC HEARING: The Fried Companies, Inc.—Ordinance Revision #05-018**

Mr. Lowe read the request: The Fried Companies, Inc. have requested an ordinance revision to Article 6A of the Greene County Zoning Ordinance.

Mr. Svoboda reported that the Fried Companies, Inc. have offered revisions to Article 6A in regard to the reduction in setback regulations. He explained that the Senior Residential District was established to provide the orderly development of the age-restricted communities and residents of these communities typically desire low maintenance and smaller yards. He added that the community will typically have open space that is maintained by the community (HOA). He pointed out that the setback reduction proposed in Article 6A-4.3 would be allowed only if the parcel is adjacent to open space. He stated that peripheral lot line setbacks are established to provide a blended area when districts with different setback requirements meet adding that the district commonly utilizes the open space. He noted that open space is required in the SR district based on the density whether it is 20%, 25%, or 30%. He stated that he

would be making some verbal changes to the revisions based on further review and discussions with the applicant. He explained that the current proposed language for Article 6A-4.3 reads as *.3 Rear Setback 15 feet. Rear Setback may be 10 feet when the rear lot line abuts common area or open space within the SR District. Patios and decks may intrude into setback area.* He suggested that the Commission consider a minimum width of open space. He stated that the last sentence of the suggested language of Article 6A-4.4 reads as *If there is common area or open space adjacent to the peripheral lot line within the SR District, then the rear setback from the lot line abutting the common area or open space will conform with Section 6A-4.3.* He explained that this sentence refers you to Article 6A-4.3 and suggested that the sentence be deleted as it is a duplication of Article 6A-4.3. He stated that the last item is Article 6A-9.2 which addresses corner lots. He explained that if there is open space between the lot and the road, then the lot is not a corner lot. He suggested that the proposed language for Article 6A-9.2 be deleted.

Mr. Svoboda stated that staff recommends approval of the Ordinance Revisions subject to the following:

1. that a minimum amount of open space be specified where the setback reduction would be effective in Article 6A-4.3,
2. that the last sentence be deleted from the proposed language of Article 6A-4.4 as it is a duplication of Article 6A-4.3, and
3. that the proposed language of Article 6A-9.2 be eliminated as it refers to a situation that does not exist.

Paul St. Pierre addressed the Commission representing the Fried Companies, Inc. He stated that Mr. Svoboda had covered most of the information. He added that in this type of community, the recreational facility would be utilized more than backyards. He pointed out that most homeowners in these types of developments do not want to maintain a large yard.

Don Russell addressed the Commission representing the Fried Companies, Inc. He stated that the setback revisions are being requested because the contractor offers a sunroom addition which would encroach.

The chairman opened the public hearing.

Carl Schmitt addressed the Commission. He stated that the Frieds' development is a dense development and the proposed revisions would allow it to become even more dense. He added that the objectionable issue is the loss of open space. He pointed out, however, that the developer has exceeded the minimum percentage of open space in his particular development. He added that it is his belief that the open space requirement should be based on the square footage of the unit and not the unit alone.

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

Mr. Skeens stated that his concern was the number of lots that would be affected but realized that was specific to the development and not the ordinance revisions.

Mr. Wilson stated that he had no questions and added that he understands the proposal and the concerns that have been expressed.

Mr. Lowe stated that he believed that the Commission understands the reasoning of the request and added that it is basically driven by the sunroom option.

Mr. Russell agreed. He added that the sunroom may not be an accepted option on every lot.

Mr. St. Pierre stated that the lots are narrow and the houses are deep so some will be closer to the property lines than others. He added that the builder wants to be able to offer the sunroom but noted that not all buyers will want the option. He noted that the builder believes that the market wants the option based on other developments.

Mr. Lowe asked Mr. Svoboda if the current zoning ordinance would allow the sunroom encroachment as it allows the deck and patio encroachment.

Mr. Svoboda stated that a sunroom would be considered habitable space and would not be allowed to encroach.

There was discussion on the locations of decks, patios, and sunrooms in relation to the open space. It was determined that the decks and patios may encroach in some instances but that the applicant is not requesting that the sunroom be allowed to encroach.

