

PLANNING COMMISSION
May 18, 2005

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, MAY 18, 2005, AT 7:30 pm IN THE COUNTY MEETING ROOM.

Those present were: Gary Lowe, Chairman
Brent Wilson, Vice-Chairman
Mike Skeens, Member
Jim Davis, 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: J6 Developers/Francis Eways
Rezoning Request #05-160**

Mr. Lowe read the request: J6 Developers, LLC/Francis & Pearl Eways request a rezoning from R-1 to PUD (Planned Unit Development) on a 13.16 acre tract and a 13.25 acre tract located on Spotswood Trail and Moore Road and identified on County Tax Maps as 60-(10)-1, 1A, 3, 4, 5, 6, 6A, 7, 8, & 9 and 60-(A)-34. (RZ#05-160)

Mr. Lowe reminded those in attendance of the public hearing process and asked that public comments be limited to three minutes if possible.

Mr. Svoboda gave a report and presentation describing the request. He stated that the parcels total 26.4 acres noting that the proposed use would be a mixed-use residential and commercial. He added that public water and public sewer would be available but explained that the type, number, and usage would dictate the required upgrades. He described that proposed development as consisting of 4 office/retail buildings, 34 blocks of townhouses, and 9 single-family units. He stated that there is frontage on Moore Road and Route 33 and that access is proposed from Moore Road (SR 645) to Route 29 in order to accommodate the commercial and townhouse development. He noted that the 9 single family units retain access on Eastview Road and do not connect to Moore Road. He pointed out that the proposed connector road will help to alleviate congestion westbound at the Route 33/29 intersection. He explained that the proposed offices would be supported by the Comprehensive Plan and would be a better use than a large commercial proposal in that area. He added that the proposed use may require that sidewalks be incorporated into the development noting that the character of the development fits that area. He stated that

this development will partially accommodate the demand for this type of housing and office space within the growth area and also make an appropriate transition from commercial to single family residential development. He added that the connection to Route 29 promotes the concept of a loop road around the Route 33/29 intersection. He added that planning staff recommends approval of this application based upon support existing in the comprehensive plan, noting that the applicant has not submitted any proffers at this time.

Fraidoon Hovaizi, of J6 Developers, addressed the Commission and thanks them for their time. He stated that he is an economist and gave his work history and references. He stated that destiny brought him and his family to this area and that he is pleased to be here. He stated that they plan to have a commercial/residential development but want to cooperate with the county and their grand plan for development in the county. He added that six acres would be commercial and the remainder would be residential for single-family homes and townhouses. He noted that they have drawn 34 blocks of townhouses but will not be certain if there will be that many until hearing from the engineer. He added that the single-family component currently exists as Eastview Subdivision. He pointed out that it is only a matter of time before the area is developed and that he would like to work with the county on this project to fit the county's needs and be conscientious of environmental issues. He stated that they will be consulting with county officials to be helpful in the community and make the neighbors very pleased. He assured the county and those present that they have the best possible development in mind for the area. He stated that he has spoken with a developer from Glenmore who has agreed to participate in the construction of the project. He noted that there will be a nice environment, nice homes, and a better neighborhood. He added that the road would be a major contribution to the county and that he had spoken with VDOT about the connector road and that it would depressurize the Route 29/33 intersection. He noted that Mr. Eways offered the property to be used for the beginning of that road.

Frank Eways addressed the Commission. He stated that the thought he had the support of his neighbors but realized that he was wrong. He added that has met with VDOT and Larry Hall to discuss the connector road and that he has donated the 25' right-of-way for the road to be built near Route 29. He noted that Mr. Hall is willing to work on the road project as well. He pointed out that it seems that the commercial space of this project is scaring everyone and explained that he is trying to get some professional offices there such as doctor offices, etc. He stated that he believed that the project would be good for the county.

The public hearing was opened.

Sal Milione, resident of Pinewood Court, addressed the Commission and voiced his opposition to the request due to the appearance of spot zoning and the effect on the school system. He added that Lynn Clements referred to the townhouses as apartments in the Rapidan Service Authority letter. He stated that he is circulating a petition against the request to be presented in the future. He added that the county is not ready for this type of

in-depth development and asked the Commission to delay their decision.

Mr. Lowe clarified that the Planning Commission will make a recommendation to the Board of Supervisors who will make the final decision on the request. He explained that the community will have many opportunities to voice their opinions.

Tracey Wingfield, adjoining property owner, addressed the Commission voicing her opposition to the request due to the effect that the road will have on the community. She asked the Commission to defer the request.

