

**PLANNING COMMISSION**  
**October 19, 2005**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, OCTOBER 19, 2005, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were: Gary Lowe, Chairman  
Brent Wilson, Vice-Chairman  
Jim Davis, Member  
Mike Skeens, Member  
Davis Lamb, Member  
Mickey Cox, Ex-officio Member  
Bart Svoboda, Zoning Administrator  
Kelly Clay, Secretary

The chairman called the meeting to order.

Mr. Lowe welcomed everyone to the meeting.

Mr. Lowe said that J6 Developers, LLC/Francis & Pearl Eways had deferred until the November meeting.

**PUBLIC HEARING: Meadows/Collier Request – Re-zoning (RZ#05-166)**

Mr. Lowe read the request: William & Betty Meadows/Mildred Collier request a re-zoning from R-1, Residential, to B-3, Business, on a portion of a 3.216 acre tract located on Moore Road and Seminole Trail and identified on County Tax Maps as 60C-(A)-7. (RZ#05-166)

Mr. Lowe explained the process for the public hearing with staff giving a report then the applicant will have time to give comments. It then will be opened to the public. Anyone wishing to speak come forward and state their name. When the public has finished speaking it will then be closed to the public and the Commission will then proceed with the meeting.

Mr. Lowe asked Mr. Svoboda to give the staff report.

Mr. Svoboda presented an overhead presentation to re-zone RZ#05-166. He said that this was a request for a re-zoning from R-1, Residential to B-3 Business portion of a 3.216 acre tract located on Moore Road and Seminole Trail. He said this is portioned between Rt 29 and Moore Road. He said that it does not cross to the east side of Moore Road. He pointed out geographical areas on the overhead presentation showing zoning lines, the roads and north of Rt. 29 and the commercial side of the property. He said the area in which we are talking about is zoned commercial retail in the Comprehensive Plan. He said that we have received feedback from VDOT in regards to the entrances which appear to be a site plan issue and appears to be easy to work with. He said that staff recommendation is to support the rezoning proposal based on the Comprehensive Plan and that it does boost our commercial area.

Mr. Lowe asked the applicant to approach the mike and add any comments.

Mr. Jay Meadows approached the Commission and stated that he is President of Meadow Farms Nursery. He brought along pictures that he will leave with Mr. Svoboda. He said that they are a traditional retail nursery/garden center for maintaining a heavy mixture of greens, plants, and lawn and garden accessories such as mulch, fertilizer and top soil. He stated that they do not sell power equipment or storage sheds that they are much more a traditional lawn/garden center. He stated that they have been in business since 1961 and they are a family owned and operated business. He pointed out that his parents/owners Bill and Betty Meadows are present here tonight. Mr. Meadows said that they are leaders in the industry and feel they could do a fine job in servicing the needs of Greene County. He said that they have 21 retail nurseries in the broad area of Washington, D.C. He said that the closest one to Greene County would be in Culpeper County and Spotsylvania County. He said that they hire locally, with staff both full time adult help and teenagers part time for seasonal sales. Mr. Meadows asked for questions and Mr. Lowe advised that questions would be addressed at the hearing.

The chairman opened the public hearing.

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

Mr. Davis asked what existed where the Greene Houses are and it was pointed out on the overhead presentation.

Mr. Svoboda said that there is nothing there now.

Mr. Davis asked about the property below (Virginia Oil) and it was pointed out on the overhead presentation.

Mr. Svoboda said that that is a vacant parcel.

Mr. Davis asked what that was zoned.

Mr. Svoboda said that it was zoned B-3. Mr. Svoboda said that this (pointed on overhead) was about 3-4 parcels from the corner.

Mr. Davis asked what was to the left using the overhead presentation.

Mr. Svoboda said that was the Haney's and it also is zoned business. He said that there is information on the property in each packet of the property that the Planning Commission received.

Mr. Davis asked about the property across the street.

Mr. Svoboda said this property is zoned residential.

Mr. Davis asked if there are houses there now.

Mr. Svoboda said that there are some houses there now – pointing out on the overhead.

Mr. Davis said that he is interested in B-3 because they can do their nursery by rights.

Mr. Svoboda said that was correct.

Mr. Davis asked the applicant what the volume of the business will be. He asked if the applicant could tell from the other businesses.

Mr. Meadows said that the total volume of business is \$56 million a year. He said that they are averaging \$2.5 million a year per location. He said that he understands that he will start off slow because he will need to build a name in the county and he hopes to build quickly to generate business.

Mr. Davis asked the applicant about the traffic.

Mr. Meadows said that he really could not comment, other than to explain that they are weekend oriented spread out throughout the day.

Mr. Davis asked the applicant if he had entrances off of Moore Road and Rte. 29.

Mr. Svoboda pointed out that these are in only and this is a VDOT recommendation. VDOT has recommended comments that we go to one or two entrances (pointing this out on the overhead).

Mr. Meadows said that VDOT did not like the middle entrance.

Mr. Davis asked if it is typical for a nursery like this to have green houses along with retail.

Mr. Meadows said yes. Mr. Meadows described the green houses that they are simple coal frames. He said they are not heated and are poly structured to give the early season plants temperature protection.

Mr. Svoboda said that the closest semi local example would be Eltzroth & Thompson Greenhouses.

Mr. Meadows said that his pictures that he brought tonight would show the type of nursery he is planning.

Mr. Davis asked to clarify that Thomas Jefferson Health Department said that they assumed public sewer but RSA said that it was not available.

Mr. Svoboda said that RSA said they would only guarantee hook-ups with a purchase of an EDU. He said it is there but with the amount of development they are seeing, they will only guarantee it with the purchase of an EDU.

Mr. Davis asked the applicant if he wanted public sewer.

Mr. Meadows said that it was not mandatory, there is existing septic there. Mr. Meadows asked Mr. Svoboda to explain the EDU due to the fact that he was not familiar with it.

Mr. Svoboda explained what was meant by the purchase of an EDU. He said that it was an Equivalent Dwelling Unit and he explained to Mr. Meadows that he is basically paying to hook up to the sewer. He pointed out on the overhead an area that does not have a sewer line and that Mr. Meadows is not required to hook up to it.

Mr. Davis asked the applicant what he does during off season.