There was discussion regarding the size of the lots and the size of the homes. Mr. Russell showed a sketch of the model homes to the Commission. The sketch has been included in the Ordinance Revision file.

Mr. Wilson made a motion to recommend approval of OR#05-018 subject to the following:

1. that a minimum of ten (10) feet of open space be specified where the setback reduction would be effective in Article 6A-4.3,
2. that the last sentence be deleted from the proposed language of Article 6A-4.4 as it is a duplication of Article 6A-4.3, and
3. that the proposed language of Article 6A-9.2 be eliminated as it refers to a situation that does not exist.

Mr. Skeens seconded the motion.

The vote was taken.

AYE

Mr. Wilson  
Mr. Skeens  
Mr. Lowe

NAY

The motion carried by a unanimous vote.

**PRELIMINARY PLAT REVIEWS:**

**Guildford Farm**

Mr. Lowe explained that this portion is not a public hearing but a preliminary plat review. He asked Mr. Svoboda to report on the project.

Mr. Svoboda stated that the applicant is seeking preliminary approval of the preliminary subdivision plat SDV#05-361. He added that the plat is in general accord with the concept plan submitted with the rezoning RZ#04-148. He stated that staff recommends approval of the preliminary subdivision plat subject to the following requirements:

1. The twenty (20) ft. right-of-way dedication along Welsh Run Road/Route 629 be shown on the final plat (Proffer #3).

Roger Ray addressed the Commission as the surveyor of the plat. He stated that Mr. Svoboda had presented the information in whole. He added that the final plat will show the note regarding the right-of-way in proffer #3. He noted that Dave Hirschman would like to speak as well.

Dave Hirschman, of Bio-Habitats, addressed the Commission. He stated he has been working with the development team using low-impact development techniques on the site. He added that the low-impact development techniques allow land to be developed while protecting the resources.

Mr. Lowe stated that this has been an exciting project with the use of low-impact development techniques being implemented. He added that it may be setting a statewide trend.

Mr. Kostich, developer of the property, stated that this is the first time for VDOT to grant a low-impact development IMP (Integrated Management Practice) approval. He added that it is quite exciting.

Mr. Svoboda stated that the application is in substantial compliance.

Mr. Skeens made a motion to approve preliminary subdivision plat SDV#05-361 subject to the following requirements:

1. The twenty (20) ft. right-of-way dedication along Welsh Run Road/Route 629 be shown on the final plat (Proffer #3).

Mr. Wilson seconded the motion.

The vote was taken.

AYE

Mr. Wilson  
Mr. Skeens  
Mr. Lowe

NAY

The motion carried by a unanimous vote.

**The Ponds—(Four Seasons at Charlottesville)**

Mr. Lowe explained that this portion is not a public hearing but a preliminary plat review. He asked Mr. Svoboda to report on the project.

Mr. Svoboda reported that the project was approved for a maximum of 650 units but is planned for 536 units which is substantially less than the approved number. He stated that the applicant is seeking preliminary approval of the preliminary subdivision plat SDV#05-377 and that the plat is in general accord with the concept plan submitted with the rezoning RZ#04-150.

Mr. Svoboda stated that staff recommends approval of the preliminary subdivision plat subject to the following requirements:

1. The applicant shall submit a phasing plan for development to be approved by the County,
2. The applicant shall submit each phase as a separate application for review, and
3. All phases shall be in general accord with the concept plan and preliminary plat.

Paul St. Pierre, Fried Companies, Inc., stated that he would be available to answer any questions.

Mr. Svoboda clarified that there was one change from the concept plan which was an increase in the right-of-way width for access, but he noted that this change is in general accord.

Mr. Wilson and Mr. Skeens had no comments or questions.

Mr. Lowe asked if the access to Route 743 would be an emergency access.

Mr. Svoboda stated that it would be for emergency access only and added that the details

of accessibility were still to be determined. He added that he would like to see knock-boxes used at that access point.

Mr. Lowe asked for clarification that the access would be for emergency use only even at the build-out of the project.

Mr. St. Pierre stated that the access to Route 743 would be only for emergency access. He added that there will be no vehicular traffic in that area but that bicycles and pedestrians would have access there. He noted that the access would be a hard, level surface but that it may not be paved.