Debby Sillett, Moore Road resident, addressed the Commission voicing her opposition to the request due to the effect that the traffic will have on the community.

Thomas Sillett, Moore Road resident, addressed the Commission voicing his opposition to the request due to the massive undertaking that the project will involve.

Carolyn Silman, Moore Road resident, addressed the Commission voicing her opposition to the request due to the effect that the project will have on the community and the school system.

Sada Crismond, Pinewood Court resident, addressed the Commission voicing her opposition to the request.

Paul Crismond, Pinewood Court resident, addressed the Commission voicing his opposition to the request due to the potential traffic congestion on Route 33 and the potential water usage in the community. He added that sewer availability is not advantageous if the cost of hook-up is too great.

Richard Hodkinson, Moore Road resident, addressed the Commission voicing his opposition to the request agreeing with Mr. Crismond's statements. He stated that he understands their desire for development in the area but believed that more information is needed.

Bill Purcell, of the Ruckersville Volunteer Fire Department, addressed the Commission. He stated that the fire department has no opinion on the request but had some concerns in regard to emergency access, fire hydrants, street widths, radiant heat separations, parking, fire lanes, and water supply.

Carl Schmitt addressed the Commission stating that he had submitted a memo regarding the request. He stated that the PUD district is relatively new and that the submittal for the request seemed woefully inadequate according to the zoning ordinance. He added that he did not believe that there is enough information to make a reasonable judgment at this time.

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

Mr. Wilson stated that he shares the concerns of the public in that there is not enough data submitted. He asked how many residential units there would be.

Mr. Eways stated that the maximum is eight (8) per acre which would be 160 units.

There was discussion on the number of units to be constructed.

Mr. Hovaizi stated that there would be the previously approved nine (9) single-family dwellings and the proposed 151 townhouses, nothing that they are not apartments.

Mr. Wilson asked Mr. Svoboda how many single-family dwellings would be allowed by-right on a 26 acre parcel.

Mr. Svoboda explained that the density would depend upon water and sewer availability and whether the proposal would be considered clustered or not.

Mr. Svoboda determined that there would be six (6) acres of commercial property and the remaining twenty (20) acres would allow 43 single family dwellings with no clustering and 85 with clustering.

There was a discussion on the allowed density.

Mr. Wilson asked if there was any impact information available.

There was discussion on the number of bedrooms in the townhouses and the effect of children on the school system.

Mr. Hovaizi stated that they anticipate three bedrooms in the townhouses and the single-family dwellings.

Mr. Wilson asked if the 0.4 children per unit estimate was based on current housing estimates.

Mr. Hovaizi stated that it is a current figure.

Mr. Wilson supposed that 0.4 children per unit is a low estimate.

There was discussion on the figures used for the information.

Mr. Wilson stated that there may be a risk that the dense housing could lead to a drain on the county. He added that the nine single-family dwellings are valued at \$400,000 each.

Mr. Hovaizi stated that they are 2,600 sq. ft. homes that are comparable to others in the

area.

Mr. Wilson asked if the comparable homes are in Ruckersville or elsewhere.

Mr. Hovaizi stated that they are comparable to the homes in Willow Creek which are valued at \$400,000 as well.

There was discussion on housing values in the area and the market demand.

Mr. Wilson asked how many stories the townhouses would be.

Mr. Hovaizi stated that there would be a basement and two (2) floors.

Mr. Wilson asked how much rent would be charged.

Mr. Hovaizi stated that the townhouses will not be rented, adding that they will be for sale.

Mr. Wilson asked what the selling price would be for the townhouses.

Mr. Hovaizi stated that they will sell for \$250,000-\$270,000 noting that there should be a good market for this type of housing.

Mr. Wilson asked what the layout would be.

Mr. Hovaizi stated that each townhouse would be 2 stories and a basement.

Mr. Skeens asked how many parking spaces would be allotted for each unit.

Mr. Eways stated that the road issues would be completed according to VDOT standards.

Mr. Hovaizi stated that the requirement is 1 ½ spaces per unit but added that they will be providing 2 parking spaces per unit.

Mr. Skeens pointed out that there is only one access and asked if there was any thought of adding another access.

Mr. Hovaizi stated that Moore Road and Route 33 does not connect at this time but added that when Route 33 allows for more traffic there may be the opportunity for connection.

Mr. Davis stated that there are no written proffers submitted with the application. He noted that the applicant is only required to provide 1 ½ parking spaces and may have 160 units. He noted that the applicant has stated that he is willing to provide 2 spaces and construct 151 units but added that nothing has been proffered in writing.

Mr. Eways stated that in the past he had planned a single-family development in this area which would face the same traffic issues. He added that he thought the proposed plan would be a good idea.