Mr. Meadows said that they do close 6 weeks out of the year from January 1<sup>st</sup> to the middle of February, outside that he said that they are open 7 days a week.

Mr. Lamb asked if the well that was presently there now be efficient enough to accommodate.

Mr. Meadows said that he felt the well would not be enough to accommodate. He said that they would need to find enough water to water the inventory. He said that he believes there is availability to public water. He said that he needs 20 gallons of water to irrigate the inventory. He said that they practice as much conservation as they can using drip irrigation.

Mr. Lamb asked the applicant if the coal frames were visqueen.

Mr. Meadows said that they are poly.

Mr. Skeens said that he had water concerns. He asked if he thought additional wells would be needed to be put in.

Mr. Svoboda said that he thought the applicant would be required to hook-up because there is public water.

Mr. Skeens asked who would be responsible for the roads.

Mr. Svoboda pointed out the internal roads and said the applicant would be responsible.

Mr. Skeens then asked who would be responsible for the entrances.

Mr. Svoboda said that Mr. Meadows would be responsible as part of his site plan approval and any improvements required by VDOT.

Mr. Wilson asked Mr. Svoboda about the right turn in off of 29 to the property.

Mr. Svoboda said that this is a right turn in only.

Mr. Wilson asked where you exit the property.

Mr. Svoboda pointed out on the overhead that you exit off Moore Road.

Mr. Wilson asked if you will come out of the entrance that is further north.

Mr. Svoboda said that he thought VDOT requested that the center entrance be closed for sure and prefer two or even one.

Mr. Meadows said that after meeting with VDOT the entrance in the lower area of the overhead presentation would be the easiest to deal with.

Mr. Wilson asked about the entrance in the middle of the property.

Mr. Meadows said the entrance in the middle of the property is not a good site.

Mr. Wilson asked where the exit would be for the traffic flow.

Mr. Meadows said that he will continue to work on one in each corner. The lower end works nicely and the other one may require attention.

Mr. Wilson said that he thought most of the traffic would go southbound to Rt. 33 and back out to Rt. 29.

Mr. Svoboda said that he thought that is what VDOT wanted to they could regulate with lights.

Mr. Wilson said that he is fearful of having two exists that compete against each other for traffic flow. He asked if VDOT was concerned that they needed two, or one would suffice for the volume.

Mr. Svoboda said that depending on the size, VDOT said one would suffice but two was ok under their regulations.

Mr. Wilson asked the applicant what he would normally do with an issue like this by having a one way only entrance. He asked if any of the applicant's locations have set ups like this.

Mr. Meadows said that his other locations have entrances on one side of the property and an exit on the other side of the property. He said that he doesn't have any other location

set up like this where you enter on the front and exiting on the back.

Mr. Wilson asked the applicant where he had separate exits.

Mr. Meadows said he has one exit.

Mr. Wilson asked if one will suffice.

Mr. Meadows said yes that it would.

Mr. Wilson asked Mr. Meadows what would be his plan or thoughts.

Mr. Meadows said that he would prefer to have two exits. The complication with the exit at the top has to do with site lines.

Mr. Wilson asked Mr. Meadows if there were any comments from neighbors across the street from the property.

Mr. Meadows said that he had sent letters and stopped by and spoke with several neighbors and they were very welcoming. He found only one concern from one neighbor and that was the blocking of the view of the mountains.

Mr. Wilson asked the applicant if the office structure would be a nursery display and in the far back of the property. He asked about the grided building on the overhead.

Mr. Meadows said that is the garden center.

Mr. Davis asked if this existed.

Mr. Meadows said that it did.

Mr. Wilson asked what the nursery displays fronting Rt. 29 would look like and were these the structures that Mr. Meadows was discussing with the other commissioners.

Mr. Meadows pointed on the overhead the structures.

Mr. Svoboda pointed out the greenhouses on the overhead.

Mr. Wilson asked about the overhead showing the nursery display and if this was plants outside.

Mr. Meadows said that was correct and that this could be seen in the pictures he brought tonight. He said that he runs a very neat and clean operation.

Mr. Wilson asked if plants only are left outside overnight, or if any equipment and if Mr.

Meadows has equipment around to help move the inventory and what type of equipment he has to use and what his plans are to store the equipment.

Mr. Meadows said that they have a delivery truck, 3 F350 truck and a skid loader.

Mr. Wilson asked where they would be kept after hours.

Mr. Meadow said the equipment would be kept in parking lots and behind the garden center. He said that he is flexible and like to have things secure.

Mr. Wilson said that he would like to have the appearance off Rt. 29 to look its best. He also asked about the winter season and if Christmas trees are present at the nursery.

Mr. Meadows said yes, there would be Christmas trees and greens.

Mr. Wilson asked about full time employees verses part time employees.

Mr. Meadows said that 5-10 full time employees and part times could get up to 15-20 hours a week.

Mr. Lowe asked Mr. Meadows what the hours of operation would be for the nursery.

Mr. Meadows said that during peak season the hours are 8-8:00 and currently there are operating 9-6:00.

Mr. Lowe asked if there would be outdoor lighting that would need to be provided.

Mr. Meadows said that only temporary lighting at Christmas.

Mr. Lowe asked to clarify the exit on Moore Road, if it is to serve as an entrance and an exit.

Mr. Meadows said that it will serve as an entrance and an exit.

Mr. Lowe asked about the construction of the entrance off of Rt. 29, that VDOT will require that it be constructed in a fashion that would prevent people from going back out that way.

Mr. Svoboda said that was correct.

Mr. Skeens asked if there would be any fencing.

Mr. Meadows said that it would. It will be used for security and traffic purposes. There would be a fence around the outside of the property and the inside of the property as well.

Mr. Skeens asked what type of fencing would be used.

Mr. Meadows said that a chain link fence would be used.

Mr. Lowe asked for a motion.

Mr. Wilson made a motion to recommend approval of re-zoning of RZ#05-166.

Mr. Skeens seconded the motion.

A vote was taken.

AYE

Jim Davis  
Davis Lamb  
Mike Skeens  
Brent Wilson  
Gary Lowe

The motion carried by a unanimous vote.

The Planning Commission recommended approval and to proceed on to the Board of Supervisors.

**PUBLIC HEARING: John & Robin Silke-RZ#05-167**

Mr. Lowe read the request. John & Robert Silke request a re-zoning from A-1, Agriculture, to B-2, Business, on a 1.64 acre tract located on Spotswood Trail and identified on County Tax Maps as 60C-(3)-1.

Mr. Lowe asked Mr. Svoboda to give a staff report.

Mr. Svoboda read RZ#05-167 request to re-zone the Greenhouse Shops on the corner of Rt. 29 and 33. He said the zoning will bring the property from an A-1 designation up to a B-2 and match its current use. He said there are no changes in the use proposal or parking proposal. He said this is basically an update to match what is in the Comprehensive Plan and where our use exists on that parcel. He said that staff recommends approval of the application. He said it is consistent with the Comprehensive Plan and the current land use map.

Mr. Lowe asked the applicant to come forward to address any concerns or comments he may have.

Mr. John Silke came forward and said that he is the owner and operator of the

Greenhouse Shops in Ruckersville. He said that he is here to ask the Planning Commission to approve the re-zoning from A-1, Agricultural to B-2, Business.

Mr. Lowe closed the public hearing due to no signatures on the sign-up sheet for comments.

Mr. Skeens commented on the recommendation to close the closest entrance to Rt. 29. He said there are two entrances and wanted to know what the plans were to improve it by closing it or what the possibilities may be.

Mr. Svoboda said that this was not offered but VDOT recommends not to interfere with the entrance if there are no changes in the use of the property. He said if there were additional buildings or parking lots then we would have to look at closing that entrance.

Mr. Wilson asked if the entrance in question is the entrance that services the music store or one farther west.

Mr. Svoboda said it would be the one farther. The music store has one and the Greenhouse Shops has two.

Mr. Wilson asked if there were then three entrances.

Mr. Svoboda said that there were three and that when we look at development on the corner we need to watch the interconnectivity.

Mr. Wilson asked the applicant the reason for zoning the property B-2 other than it fits the Comprehensive Plan. He asked the applicant if there was any other intended use for the property.

Mr. Silke said there were no other intentions of use. He purchased the property two years ago and said that he has done a lot of improvements such as new sewer and water hook-up. He said the re-zoning would make it easier for business.

Mr. Wilson asked the benefit of re-zoning.

Mr. Silke said that banks do not like zoning A-1.

Mr. Wilson asked if there would be any plans to do anything different other than what the property is currently being used for. He asked if there is no additional by-right in B-2 that the applicant is contemplating in changing the use of the property.

Mr. Silke said there would be no changes.

Mr. Lamb had no questions.

Mr. Davis had no questions.

Mr. Lowe asked if the entrance would be addressed with a site plan improvement.

Mr. Svoboda said yes. He said if there was a change of use then a different look would be taken.

Mr. Lowe said that would be administrative.

Mr. Svoboda said yes. He said that we would run it through the same process as a site plan. He said we would get the approvals and VDOT comments.

Mr. Silke said he has been there 2 years and there have been no fender benders or accident on that corner. He said the grass is cut once a week on every Friday and there is good visibility.

Mr. Lowe asked if there were any comments or questions and if not he is looking for a motion.

Mr. Skeens made a motion to recommend approval of re-zoning RZ#05-167.

Mr. Lamb seconded the motion.

The vote was taken.

### AYE

Brent Wilson  
Mike Skeens  
Jim Davis  
Davis Lamb  
Gary Lowe

### **OLD/NEW BUSINESS**

Mr. Lowe read the request: Deer Field, LC/The Carrington Company/Frank A. Thomas, III, Esq./Shadrach, LLC/Artery Development company, LLC requests a re-zoning from B-1, B-2, & B-3, Business, and R-2, Residential, to Planned Unit Development, PUD, on portions or all of a 40.00 acre tract, a 6.72 acre tract, a 1.04 acre tract, and a 1.07 acre tract located on Seminole Trail/Cedar Grove Road/Buck Drive and identified on County Tax Maps as 66-(A)-6, 6B, 6C, & 8B. (RZ#05-164)

Mr. Lowe said that this is not a required public hearing because the requirement has been met, but will allow the public to speak. He said anyone wishing to speak, to please sign the sign-up sheet.

Mr. Lowe asked Mr. Svoboda to give a staff report.

Mr. Svoboda said this is re-zoning RZ#05-164. He said that staff does not have an additional report but has additional information that the applicant has brought in. He said that the area shown in question shows that has been changed from residential proposed back to commercial. Mr. Svoboda pointed out several zoning areas on the submitted drawing. He said that the drawing submitted last month showed 205 townhouse units proposed, 64,000 square feet of commercial and the current proposal is to go to 181 units of residential putting the area pointed out on the drawing up to about 87,000 square feet of commercial. He said that there were proffers that had been submitted and the applicant is here and could answer any questions. Mr. Svoboda showed several drawings of the original proposal. He said that some of this information stems from a meeting with the applicant on Thursday 10/13/2005 discussing trying to expand some of the commercial area that was proposed to be residential.

Mr. Lowe asked if the applicant would step forward for comments.

Mr. Michael Lambert with Artery Development thanked the commission for allowing him to return to present his plans. He said that Artery Development has good things to add to the community. He said since the last meeting he has had the opportunity to meet with staff and members of the Planning Commission to review and revise the plan based on the discussion that occurred since the last meeting. Mr. Lambert said there had been a change to the plan to remove approximately 24 residential townhouses units. He said that the property has been converted to create 25,000 square feet of commercial space which is approximately 2.5 acres in addition to the 8 acres already being offered. He said this makes it 10.5-11 acres of commercial property. He said that this plan offers 191 townhouses and 87,000 square feet of commercial uses. Mr. Lambert said that he has also prepared a proffer statement. He said that he feels this proffer statement to be beneficial to Greene County. He said what they propose to proffer is a general development plan. He said that they will include the concept development plan as a proffer plan so he will build this in general conformance as long as it can be done in subdivision guidelines during our preliminary engineering and final construction plans. He said this is a proffer plan and said that basically what you see is what you get. He said that in the proffer plan what Artery Development plans and proposes is what was not touched on at the last meeting in great detail and discussion is some of the transportation issues that he plans to rectify in the general area of Ruckersville. He said that Greene County has a road alignment in general conformance with this to relieve traffic on Cedar Grove and Buck Drive and get people in and out of Food Lion. He said what Artery Development proposes at this time is when a traffic study is done is to put in a traffic light and that Artery has proffered this in at their expense. He said that he estimates the traffic light for various uses for the expansion of the roadway in and out of Buck Drive. He said that Artery Development estimates this cost to be \$375,000.00. Mr. Lambert said that Artery has listened and

heard from the Planning Commission members with concerns in regards to the schools. He said that they have proffered to contribute \$2,000.00 per dwelling unit toward the school for the Board of Supervisors to designate the use of the funds. He said that Artery Development has also provided \$250.00 for fire and rescue services. He said that the last time he was here they heard various needs from different civic organizations speaking on the CIP and their needs so he felt the fire and rescue was one of the areas that Artery could contribute to. He said what that equates to for contributions to the schools and fire and rescue is \$362,000 for the \$2,000 per dwelling unit and \$45,250 for the \$250.00. He said that they have offered to pre-purchase the sewer and water connections and believes that cost to be \$1,810,000 plus \$700,000 for the commercial taps into the community. He said that Artery Development realizes the County just put in the new sewage treatment plant and the finances needed to pay this back and he feels that it is important to get the funds to the County as soon as possible. He said that how they reached the calculation of \$1,810,000 is that Artery is already pre-purchasing 108 equivalent dwelling unit taps from the seller, Mrs. Reynolds. He said that Mrs. Reynolds and company and family were generous enough to support the sewage treatment plant several years ago by voluntarily purchasing these equivalent dwelling units and have held them and now would like for us to buy them from them and we are willing do so. He said that Artery also understands and have been cooperating with the County in regards to the right of way for the forest main and water line. He said there would be a change coming forth along Rt. 29 being that where an installation of a forest main and a water line. He said that Artery learned of the water main 2 months ago and have made accommodations for that. He said they had been asked they had been asked for right of way desiccation and easement to rent to the County so that you can cross the property and Artery is cooperating. He said that Artery should be executing those easement agreements on Friday or Monday as long as they are in accordance and are proffering those at no cost. Mr. Lambert said that they should be developing this property in a phasing development plan. He said what Artery intends to do is to construct 100 residential units in Phase 1 and prepare two commercial pad sites for commercial end users. He said that Phase 2 will not begin until Phase 1 is complete. He said that Phase 2 will begin when we complete the residential and finish the commercial pads.

Mr. Lowe thanked the applicant and opened the hearing for discussion. He said that we have four speakers on the sign-up sheet. He asked that the speakers limit their comments to 3 minutes.

Mr. Don Pamerter said that he is not against the plan but would like to express comments relative to the financial analysis that was included in the applicants last proposal. He said that he finds difficulty in three areas. He said the first is that the applicant used the tax rate of 84 cents per hundred which is legitimate and is correct because that is what the tax rate is today but that concludes that approximately 16 cents that is being set aside for a financial reserve for the County. Mr. Pamerter said that the financial reserve will meet the goal set by the Board of Supervisors. He said that the candidates for Board of Supervisors will reduce the 16 cents either in total or

part. He said that the calculation if you were to factor the lower amount taking out the 16 cents significantly changes the balance between the hypothetical case and the case put forward by the developer. He said that his second point was no consideration in the calculations to the capital cost of building a new school seat. He said that the approach that has been taken is to base it on the current debt service costs that were removed and then re-allocated back in. He said that the school system is at capacity and any new additional student incurs in effect the demand for an additional seat. He said that an additional seat have standards to meet depending on the type of school and will run \$20,000 per to seat to over \$30,000 per seat and that many of the schools in the area are going for significantly more. He said that if you use .6 kids per house that figure comes up to \$15,000 and not the \$2,000 mentioned here tonight. He said that his third concern is the other capital costs included in the CIP that is being put forth to the Board of Supervisors he would suggest that there would be additional cost of approximately \$166,000 per year that is implicit in the plan that was put forward.

Mr. Carl Schmitt addressed the Planning Commission. He said that he had comments written down before the change but feels that they are still relevant. He said that in the last 2 ½ years the County has seen 14 new residential developments approved in the future growth are for a total of 1,857 units. He said that in that same period seven new subdivisions have been placed on rural property outside the growth area with 115 units plus 124 additional units that were just cut out of individual lots. He said that all together that represents a residential unit increase of 2,096 units in the County just over 2 ½ years and that is almost 1/3 increase to what was there before. He said that he has been advised that a developer has purchased substantial property in the southeast quadrant of the County that is zoned R-1 where he could put 1,000 additional units on that property by right. He said that if you add that using simple math that is over 3,000 units at nearly a 50% increase in residential units. Mr. Schmitt said that he feels the County has done enough to put plenty of roof tops in Greene County for businesses and other purposes. He said that we don't need any more residential units on top of this particularly when you are removing land that is zoned for business and putting it in residential. Mr. Schmitt said that the Planning Commission may recall the action that the Planning Commission and the Board of Supervisors took to reject the request for a small property over off business 33 to make it residential, they refused that and it was re-zoned business and 3 weeks after that refusal, the property was purchased and the Virginia Company plus a tourist center was placed there. He said that if you hold to your business, it works. He said that there are some real questions about the revenue studies, the studies can always prove what you want them to but a study back in June showed that it takes a house valued at \$412,000 in order to pay for service costs to the County. He said that these houses are in the low \$200,000 so he feels there will be some real impact on existing tax payers to cover costs. He said with these being 3-4 bedroom homes that these are likely to attract younger families with a higher number of children than the average. He said that the applicant said these will be affordable housing. He said that the majority of the homes in the County are what will be categorized as affordable housing. He said that over half of the houses in the County are below \$140,000 in value. He said there has been a significant imbalance in the

range of house values in the County and that is beginning to change but only beginning to change. He said that as noted above, the \$400,000 home which pays for itself buys the \$200,000, the taxpayers are going to have to absorb that and he feels that the proffer amount will not applaud making that task proffer come anywhere close to covering what the costs will be. He said that the lower cost housing shifts the load of service costs to the existing tax payers and that is what is going on in the County and continues to go on and that is why the tax rate is what it is and when you continue to add more residential at the low end and the tax rate will increase.

Dan Curtner approached the Planning Commission and thanked the Commission for allowing him to speak. He said he would like to echo the second speaker (Carl Schmitt) for a well researched presentation. He said that he has been a resident of Greene County for 4 years and since he has been here he has noticed a noticeable increase of congestion in traffic and etc. He said that listening to the plan here and the last thing you need on 29 is another traffic light and continued congestion and growth on the corridor. Mr. Curtner said that he feels what is being done is re-creating all the problems of congestion, traffic and etc like what you have in Northern Virginia and you are transplanting it here to Greene County. He said that if you look at the entire corridor from Albemarle County to Greene County, we are sitting on top of each other in traffic and it is out of control and it is the last thing we need to do is to re-create that problem down here. Mr. Curtner said what made Greene County attractive to a lot of folks is its rural nature and he feels that nature is being destroyed by this over development. He said that this is going to degrade the overall quality of life in the County.

Mr. Lowe closed the Public Hearing and opened it up to the Commission.

Mr. Wilson said that it is very difficult with a last minute document that's substantial to comprehend the impact of it. He said that he could read quickly but the applicant has changed the number of housing units and he said he doesn't have an updated financial impact analysis that reflects that change. He said that he just can't do on the spot financial analysis any justice to the residents of Greene County. He said that he could ask questions but feels that they would not serve well tonight. He said that he applauds the effort the applicant on what they have done to conserve business area within the new development structure. He said the proffers are to be applauded. He said that he has difficulty recommending approval of something he doesn't understand the analysis. He said that he is a controller by nature and business person and needs to have those numbers in front of him and have time to analyze. He said that he defers any questions.

Mr. Skeen said that he defers any questions basically for the same reasons as Mr. Wilson. He said that he was looking for the proffers and that he didn't expect to get them as soon as he came in for tonight's meeting.

Mr. Lamb said that he had questions about the entrance at Buck Drive and the traffic light. He said that once this was developed that the crossover was to be closed. He

said that this was a right in, right out only and questioned if the light was still going to be installed.

Mr. Svoboda said currently VDOT has said that the crossover will close at Advance Auto and they are going to beef up Buck Drive. He said that Buck Drive will probably have a traffic light at some point in the future if the development comes in.

There was discussion using the overhead presentations in regards to the entrances and the crossover closing.

Mr. Davis asked who normally pays for traffic lights, is it a County or State cost.

Mr. Svoboda said that the County will probably absorb this cost with the County 6 year plan.

Mr. Lowe said that he thought this was one of the proposed proffers.

Mr. Wilson said that he thought this was an addition to what we normally do.

Mr. Svoboda said that as it was proposed in the proffers, you would save approximately \$380,000 out of the 6 year road plan.

Mr. Davis asked if the County pays 100%.

Mr. Svoboda said yes that it was money that we would get from the State.

Mr. Davis asked the meaning of the two commercial pad sites for end users.

Mr. Lambert said that this means the two pads will be prepared and ready for development and construction. He said that he cannot control end users.

Mr. Davis asked if there were any fire and water flow issues.

Mr. Lambert said that Artery is building roads and working on a traffic study. He said that they are working on the traffic problem that is in the Comprehensive Plan.

Mr. Davis said that that he echo's the disappointment in the last minute proffers.

There was discussion using the overhead about the current zoning.

Mr. Lambert said the current zoning is B-2.

Mr. Davis asked what the plans were for the existing house on the property now.

Mr. Lambert said that the house and the mobile homes would be removed.

Mr. Lowe said that he shared with his fellow commissioner's dilemma in receiving last minute information. He said that it makes it very difficult for the Planning Commission to make a decision not being able to view the new material presented. He said that he does commend the applicant for the road system that he has proposed. He said that goes along ways towards our interconnectivity and also trying to get depth to the Ruckersville area verses the linear development. Mr. Lowe said he liked the idea of extending Buck Drive through the traffic circle. He said that he also likes the concept of bringing the road in that feeds the shopping center. Mr. Lowe said that he also likes the concept of the PUD and that it is master planned. He said that he feels the applicant took into consideration of the comments made at the last meeting. He said that he is still struggling with reverting B-2 property back to a residential setting. He said that there are 31 acres total in B-1 and B-2, there being 24 in B-2 and 7 in B-1 and R-2 has 7 acres. Mr. Lowe said that there are 44 units correct by right in R-2 currently. Mr. Lowe asked Mr. Svoboda the procedure since the Planning Commission deferred and voted on this case last month.

Mr. Svoboda said that the applicant requested deferral.

Mr. Lambert said that this plan takes into consideration of building and the best for the community. He said that Artery and Mr. Gentry interviewed homeowners and found that their commentary is that they are resistant to commercial in their backyards. He said that this planned unit development is text book master planned. He said that it is a text book example of how you buffer residential to commercial uses. He said that they have heard from constituents who live here but unfortunately they were unable to come here tonight in support of the plan. He said this is a less impacted community development plan. He said that they have 47% open space. He said that Artery has done somewhat low impact development and kept in mind the exiting residents questions and comments.

Mr. Lowe asked Mr. Svoboda since the Commission voted to defer and the 60 days are up is the Planning Commission required to make a decision tonight.

Mr. Lambert said that he could request to defer.

Mr. Lowe said the applicant could voluntarily defer but action needed to be taken tonight by the Planning Commission.

Mr. Svoboda said that was correct.

Mr. Wilson asked if the applicant could defer as a final decision.

Mr. Lowe said the applicant can voluntarily defer and make preparation for the next packets to the Commission for the next meeting and hopefully act on it at the next meeting or act on it tonight and send it on to the Board of Supervisors in hopes that all

this information will be in their packets to avoid last minute information.

Mr. Lambert said he felt at this time he would like to ask for a 30 day deferral.

Mr. Lowe clarified that the applicant is voluntarily deferring. He said that the Commission will defer in hopes to having all the needed information at the next meeting.

Mr. Wilson asked that the applicants proffers state now a lower number of residential units and to make their fiscal impact tie apples to apples to those quantity of units. He said he unable to do the analysis not knowing which one to rely on. He said that he appreciates the applicants offer to defer.

Mr. Lowe asked if J6 Developers deferred.

Mr. Svoboda said that yes that they had sent in a letter requesting deferring until November.

## **APPROVAL OF MINUTES**

The minutes of the September 21, 2005 meeting were unanimously approved as submitted.

## **OTHER PLANNING MATTERS**

Mr. Lowe said the next item on the agenda is the final report on the Proffer Task Force and he will turn that over to Mr. Wilson, Chairman.

Mr. Wilson said that each Task Force members will have comments. He said that he feels it is important for everyone to understand why these people were asked to participate, why they wanted to and what their interests are in this study. He said there are 6 members including himself and Don Pamenter will give an update since the interim report.

Mr. Lowe asked if there was anyone from the public that would like to speak about this tonight.

Mr. Wilson said this will be the final report, the recommendation from the Proffer Task Force. He said that Don Pamenter will make the presentation.

Mr. Pamenter reviewed the attached final Proffer Task Force report dated 10/19/05.

Mr. Schmitt approached the Commission. He said that he served as Chairman of the Land Use Task Force for the Comprehensive Plan which started back in 2001 and the first thing they came across was cash proffers. He said we have had this issue on the books since then and they found that Stafford County back then was getting \$20,000 per new home.

He said he questions why we can't do this. He said this is so easy to understand and it does work. He said that the developer's do accept it in spite of the strangeness of the proffer system and it is voluntary. He said that the developers understand that this is the way business is going to be done and he said in talking to one of the builders who has been before the Planning Commission recently; the builder just wants to know what the Planning Commission really wants. He said the worse part is the not knowing what is needed and it can't be factored into what is going to be done. He said if they are told then they know what the ground rules are and then they can proceed forward. He said that is why he feels it has worked successfully like it has in other counties. He mentioned what happened in Goochland's tax rate and said that it was complex and you could not pin it down precisely. He said that he mentioned early about the growth and that in those 2 ½ years of growth there was 8 re-zoning developments for those developments totaling 1,311 units. He said if you do the math, then a \$6,000 proffer which is on the low end is equal to almost \$7,000,000 that we have lost by not having a cash proffer system in place. He said that he doesn't know how it may have worked out in detail but some of the things you could have litigated the proffer because of other considerations and he said that is all permissible within the proffer system. He said that he clearly seems given the circumstances the County is in and will continue to be in, in terms of future growth. Mr. Schmitt said that this is a win/win situation for the County to proceed and he recommends that the Planning Commission endorse this and hopes we can move forward rapidly with the Board and hire the consultants so that this can be put in place. He said he feel this will make a big difference for the future citizens in terms of their tax rates.

Mr. Jerry Gore approached the Commission. He said that when you hear Carl speak about when the Planning Commission started to look at cash proffers and then fast forward to where we are today and think about all the money that has slipped through our fingers. He said that because of that we stand here and we watch the reassessments on our tax rate go and go. He said that we watch the Board of Supervisors unwillingly to reduce the rate as the reassessments keep increasing. He said that he feels it is a travesty. He said that he thought it was time to shift the property tax burden to the developers of large tracts so that they begin to pay a fair share to support the infrastructure burden that their developments mandate that we have to have. He said that he doesn't understand how we cannot make this happen right away. He said that this plan spells out an accepted method of convincing developers to voluntarily accept this method as a fair means to calculate proffers. He said that proffers have been around long enough and have been done by enough communities. He said that there is a history of protest and difficulties and there are not that many of them and they seem to be acceptable. He said that Greene County's Administration has wasted away lead time and he said that aggravates him. He asked the Planning Commission for their help to move this forward and push it up the line quickly.

Mr. David Eddins approached the Commission. He said that he is speaking tonight on the Real Estate point of view. He said that the developers and land owners need to know what is going to be expected of them. He said it gives the developers the opportunity to factor in the cost of the proffers as early as when negotiating to purchase the property that is going to be developed. He said the costs are going to be spread throughout. He said

that if we know the cost of the land, the potential houses, the market value then it all can be factored in. Mr. Eddins said that end user, end buyer of the house is going to be paying for part of this but some of it will actually come out of what developers are willing to pay for the property. He said that the developers want to know what the Planning Commission wants from them. He said the developers don't want to guess what is expected from them and they also don't want to give up what others don't give up. He said that everyone wants to be treated the same and this is a good system. He said that as far as re-sales, the schools, and the parks and recreation, these programs are very important and are always factored in when people are considering purchasing in this area and this is a win/win situation for everyone.

Mr. Wayne Speckman approached the Planning Commission. He said that he represents the schools for the Task Force. He said the biggest concern for most homeowners is the school system. He said that Greene County has done a lot recently to improve the school system and feels we are going in the right direction. He said that he feels proffers are great to continue this trend. He said that it reduces the burden on the current owners and puts it on the people that will be moving to the County and on the developers. He said that we basically want to make money off of the people who want to move here. Mr. Speckman said that people moving into a home expect to have school systems and expect to have these items as soon as they move in. He said that we need to plan for it now. He said it is an immediate burden and this is a way to help with this burden as it comes. He said that this money goes into reserve funds which can be drawn upon as needed. He said the CIP plans for a lot of this and shows and it is a great model for our County. He said that other counties are utilizing it as well. Mr. Speckman said that currently our schools are at capacity. He said that we have trailers, and some are going to be replaced next year. He said that there is an obvious need for additional schools and funding. He said that if we don't plan for this then there will be an adverse effect, with class sizes increase and student/teacher ratio's will be effected and there will be over crowding in schools. He said that we have to plan now and the cost is only going to get more expensive to build additional facilities. He said with the \$4,000 being offered tonight, that gives a feel for when you are looking at two other Counties that are similar to us, Orange and Goochland and they are currently taking in \$13,000 per unit that is being put in shows the kind of money that really should be put in and brought in by these proffers and can be brought in. He said that this can be done and he is all for it.

Mr. Wilson said that as Chairman of this task force he would like to thank all the members for the good hard work they have put into this project. He said that it is a good concise report with a firm recommendation. He said that at a Planning Commissioner's standpoint seeing these re-zoning requests and knowing from the Comprehensive Plan work that he participated in, the residential cost money. He said that he fully supports the plan and believes this needs acted on. He said that he feels the key part is going to assign the cost of the growth to the developer who will benefit from that growth. He said another key part is to have the policy to develop it and to go forward in sink with the CIP as quickly as we can so we don't lose any more money. Mr. Wilson said that he would like to urge the Planning Commission to act on this report tonight as would be their recommendation. He

said that the committee would be willing to answer any questions tonight.

Mr. Lowe said that he would like to congratulate the Task Force and he was impressed with the work of the Task Force. He said that he felt each member has done an outstanding and excellent job. He said that the Commission is glad to hear from the Task Force members and the censuses that have been built from this. He said with the research that has been performed everyone knows the fact and what is ahead of us now. He said everyone realizes the money loss from the past and he said that he to agree that it is time the County moves on with it. He said that there has been much progress with the CIP and now it is time for us to move forward with the proffer plan.

There was discussion and review of the proffer plan with the Proffer Task Force and the Planning commission.

Mr. Lee Estes said that this is excellent what this committee has accomplished. He said the depth of the study is terrific. Mr. Estes said that it would be interesting to know if 3 years ago we had this plan in place, how much it would have brought into the County. He asked if there would be anyway to go back and research.

Mr. Schmitt said that you can go back 2 years and research.

Mr. Lowe said that we were successful in negotiating donations from some of the developers such as Fried and Kostich. He said that we have captured some of the funds.

The Task Force members reviewed some of the discussion tonight with the Planning Commission.

Mr. Lowe said that the Planning Commission would like to make a resolution. He also asked Mr. Cox if he had any comments.

Mr. Cox said he had no comments.

Mr. Lamb asked if questions regarding the PUD and the cash proffers.

Mr. Pamenter said there would be many approaches.

Mr. Lowe asked if there were any other questions and if not he said he is looking for a resolution.

Mr. Wilson said that he would like to take a shot at it. He said that he proposes that the Planning Commission make a resolution to endorse The Task Force Report and recommendations: (1) Request a work session with the Board of Supervisors with The Task Force as soon as possible in hopings of having a proffer policy in place right after the Capital Improvement Plan is approved.

Mr. Davis seconded the motion.

A vote was taken.

AYE

Jim Davis  
Davis Lamb  
Mike Skeens  
Brent Wilson  
Gary Lowe

Mr. Lowe said this is to be forwarded to the Board of Supervisors with the Planning Commissions approval. He said the Board of Supervisors will set up the meeting.

Mr. Lowe asked for other matters.

Mr. Svoboda asked the Planning Commission to please keep their packets for Artery and J6 Development for next months meeting.

Mr. Lowe asked Mr. Svoboda about the agenda for next month.

Mr. Svoboda said that Shelter will be back on the agenda for re-zoning of the Benzinger property. He said that VDOT has approved access to them for right in, right out onto Rt. 29.

Mr. Lowe asked if any plans have been made for Mr. Lamb for class/school.

Mr. Svoboda said there had been no plans made at this time. He said that it will be a Spring class.

Mr. Lowe asked if there was anything else from the Commissioners.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,  
Kelly Clay  
Secretary

# **Establishing a Proffers System to Strengthen Greene's Finances**

**Greene County Planning Commission**

**Proffers Taskforce**

**Final Report**

**October 19, 2005**

The Proffers Taskforce recommends that Greene County implement a formal proffers system as soon as possible, thus providing an equitable way for:

- Having developers of proposed residential developments, who are requesting re-zoning of property, pay for facilities their potential residents expect when buying a home and will use when here
- Reducing the tax burden on current residents and the debt load on Greene County

This report reviews:

- Benefits of implementing a proffers system
- Regulatory requirements – in simplified form
- Approaches other counties use
- Taskforce activities
- Comparisons of county approaches and two major consulting firms
- Conclusions

## Benefits

Proffers benefit the community in at least seven ways

- They reserve funds to pay for capital facilities and thereby reduce the county's borrowing needs, debt service costs and taxes
- A proffers system reduces the tax burden on current residents who have paid for existing facilities through taxes paid in past years
- They are directed toward facilities that new home owners expect to find when seeking a home and will demand once they are here – and therefore make a development more marketable
- They impose the fiscal discipline of planning future capital investments
- They create a known and predictable environment that helps developers assess the economics of a development
- A formal proffers system assures developers that they will be treated equitably and not be subject to arbitrary or random pressure
- Proffers make essential facilities more affordable to the county

*Proffers may add a small percentage to the cost of new homes, but by holding down property taxes, they make it possible for more long-term residents to stay in their homes*

## **Regulations**

According to Virginia law, proffers systems must be fair to all parties, logical and fact-based – in simple terms:

- Proffers are voluntary, and can not be a requirement for a zoning approval – most developers accept proffers as a way to ensure that their customers get the facilities they expect
- A county must have a current Capital Improvement Plan (CIP) that forms the basis for planning future facilities needs and expenditures
- A county must have grown by at least 10% between the past two census years – Greene grew by 48% in the 90s
- Capital investments included in the proffers calculation must be related to growth and be offset by any grants or user fees
- Proffers must be proportional to the impact of each development
- Revenues from proffers must be separately reserved by facility type, and not used for general operations
- The calculated proffer amount must be offset by the portion of future taxes related to debt service on the facilities included in the CIP
- If a planned facility is not built within a reasonable time the portion of the proffer related to the planned facility should be returned to the party that paid the proffer
- A county's zoning ordinance must include provision for accepting the voluntary proffering

## Several Approaches to Proffers Are Valid

Counties approach proffers in a variety of ways, with the same objective and roughly the same result – Greene can choose an approach that best meets its needs

- Calculation methodologies may start from different points
  - The original cost of building existing facilities, adjusted for replacement value, or
  - Standards of service based on the existing population (adjusted by planned improvements) and the estimated cost of new facilities, or
  - Anticipated capital investments captured in the CIP related to population growth
  
- Counties may include any or all of the following cost categories
  - Fire and rescue
  - Schools
  - Roads funded by local government
  - Parks and recreation
  - Community development
  - Administrative facilities
  - Social services
  - Public works
  
- Basic assumptions can make a major difference
  - Future tax rates
  - Anticipated appreciation in property values
  - Cost of borrowing
  - Anticipated growth in general and student populations

## Taskforce Activities

The taskforce has assessed the benefits of implementing a formal proffers system, reviewed regulations, examined approaches followed in different counties, talked with qualified consultants and considered the implications for Greene, including:

- Reviewed documentation and/or talked with officials in six counties (see also Exhibit I)
  - Goochland
  - Orange
  - Culpeper
  - Chesterfield
  - Henrico
  - Dinwiddie
- Held a work session, and multiple subsequent communications, with the partner responsible for proffers at Robinson, Farmer, Cox & Associates (Exhibit II)
  - Auditors for Greene County
  - Auditors for 75 of Virginia's 95 counties
  - Extensive experience with implementing proffers systems in Virginia
- Talked with both principals of TischlerBise, economic consultants to local governments and developers (Exhibit II)
  - National consulting firm with head office in Bethesda, Maryland and branch office in CA
  - Have advised several county clients in Virginia, and many across the United States

- “More studies for impact fees (500) and financial impact analyses (over 400) than any firm in the Country
- Discussed proffers and their implications among taskforce members
  - Brent Wilson – Chairman
  - David Eddins
  - Jerry Gore
  - Don Pamerter
  - Carl Schmitt
  - Wayne Speckman
- Reviewed the Interim Report of the Taskforce (dated September 21, 2005) with the Planning Commission and responded to their questions

Note: The taskforce was unable to identify other major consultants with experience and expertise in developing proffers systems.

**EXHIBIT I - COMPARISON OF VOLUNTARY CASH PROFFERS IN VIRGINIA COUNTIES\***

<b>County</b>	<b>Maximum Cash Proffer for Single Family Residence</b>	<b>Comments</b>
Loudoun	\$37,660	Parks/recreation, schools, libraries, fire, rescue, transportation Lower proffers for townhouses and multi-family Capital intensity factor, adjusted by Consumer Price Index
Prince William	\$22,986	Schools, transportation, parks, fire, rescue, library Lower proffers for townhouses and multi-family Level of service, PEI inflation factor
Spotsylvania	\$22,205	Fire, rescue, library, parks & rec., schools, transportation, law enforcement, general government and judicial services Lower proffers for townhouses, multi-family and age-restricted Level of service, payment at approval stage
Stafford	\$20,399	Parks & rec., schools, library, fire, rescue, transportation Lower proffers for townhouses, multi-family and mobile home Adjusted by CPI, payment at building permit stage
Chesterfield	\$17,000	Schools, parks, library, fire stations, roads All dwelling units, increasing from \$11,500 Level of service, payment at building permit stage
Goochland	\$14,740	Schools, parks, libraries, fire stations, roads All dwelling units, adjusted by Marshall-Swift construction index Levels of service, payment at building permit stage

Orange	\$13,416	Schools, fire, rescue, library, parks & rec., road, water facilities Lower proffers for townhouses, multi-family Level of service, payment at plan approval stage
Dinwiddie	\$5,629	Schools, general government facilities & equip., public works, safety, parks & recreation, other - all dwelling units Based on CIP/current pop., payment at building permit stage
Average	\$19,254	

\*Based, partly, on a study by Albemarle

**EXHIBIT II – COMPARISON BETWEEN CONSULTING FIRMS**

<b>DISTINGUISHING FACTORS</b>	<b>CONSULTING FIRMS</b>	
	<b>ROBINSON FARMER</b>	<b>TISCHLER-BISE</b>
General Approach	Estimate proffer amount on basis of estimated cost of new capital facilities and appropriate estimates of population	Estimate proffer amount based on service expectations of current and future residents, and the cost of facilities to meet them
Estimated Time to Complete	One month, possibly shorter if approval process is brief	Three to four months, plus time for public hearings
Estimated Costs	\$7,500 to develop proffers system, also suggests and annual update for approximately \$1,000 to \$1,500	\$50,000 to \$100,000 to develop proffers system (includes software for annual update), TB suggests \$8,000 feasibility study
Primary Strengths	Familiarity with Virginia law and Greene finances	More sophisticated approach based on national experience
Key points	The choice of variables is more complex, but can be developed with the client	More expensive and could lose \$\$\$ from delay in implementing

## Recommendations

The taskforce has five recommendations

1. Greene County should implement a formal proffers system as soon as possible
  - There is no apparent end to the recent rapid pace of development
  - Each new residential development (requiring re-zoning) that takes place without a system in place, is a lost opportunity to set aside needed revenue for future capital investments – e.g. a development of 200 homes at a proffer of \$10,000 could generate \$2 million toward capital costs of schools or other facilities
  - The other benefits expected from a formal proffers system are equally uncontestable
  - The cost of implementing a system would be saved on the first development
2. The system should be kept simple and yield a result that considers a variety of factors
  - Benefits to existing home owners
  - Affordability of homes for new comers
  - Acceptability by developers and other business investors
3. Greene County should retain Robinson, Farmer, Cox & Associates to develop its system
  - The County does not have spare resources with requisite skills to design and implement a formal proffers system
  - Proffers systems pose several unique legal complexities that need to be considered
  - Calculating proffers accurately requires a fairly sophisticated computer model
  - The taskforce believes the RFCA approach is sufficiently sound and likely to withstand any legal challenge that might arise

*Recommendations, Cont'd*

- Retaining RFCA would accelerate the implementation and would therefore bring a good return on investment, and would position Greene for establishing impact fees, when and if they are approved by Commonwealth

RFCA has the resources, expertise and modeling capability to implement a system quickly (4 to 6 weeks), effectively and at lower cost (\$7,500) - *why chose RFCA over other sources???*  
*- pricing, timing and approach!*

4. With approval of the Board of Supervisors, the Planning Commission's taskforce should continue to work with the chosen consultant to research, develop, refine and communicate a proffers policy for Greene that will meet the Board of Supervisors' objectives.
5. Request the Planning Commission to formally approve this report and forward it to the Board of Supervisors with a request for implementation – accompanied by a request for a timely joint work session with the PC and BOS where the taskforce would be willing to answer any questions.

Taskforce members welcome your questions and decision