Mr. Svoboda stated that Emergency Services will be reviewing this request as well.

Mr. Lowe asked why the one area has a T-intersection when the others are roundabouts or cul-de-sacs.

Mr. St. Pierre stated that the T-intersection just appeared to be the best plan due to the property widths there.

Mr. Svoboda referred to Section 6-4-3.2 of the Greene County Subdivision Ordinance which would not require a cul-de-sac in this area.

Mr. Skeens asked who would review the final plat.

Mr. Svoboda stated that the final review would be administratively performed by staff with input from outside agencies such as the Health Department, Rapidan Service Authority, VDOT, Emergency Services, and any other applicable agency.

Mr. Lowe stated that he was impressed with the entrance plans.

Mr. Wilson made a motion to approve preliminary subdivision plat SDV#05-377 subject to the following requirements:

1. The applicant shall submit a phasing plan for development to be approved by the County,
2. The applicant shall submit each phase as a separate application for review, and
3. All phases shall be in general accord with the concept plan and preliminary plat.

Mr. Skeens seconded the motion.

The vote was taken.

AYE

Mr. Wilson  
Mr. Skeens

NAY

Mr. Lowe

The motion carried by a unanimous vote.

## **OLD/NEW BUSINESS**

### **CIP Reports**

Mr. Lowe stated that three departments: Emergency Services, Sheriff's Department, and Parks & Recreation were invited to make presentations this evening.

Mr. Svoboda informed the Commission that the Sheriff's Department was the only department able to attend.

Mr. Lowe asked that comments be kept to less than ten (10) minutes.

Captain Randall Snead, of the Greene County Sheriff's Department, addressed the Commission. He stated that the current office space is nearing capacity with the addition of the E-911 dispatch center to the Sheriff's Department. He anticipated with the county's growth and the future growth of the department that ten (10) more offices will be needed. He added that court is being held more often which requires more deputies as well. He mentioned that it was his understanding that Social Services was looking for another space to meet their needs, and he suggested that when Social Services moves, the Sheriff's department could incorporate the vacant space into their current space. He estimated the cost for that addition to be \$400,000 to \$700,000. He added that it was his belief that this suggestion would meet the department's needs for the next twenty (20) years.

There was discussion regarding the feasibility and practical considerations of Captain Snead's suggestion.

Mr. Svoboda stated that he would try to have Steve Borders, Building Official, update the Commission at the next meeting as to the possibility of this addition taking place.

Captain Snead stated that he just wanted to lay the foundation of the department's needs.

Mr. Lowe thanked Capt. Snead for his presentation.

### **Medical Hardship Follow-up**

Mr. Svoboda stated that the research regarding Medical Hardship Special Use Permits and Accessory Apartments has not been completed at this time. He advised that once research is complete, a report will be presented to the Commission.

## **APPROVAL OF MINUTES**

The minutes of the March 16, 2005 meeting were unanimously approved with an amendment on page 1 noting Mr. Wilson as the Vice-Chairman instead of Ms. Phillips.

**OTHER PLANNING MATTERS**  
**Appeal to Planning Commission**

Mr. Lowe stated that BALC, Inc. would like to make an appeal to the Planning Commission. He asked Mr. Svoboda to report on this request.

Mr. Svoboda stated that it was his understanding that this request may be the first of its kind to be heard before this Commission. He added that the applicant would like to appeal the decision of the Zoning Official to have the road at the east end of Tanglewood Drive completed and accepted into the State Highway System before development can occur on the 4 existing lots. He added that the current sections of road in Country Meadows were included in the Secondary Road System of the County of Greene by a resolution of the Board of Supervisors dated November 6, 1982. He pointed out that on the east end of Tanglewood Drive, there are 4 existing lots (D17, D18, E18 and E19) that do not currently access the state maintained portion of that road. He noted that It is unclear from the information obtained whether or not this section was included in the resolution. He added that there are future phases of Country Meadows that will require interconnectivity to the existing roadways. He stated that interconnectivity and public roads would be required for future phases as prescribed within the transportation section of the comprehensive plan. He added that staff has concluded that making this "proposed access" a purely private access would hinder future interconnectivity. He stated that the applicant intends to construct single-family dwellings on each of these four (4) lots which are allowed by-right in this district. He added that the applicant has proposed in the "Declaration of Private Driveway Covenants, easements and restrictions for Country Meadows Lots 17 & 18 Block D, and Lots 18 & 19 Block E" that the proposed access to these lots would be provided by an easement until such time as the future phases would require access. He noted that the declaration states that the east portion of Tanglewood Drive in question would then become eligible for acceptance into the state highway system. He stated that staff is agreeable with the proposal but noted that any variation from the Subdivision Ordinance must be granted by the Planning Commission in accordance with Section 8-7 of the Subdivision Ordinance.

Mr. Lowe asked if this request would be heard by the Planning Commission only.

Mr. Svoboda stated that the Planning Commission would be the only body to hear the request.

There was discussion regarding the specific locations of the lots and the road while reviewing the sketch that was included in the information packet.

Bill Chisholm addressed the Commission. He stated that his father had developed the property in the 1980's and died before completing the project. He added that his mother

has since sold the construction business and that he is now interested in completing the project himself. He added that he plans on increasing the lot size from the originally planned 0.5 acre lots to 1.0-2.0 acre lots. He noted that he realizes that it will take some time and that he does want to complete Tanglewood Drive.

Mr. Lowe asked if the four (4) lots in question are the only recorded lots shown on the sketch.

Mr. Chisholm stated that these four (4) lots are recorded and the other lots shown are simply conceptual at this point.

There was discussion regarding the road and its serving these four (4) lots only.

Mr. Lowe summarized that the portion of Tanglewood Drive in question will be serving only lots D17, D18, E18, and E19.

Mr. Svoboda agreed.

Mr. Wilson asked how the property beyond the area in question would be processed.

Mr. Svoboda stated that the property beyond this area would be submitted as a new submittal and come to the Commission for preliminary plat review.

Mr. Skeens asked if the state would be constructing or maintaining that portion of the road.

Mr. Chisholm stated that the homeowners will maintain that portion of the road until it is adopted into the VDOT system.

Mr. Skeens made a motion to overturn the Zoning Official's decision regarding BALC, Inc. / Country Meadows (PCA#05-001) in accordance with Section 8-7 of the Greene County Subdivision Ordinance for the following reasons:

Due to the "*peculiar or special situation*" that exists in this specific case, it serves the "*public interest*" to assure interconnectivity for future development.

The following conditions shall be met to ensure the public's interest:

1. Approval of the "Declaration of Private Driveway Covenants, easements and restrictions for Country Meadows Lots 17 & 18 Block D, and Lots 18 & 19 Block E" by the County and recorded in the Greene County Clerk's Office,
2. The road plans for the "private" extension of Tanglewood Drive shall be approved by the County Engineer, and

3. The applicant will bond or build the road prior to the issuance of a building permit on lot 17 or 18 Block D, or Lot 18 or 19 Block E.

Mr. Wilson seconded the motion.

The vote was taken.

AYE

Mr. Wilson  
Mr. Skeens  
Mr. Lowe

NAY

The motion carried by a unanimous vote.

**Hazard Mitigation Plan**

Mr. Lowe introduced Chris Gensic, Thomas Jefferson Planning District Commission, who is involved in the preparation of the county's Hazard Mitigation Plan.

Mr. Gensic stated that the purpose of the plan is to take action in advance of hazards. He added that adopting the plan allows the county to qualify for public funding. He noted that FEMA requires that the plan be in place in order to qualify for funding. He pointed out that floods, hurricanes, and winter storms are near the top of Greene County's list. He stated that the plan must be forwarded to the Board of Supervisors for approval.

Mr. Lowe asked if a public hearing would be necessary.

Mr. Gensic stated that it may be required as it is similar to the Comprehensive Plan.

Mr. Lowe asked if grants fund the items listed.

Mr. Gensic stated that grants do fund the listed items. He added that FEMA requires the plan to be in place in order to obtain funding. He asked the Commission to review the information and added that he would like to return in a month for any feedback.

Mr. Lowe asked if there was a deadline for plan approval.

Mr. Gensic stated that the TJPDC would like to go before the Board of Supervisors as soon as possible so that the process would be completed before September.

There was discussion on the plan and the listed items.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Secretary