Mr. Davis asked if the commercial area would be office space.

Mr. Eways stated that he had a professional office park in mind which would have nice grounds, parking, etc.

Mr. Davis asked if there would be any commercial uses.

Mr. Eways stated that it is not his intention to have commercial uses.

Mr. Lowe asked if the commercial area would be for lease or sale.

Mr. Eways stated that he would continue to own the property and the building and would lease out the office space.

Mr. Lowe stated that Mr. Eways intentions are noble but that there would be no guarantee should the property be sold, noting that these are the issues that are usually addressed by proffers.

Mr. Davis asked why a PUD was considered instead of a Business district. He added that he envisions the PUD to be a community-type area.

Mr. Svoboda explained that the commercial component would support the residential area.

Mr. Davis stated that there is nothing to tie the commercial development to the residential development in regard to phasing.

Mr. Eways stated that they plan the development in three (3) phases and would like to see the commercial area constructed first.

There was discussion on the phasing of the development.

Mr. Davis asked how the connector road would help the area.

Mr. Eways stated that the connector road would alleviate the tie-ups at the intersection.

There was discussion on the connector road.

Mr. Davis stated that he shares the concern regarding the number of children and their impact on the school system.

Mr. Lowe asked if low-impact development techniques will be used during development.

Mr. Hovaizi stated that they are studying how water would best be conserved during development of the site.

Mr. Lowe asked about stormwater management, etc.

Mr. Hovaizi stated that those issues are being discussed with Tom Muncaster and that they plan to meet with him again to begin working on the project.

Mr. Lowe asked if a traffic study had been performed.

Mr. Hovaizi stated that he had spoken with Mr. Proctor and that they are waiting on the traffic study.

Mr. Lowe stated that the Commission would like to have seen that kind of information tonight.

There was discussion on the traffic study and traffic issues.

Mr. Lowe stated that he would find it hard to support the request with the lack of information.

Mr. Hovaizi stated that he wanted to satisfy the Commission's concerns as well as those of the community. He added that he thought that the application requirements had been met.

Mr. Wilson made a motion to defer RZ#05-160 due to the following:

1. the lack of reports from VDOT and Fire & Rescue,
2. the lack of written agreements with Mr. Hall to crossover and the donation of the land,
3. suggest working with staff to go over the specifics of what is needed and to see what proffers might be able to be identified, and
4. tie the development in ratio commercially and residentially.

Mr. Davis seconded the motion.

The vote was taken.

AYE

Mr. Davis

Mr. Wilson

Mr. Skeens

Mr. Lowe

NAY

The motion carried by a unanimous vote.

There was a five-minute break.

**PUBLIC HEARING: Jesse Leigh/Brenda McDaniel
Special Use Permit Request #05-737**

Mr. Lowe read the request: Brenda McDaniel/Jesse Leigh request a special use permit for a manufactured home on a 1.00 acre tract, which is zoned A-1, located on Middle River Road and identified on County Tax Maps as 14-(A)-20. (SUP#05-737)

Mr. Svoboda gave a staff report and presentation. He stated that the request is for a medical hardship for a manufactured home on this parcel which has an existing home on it. He added that the site is not served by public water or public sewer. He stated that the special use permit is being requested so that Mr. Leigh's daughter and her family can reside in the manufactured home while caring for him. He pointed out that the Comprehensive Plan contains little in regard to these types of requests, although the parcel is designated as being in the Rapidan Preservation area on the Future Land Use Map. He added that the proposed use would create a non-conforming density on the parcel by allowing a second residence for the daughter and her family to reside in while caring for her father. He noted that the Health Department has indicated by letter that it would be unlikely that either an expansion of the existing septic and reserve field or an additional septic and reserve field could be installed given the size of the parcel and the 100 ft. setback requirement from the existing well. He stated that staff recommends approval of this application with the following conditions:

- 1) That adequate septic and reserve fields be located upon the property in accordance with Health Department regulations,
- 2) That the special permit is valid for three (3) years from the date of issuance of the Certificate of Occupancy, and
- 3) If the use, structure or activity for SUP#05-737 is not commenced within twelve (12) months after the approval date, this permit shall be deemed abandoned and become void. The term "commenced" shall mean starting lawful physical construction of any structure necessary to the use authorized by this permit.

Mr. Svoboda stated that some neighbors did voice concerns about the proposed entrance for the second residence and the lack of comments from VDOT.

The public hearing was opened.

Brenda McDaniel, Jesse Leigh's daughter, addressed the Commission. She stated that the new driveway would be located off of Liberty Loop not Middle River Road.

Jesse Leigh, applicant, agreed that the driveway would not be located on Middle River

Road.

Norm Slezak, adjoining property owner, addressed the Commission. He stated that his property is located directly across from the proposed manufactured home. He added that his input has only to do with a safety concern regarding his own driveway due to the right curve in the road and the proposed location of the manufactured home.

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

Mr. Davis asked if the applicant met the medical guidelines.

Mr. Svoboda stated that the guidelines have been met.

Mr. Davis asked if the manufactured home could be located on the property so that sight is not obstructed as mentioned by Mr. Slezak.

There was discussion on the setback requirements for the manufactured home on this non-conforming lot.

Mr. Svoboda reminded the Commission that the Health Department regulations may dictate the location of the manufactured home.

Mr. Lowe restated that the parcel is only one acre.

Mr. Svoboda stated that the location would be tight at best, noting that the Health Department letter states that the drain field locations would be highly unlikely.

Mr. Wilson stated that he is in favor of trying to help but added that he would also like to have the VDOT information in order to make a decision.

The Health Department regulations were discussed.

Mr. Skeens stated that he had no additional comments.

Mr. Lowe stated that he agreed that some agencies are not responding in a timely fashion.

Mr. Lowe asked what would happen to the manufactured home should the father improve.

Ms. McDaniel stated that it would be sold.

Mr. Lowe asked if it would be used as a rental unit.

Mr. Leigh stated an emphatic No.

Ms. McDaniel agreed that it would not be used as a rental.

There was discussion on the tracking and enforcement of hardship requests.

Mr. Davis made a motion to recommend approval of special use permit application #05-737 subject to the following conditions:

- 1) That adequate septic and reserve fields be located upon the property in accordance with Health Department regulations,
- 2) That the special permit is valid for three (3) years from the date of issuance of the Certificate of Occupancy,
- 3) If the use, structure or activity for SUP#05-737 is not commenced within twelve (12) months after the approval date, this permit shall be deemed abandoned and become void. The term "commenced" shall mean starting lawful physical construction of any structure necessary to the use authorized by this permit,
- 4) The manufactured home is not to be used as a rental unit, and
- 5) VDOT must approve the second entrance, and
- 6) The manufactured home shall be located so that sight distance is maximized regarding the curve on Middle River Road as deemed safe by staff.

Mr. Skeens seconded the motion.

The vote was taken.

AYE

NAY

Mr. Wilson (He explained that his Nay vote did not mean that he did not want the request to move forward but that he voted Nay due to the lack of information.)

Mr. Skeens
Mr. Davis
Mr. Lowe

The motion carried by a 3-1 vote.

OLD/NEW BUSINESS

Mr. Svoboda stated that a memo regarding Hardship requests was included in the Commission information packet. He added that the department is still receiving feedback on the issue. He suggested that the Commission review the information and plan to hold a work session when all of the information has been received.

Mr. Lowe asked about the status of the Capital Improvements Plan (CIP).

Mr. Svoboda stated that information is still needed from some agencies/departments and noted that he would like to get advice from the Board of Supervisors and the County Administrator as to the timetable for the CIP.

Mr. Lowe asked about the status of the Hazard Mitigation Plan.

Mr. Svoboda stated that the Hazard Mitigation Plan needs to be prioritized before being adopted. He added that the County Administrator is currently reviewing the plan to see how the prioritizing should be performed.

Mr. Davis asked if financial impact information had been requested in conjunction with the Hardship research.

Mr. Svoboda stated that the first research request was for how hardships are handled and the second research request was for impact information.

There was discussion on the Hardship research information and what information is still needed.

Mr. Svoboda stated that he hoped to have the research completed for the July meeting. He added that there were no requests to be heard in June.

Mr. Wilson asked if the rezoning request from tonight would need to be heard as a public hearing when the additional information is submitted.

Mr. Lowe stated that there is no requirement for an additional public hearing but added that due to the public concern on the issue, he thought holding another public hearing would be a good idea.

The need for another public hearing was discussed, and it was determined that another public hearing should be scheduled once the additional information is submitted.

Mr. Wilson asked for an update on the Planning Department staffing situation.

Mr. Lowe asked Mr. Cox to comment.

Mr. Cox stated that the situation is being worked on by the Board of Supervisors and the County Administrator.

Mr. Cox also stated that the Hardship request being reviewed tonight was well documented and that he would have no problem reviewing requests when documented so well.

APPROVAL OF MINUTES

The minutes of the April 20, 2005 meeting were unanimously approved as submitted.

OTHER PLANNING MATTERS

There were no other planning matters.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary