

PLANNING COMMISSION
November 16, 2005

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, NOVEMBER 16, 2005, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were: 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

Chairman, Gary Lowe was not present

Mr. Wilson called the meeting to order. He said that we have a lengthy agenda and asked everyone speaking to please limit their comments to 3 minutes.

PUBLIC HEARING: DEAN COLLIER, LLC/616, LLC– Re-zoning (RZ#05-165)

Mr. Wilson read the request: Dean Collier, LLC/616, LLC request a re-zoning from A-1, Agriculture, to SR, Senior Residential, on a 46.76 acre tract and a 2.00 acre tract located on Carpenters Mill Road and identified on County Tax Maps as 60-(A)-42 & 42A. (RZ#05-165)

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

Mr. Svoboda said that due to technical/computer difficulties his presentation will not be in the form of overheads tonight. He said that this is a request for a re-zoning of 48 acres to go from A-1 to Senior Residential. He said this property is approximately .6 miles from Rt. 29. Mr. Svoboda said that public water and sewer is not currently available. He said that he did receive today a letter from WW Associates our consultant on water and sewer that the capacity is there to serve this development. He said that it is just a question on how the lines will make it to the development. He said that road improvements have been addressed from VDOT. He said that VDOT is looking at a turn and taper being done on Carpenter's Mill Road. He said that these two items have been addressed that were outstanding. He said that the proposal is for re-zoning of 200 units and it is staff's understanding that it will be combined with the existing senior that is there. Mr. Svoboda said that there are proffers that have been submitted which are included in the packets given to the Planning Commission members. He said that the Comprehensive Plan objectives designate this area as office industrial, however, this is an area that the Board of Supervisor's (BOS) is looking at to possibly move some of the office industrial out of this area to Rt. 33. He said that currently The Future Land Map shows it as office industrial. He that it is within the growth area according to the reports that have been received back from our consultant that water and sewer is available in the area. He said that it does match the growth plan is and it does fit in this area. Mr. Svoboda said that it is similar to

the other re-zoning that is adjacent to this property. He said that this type of development is becoming very popular. He said that it does fit in with what we are trying to do with the Comprehensive Plan. He said that Planning Staff had recommended denial in the report but with the information received from the consultant and VDOT, we verbally would like to change that to a recommendation of approval. He said that it will have to be monitored as these two items combine, and if they do, it will then have to meet all of our standards.

Mr. Steve Jones, Chief Operating Office with the Fried Company, approached the Commission. He said that the active adult consumer is the most sought after consumer in the market today with high disposable incomes. He said they are looking to relocate and downsize into a smaller home and a nice community. He said that these consumers are moving out of Northern Virginia, cashing in on their homes and moving to the county and when they come, they bring their money. He said that they are also a good form of economic development. Mr. Jones said that the key attraction is the amenities package and that is the reason for adding additional land to the land we already have zoned. He said that Mr. Lamb visited a similar project in Northern Virginia and they had put together a very attractive amenities package which included a club house, exercise facility, swimming pool, and tennis courts. He said that what the customers are telling them is that these facilities have to have a critical mass of roof tops to make this an affordable alternative for the residents. He said that with the 140 acres that they have and only 400 units, the Homeowners Association dues would be at a level a little but higher than what the residents would want to have. He said this is the reason for the additional property and the increase to 600 units. He said this will then make the homeowners association dues more affordable for providing the amenities packages that makes these properties attractive to the consumers. He said that this project, when completed will bring a positive tax role of 2.8 million dollars to Greene County. He said other nice items of having a senior adult residence is that there is no strain on the school system and they don't travel as much on the roads. He said that an age restricted property puts about 1/3 of the traffic on the road compared to a conventional subdivision. He said that 100 residential units generate 100 trips a day and an age restricted project generates about 23 trips a day. He said that you get the benefit of these folks going out at non peak hours to take care of their business. He said that they are not out during rush hour because they are not going to work. He said that their impact on the roads is minimal. He said that the water and sewer is not there now but according to the letter from Herb White, it is accessible. Mr. Jones said that the capacity is there and they will work a program with the County to get the water and sewer to the property and they are prepared to do that. He said that they look at this as economic development and a benefit to Greene County. He said that a lot of people ask how this is legally happens. Mr. Jones said that Congress passed an act in 1995 called the "Older Persons Act" which made provisions to make this a legal entity in the fair housing act of the United States. He said that there are three criteria that you have to fall under. He said that a minimum of 80% of residents have to be 55 years of age or older. Mr. Jones said that they have proffered 100% of making their project 55 or older. He said that the facility must adhere to the policy and procedures of the Fair Housing Act. He said that you can't discriminate against anyone due to their race, religion or political beliefs. He

said that the only thing that differs is that you have to be over 55 to live there. Mr. Jones said that there are also restrictions for siblings, children, grandchildren etc. living there. He said that they can only stay there for a certain period of time if they are a certain age and it is mentioned in the proffers. He said that whoever builds the project must provide records to the County that they are complying with these rules and regulations. Mr. Jones said that they are here tonight to ask the Planning Commission to look at this project in a favorable way. He said that this is good for the County.

Carl Schmitt approached the Planning Commission. He said that he provided the Planning Commission with a memorandum. He said that when reviewing the agenda and all the developments coming forth he found himself distraught in what he saw and how it is choking the County with residential growth. He said that if you go back to November 2002, there had been 14 subdivisions approved for the growth area and 9 more in the rural area for a total of 2,022 housing units coming into the County. He said he felt this was an enormous number of units. Mr. Schmitt said that the proposals on the agenda although one had been pulled but he assumed it would be back would add 600 more new homes to that number already and that would take us to over a 40% rise in the number of housing units in the County. He said that population wise that equates to something around 6,000 people. He said that it doesn't stop there, in addition, he said that he has learned that the Fried Company had purchased 374 acres up in the southeast portion of the County all zoned R-1 which equals anywhere from 800-1,000 additional homes going in there. He said that if you put all that together then you are talking about 8,000 more people, over 55% increase of the population in the County. He said that the simple fact is with the good and bad points of anyone of these arguments is that the County cannot cope with this level of growth. He said that it does not have the infrastructure to deal with it. Mr. Schmitt said that his view of what the County needs to do is to take a go slow, step back, and take a hard look at where we are going and what we need to do. He said that among the things we need to do is to finish the Capital Improvement Program and institute a cash proffer system so that developers begin paying into the County. He said that we need a master transportation plan. He said that not one of these developments has ever received any thorough analysis of the transportation issues for that whole corridor. He said that he is not talking about VDOT approving a turn lane. He said that there has not been any traffic analysis on the case that is presently being looked at. He said there has not been any VDOT traffic analysis on impacts. Mr. Schmitt said that the accumulative impact of 8,000 more people in the County, could you imagine what the Route 29 corridor is going to look like. He said that the County has done nothing to address the traffic issues and there are no plans in the works for alternate roads. He said that there had been a ring road talked about. He said that a master transportation plan needs to be developed. Mr. Schmitt also said a study of what the school impacts will be needs to be done. He said correct, that the Senior Residential does not have the school impact. He said if you take these out of the equation and you still have 1,400 new homes with school age children plus if you add in the 1,000 homes for the property in the eastern part of the County, that will take you maybe up to 1,000-1,200 school children. He said that could equate to 3 or 4 new schools that is going to have to be built to cope with that increase in the school population. He said that

we don't have a plan for our critical services. He said that we are operating off of volunteers for EMS and fire. Mr. Schmitt said that the 2,000 seniors cannot be managed with the existing services. He said that there are no plans in the work for the fire departments and EMS or anything to get these services up to where they need to be. He said the only way he suspects it could be done is to put it back on the tax payers and to bring professionals in. He said that we need to look at what R-1, R-2 and R-3 zoning should be in the County. He said that no one can tell him why property today is zoned R-1, R-2 and R-3. He said that we really need to look at this and see what we want because each of these carries a heavy density. Mr. Schmitt said that lastly, the water and sewer is smoke and mirrors particularly on the water front. He said that we built this sewer plant to add capacity but we are consuming it with residential development. He said that it was basically for bringing in businesses. He said that we are going to consume it for residences and not have it available for businesses. He said that what he could find out on the water situation is that it is in really bad shape and no one can give you confidence as to whether it is or isn't available. Mr. Schmitt said that the County situation is extremely serious and we should take a time out and work on some of the other elements before we approve any further residential developments.

Pat Morris approached the Commission. Ms. Morris said that Mr. Schmitt summed it up. She said that it may not be any impact on schools but it will be an impact on our fire and rescue departments. She said since Mr. Fried has 47 acres of land, why doesn't he come to the County and bring us a good business that will bring money to the County besides the tax payers being held for the raising of the taxes. She said that she believes a good business infrastructure from Fried would help us out instead of keep building houses and like Carl said, keep taking up our water.

Andrea Wilkerson approached the Commission. Ms. Wilkerson said that we need some positive cash flow in the County. She said that it did not matter whether it was from a Wal-Mart or a Senior housing project. She said that she would like to suggest that we would want to keep our gateway to the Blue Ridge attractive. She said that it would be of much interest to the developers as well that the County and the Ruckersville area, the senior residence being put in remain attractive, one thing she said would be great is if the proffers would help us get a municipal golf course in that area and possibly with tennis courts that other citizens could use. She said that we only have one golf course, it's private in Stanardsville and pretty much used to capacity now. She said that she could see proffers help us to get a municipal golf course, the developer could help pay for and the County could get some user fees that would help us keep some green space. She said that it would help raise the value off all the senior houses that are being built. She said that she is trying to hold on to her farm in Ruckersville. She said that they have been there 18 years and her taxes have tripled and she is not complaining because she is glad that we have a library, senior center and the schools are improving. Ms. Wilkerson said that she supports the senior developments because they are positive. She said that a positive cash flow for the community that is not a big strain on the school system may be the lease evil thing we can get in. She said that she is in agreement with Carl Schmitt and Pat Morris.

She said that she is a CPA and have builders as clients around the state and she sees that it takes most counties about 5 years to get a development approved. She said that she thinks things move quicker in Greene than in other counties like Loudon and Albemarle. She said that we need to plan a way for our developments to help, yet, Ruckersville services need to support the people that are being brought in and push forth the golf course idea. She said that she feels it will benefit the people and make a green spot. She said that if we don't do it now, we will never do it.

The Public Hearing was closed.

Mr. Davis directed his question to the Fried Representative. He said that with water/sewer as one of the issues, how does the County know there is enough water supply.

Mr. Jones said that they have met with the County consultant and they are going on his direction and what he has told them. He set that they have met with W & W Associates and gave them their numbers of what they would be doing.

Mr. Davis asked what the sewer plans are.

Mr. Jones said the sewer plans are to tie in with the pump station behind Wendy's, Pump Station #7 that tie with the new lines and tie in with the new facility.

Mr. Davis asked Mr. Svoboda if there were any alternatives and if it was proffered or should it be proffered.

Mr. Svoboda said that he believed it was proffered at this time. He said that it's the most likely solution with the pump station behind Wendy's.

Mr. Jones said that all the lines on Rt. 29 are being upgraded.

Mr. Davis asked if it was proffered to be on public sewer.

Mr. Svoboda said that it is not proffered but under the ordinance it has to be.

Mr. Davis asked about fire protection and the water flow to accommodate.

Mr. Jones said that all their projects have to meet fire flow regulations set by the State. He said it his understanding that the water flow lines on Rt. 29 are being upgraded. He said that Herb White looks at this project as a commercial project because of its positive impact and economic development from a tax revenue standpoint. He said that the waterlines being upgraded in the Rt. 29 corridor would be readily accessible to service this project.

Mr. Davis asked if there were proffers for Low Impact Development.

Mr. Svoboda said no.

Mr. Davis asked for a high end review of the traffic study and the impact it will have on Rt. 29.

Mr. Jones went over the packet that the Commission received. He said that basically the senior adult resident doesn't travel. He said their trips are cut by $\frac{3}{4}$. He said that the traffic analysis addresses not only the turn lanes but the offsite impacts off Rt. 29 and Rt. 33 and it came back favorable.

Mr. Davis said that the aged restricted act was based on an act from Congress in 1995.

Mr. Jones said that was correct.

Mr. Davis asked Mr. Jones to define this act.

Mr. Jones said that it says you can discriminate legally by saying you have to be 55 or older to live in this community.

Mr. Davis asked if there could be a Congressional act in 2008 that would reverse this.

Mr. Jones said there are so many of these communities throughout the United States that it would be impossible, but that anything is possible. He said there are provisions. He said they will have covenants and restrictions that the County would need to review. He said there are provisions that protect the consumer.

Mr. Davis clarified that there will be no school age children.

Mr. Jones said that was correct.

Mr. Davis said there were 2 existing homes and asked what would be done with them.

Mr. Jones said they would be removed.

Mr. Davis asked about the VDOT 50ft turn lane.

Mr. Jones said that that would be done if they tie into Carpenters Mill Road. He said until they do the final plans, basically Chuck Proctor has to look at this as a stand alone request of how we are getting into this 40 acres. He said that Mr. Proctor cannot look at it tied in with the other 140 acres that we already have, so he said they will have an entrance off of Carpenter's Mill Road and Mr. Proctor said they will need to have a turn lane and a taper. He said they are not sure they will tie in with that until they submit their final plans. He said it could be a rear entrance or an emergency access entrance.

Mr. Davis asked how this would be taken care of if this project progresses.

Mr. Svoboda said that if this is developed as planned, then we would go by the current VDOT comments. He said the concept is that everything will come in together and the site will be reviewed through the site plan process and everybody would get another look at it.

Mr. Davis asked about office industrial.

Mr. Svoboda said the Future Land Use map designates the area as office industrial.

Mr. Davis asked Mr. Svoboda to explain.

Mr. Svoboda said that it is our high end business and/or the manufacturing districts. He said that one of the reasons the BOS is looking at moving that area are for some of the reasons we are discussing now. He said that in order to get some of those types of uses down there is that you are going to have to do massive improvements with water and sewer and roadways. He said that if you put industrial down on Carpenter's Mill Road then you will be dealing with big trucks. He said what we have been talking about briefly is to move and not increase any growth area but to move some of the growth area and the industrial area to the Rt. 33 corridor on the west side of Rt. 29 where we already have the big roads and water and sewer.

Mr. Lamb asked about the traffic analysis, that it reads there is an access to the entire 170 area tract will be provided with the full movement entrance on Rt. 33 and Rt. 616. He asked if this is a entrance and a exit and will the traffic on Rt. 616 be heavy.

Mr. Jones said when the traffic study was performed, they looked at 2 main thoroughfares for entrances and exits off of Carpenters Mill Road and Rt. 33. He said that until they file their final plan and lay it out, they are not sure at this time how it is going to access because they cannot go into full design until they have the full piece of property assembled.

Mr. Lamb asked if this was approved and you put the 200 additional homes, would that be sufficient enough to support the club.

Mr. Jones said that 600 residents would be more than sufficient.

Mr. Lamb said that when he visited Prince William County he spoke with some of the owners and one had talked to him about across the street from them, condominiums were being built because they couldn't afford to live there and afford the dues. He said the dues were not keeping up with the growth.

Mr. Jones said that typically what happens on a project like this is the developer or the builder of the project subsidizes the amenities package until it gets to a critical mass to

where it carries its own weight. He said this is the issue when you have only 400 units, you don't have enough critical mass to offset those expenses. He told Mr. Lamb that as he saw at the Prince William County facility, they had an Athletic Director, Program Director's running exercise programs. Mr. Jones said that one thing people need to remember is that these are active adults. He said that this is not a nursing home or assisted living environment, again they are active adults looking to lead an active lifestyle. He said that one of the questions asked when the project was visited was the number of times the rescue squad had been into the property. He said that in the 3 years the property had been developed, the rescue squad had only been in twice and one call was when one of the construction workers was injured and the other when one of the residents cut himself with a skill saw while working on something in his garage. He said that people are moving in these communities for the amenities package and to be surrounded by other active adults for an enjoyable retirement time.

Mr. Lamb asked if the 600 homes would be sufficient.

Mr. Jones said yes.

Mr. Skeens said that he was concerned with the water, transportation. He asked Mr. Jones what the homes would sell for.

Mr. Jones said that the financial analysis that was done put them in the low \$300,000. He said that would be market driven that they would not be less. He said there would be several models to choose from.

Mr. Skeens asked if the owners fees would come down if you had 600 as opposed to 400 units and how would that work.

Mr. Jones said they would have fixed costs to operate their amenities. He said that you have to staff and man the club house. He said they operate this amenity not as a profit center but as a benefit for the residents who live there. He said an example would be if it took one million dollars to operate and you were to divide that by 400 homes as opposed to dividing 600 homes, then the dues will be higher.

Mr. Skeens asked then if the club house would be the same size.

Mr. Jones said that was correct. He said that in smaller projects, they could build smaller club houses. He said what attracts people to the projects is the amenities package.

Mr. Skeens said that he noticed there were 400 units on 130 acres and 200 on 48 acres and seems like a lot less land and if the club house would be big enough to support this.

Mr. Jones said the club house will be sized for the full amount. He said that it has not been designed yet.

Mr. Skeens said that he has the same services concerns like everyone else. He said that we operate on volunteers now and that we need to look at this at some point on getting fulltime rescue squad and fire department personnel.

Mr. Jones said that one thing these communities bring is a new pool of volunteers. He said these communities could bring retired firemen, doctors who are looking to do something in and for their community. Statistics show that these people look to volunteer and get involved in the community. He said that he thinks we could see the pool of volunteers increase by this project verses decrease and cause a strain.

Mr. Wilson said that he noticed there was a stream between the two parcels and asked what the options would be for the applicant in terms of connecting if you were to connect and how you would address bridging the stream area.

Mr. Jones said that it would have to do it with a bridge or conspan. He said that they will have to file a full wet lands plan which all will have to be delineated and approved by the core of engineers.

Mr. Wilson asked if this was a hindrance toward connecting the two.

Mr. Jones said that it is not a hindrance but an expense. He said that they would want to connect the two. He said they would want to minimize impacts on wet lands.

Mr. Wilson asked Mr. Jones if his preference is to have an exit entrance at both ends of the parcel.

Mr. Jones said that having the exit entrance at both ends is the better way to go because you can split your traffic out. He said that you will have the primary entrance. He said that all of the age restricted communities are gated communities, so there may be a card access at the rear and a man gate at the front.

Mr. Wilson asked if the rear meant at Carpenters Mill Road access.

Mr. Jones said there is no question that the primary entrance will come off of Rt. 33.

Mr. Wilson asked if all residents will have access to both.

Mr. Jones said that was correct.

Mr. Wilson said that in the analysis it says that 19 jobs will be created. He asked Mr. Jones for the types of jobs that would be created.

Mr. Jones said that it would be service oriented jobs such as a Program Director, Fitness

Director and personnel that would operate the club house. He said that there will also be personnel responsible for lawn maintenance and managers to oversee these services.

Mr. Wilson asked Mr. Jones for the wage ranges for these positions.

Mr. Jones said that he would expect the wage range to be in the mid \$30's.

Mr. Wilson said that one of the things the Commission has been looking at for the Stanardsville revitalization is the hope that some of these seniors may start businesses. He asked Mr. Jones has he found with these type of communities with people in their 50's, do they ever come and start businesses in the local community.

Mr. Jones said that yes they do. He said that Greene needs to get additional roof tops to get the commercial growth. He said that these bring high disposable incomes. He said that most of them will probably go out and get second jobs. He said that these people will work, start and manage retail businesses.

Mr. Wilson said that the volume of roof tops drives larger development, but he asked Mr. Jones had he found that the people that move into these communities have the disposable income to generate those types of businesses that are not large chains.

Mr. Jones said they like small franchise type of business.

Mr. Wilson said that he knows the applicant has a development started on the west side of Rt. 29, he asked if the progress is to complete that project then move into this project.

Mr. Jones said that he feels it will be market driven. He said that the builder is having incredible success. He said that they found that 18,000 Uva. Alum are living within a 40-50 mile radius of this market area. He said that a lot of these folks want to come back to the Charlottesville/Greene County area where they went to school and want to retire. He feels it will be market driven. He said this project is a good 12 months out.

Mr. Wilson asked if this project will follow behind the one that has already been started.

Mr. Jones said that he doesn't think it will wait for that project to complete but it will be well on its way before this one comes in.

Mr. Wilson said that he is looking for a motion.

Mr. Davis said that he shares concerns but feels we should move forward. He said that he moves to recommend approval of re-zoning of RZ#05-165 with the acceptance of the submitted proffers dated today as submitted.

Mr. Skeens seconded the motion.

A vote was taken.

AYE

Jim Davis
Mike Skeens
Brent Wilson

NAY

Davis Lamb

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

PUBLIC HEARING: Harold & Katie Phillips (RZ#05-168)

Mr. Wilson said that our next public hearing is Harold and Katie Phillips requesting rezoning from B-2 to B-3, RZ#5-168. He asked Mr. Svoboda to give staff report.

Mr. Svoboda said this is RZ#05-168 to re-zone from B-2 to B-3. He said that it is on 13.76 acres with two parcels involved, Parcel A and Parcel A2 on the west side of Rt. 29 and is adjacent to Sovran Bank and it's the Phillips Warehouse Building. He said that public water and sewer is available. Mr. Svoboda said that he has not received any comments from VDOT but is does have commercial access. He said one thing to keep in mind is that the service road is part of Stoneridge so there would need to be a commitment for connection. He said that it is within the future growth area, business retail under the future land use map. He said in conclusion is that it is a business to business and there is an existing building already there. He said that we need to make sure we get a connection commitment.

Mr. Phillips addressed the Commission. He said that he would like to request the rezoning because if he puts the road in over with Mr. Hall, there would be some incidences where he couldn't get part of the stuff for his business for B-2 that he could get for B-3. Mr. Phillips said that he thought that the property was zoned correctly but, once he got into the business he found that he was not zoned properly. He said he is going to put an ATV and motorcycle business in the old Phillips Warehouse building. He said when they put in the road with Mr. Hall, there will be certain instances where he may be able to sell a lot.

Mr. Svoboda said that the vehicle sales that this business qualifies for can be done only in B-3. He said there are proffers submitted which removes two by right uses which is highway retail service centers and truck stops. He said that it does go along with a lesser intense use as far as business goes.

Carl Schmitt approached the Commission. He said that in looking over this there is

mention of the connecting road that the Commission is familiar with this issue when the Hall property issue was discussed. He said that it is not tied down, it's just talked about. He said that he would like to recommend that the Planning Commission hold this and let the Planning Department work with Mr. Phillips to see if we could come up with a more certain commitment. He said that road is the only option that anyone has talked about that has any realistic possibility of providing a way to funnel traffic off of that intersection. He said it is the only thing we have going for us and now is the time to nail this down. He said that he didn't think there was any indication that it won't be done but now is the time to tie it down.

Ms. Pat Morris said that she agrees with Mr. Schmitt.

Mr. Wilson closed the Public Hearing.

Mr. Skeens asked if there was anything in writing about the link and if not can we get it.

Mr. Svoboda said that it is mentioned in the proffers submitted and he could work with the applicant to tie the language down better. He said there are options for the Commission to deny or defer it pending clarification of the connection which would give the applicant time to address before the Board of Supervisors meeting.

Mr. Davis said then that the answer is no, that there is nothing in writing that ties this together.

Mr. Svoboda said that it states that the future plans for this property include a road that will connect the property but it doesn't say that they will provide the access as part of the proffer.

Mr. Skeens asked Mr. Phillips to confirm what is to be put in the building.

Mr. Phillips said that he plans to put in an ATV and motorcycle shop in the existing building. Mr. Phillips said that it is to his benefit to put the road in because it will make the property more valuable. He said that if Mr. Hall takes care of his end then he will put his in.

Mr. Davis said that he is uncomfortable with it not be tied down since it is of much importance to the County. He said that he knows Mr. Phillips intentions are good but would prefer that it be down. He asked what was proffered to be taken away.

Mr. Svoboda said highway service centers, truck stops and bus, truck and taxi terminals. He said that everything allowed in B-1, B-2 and what is left in B-3 which includes office and restaurants, banks and convenience stores. He said that heavy stuff would be by special permit. He said that one of the major differences in commercial between B-2 and B-3 is they take drive-up windows like in B-2 for Banks or

fast food restaurants which by special permit where B-3 is by right.

Mr. Davis pointed out where the bank is located now and asked if that would be wide enough.

Mr. Svoboda said yes.

Mr. Lamb asked if there is anyway possible if the connect/loop would prevent people from taking short cuts.

Mr. Svoboda said no that the design would be to connect to the loop road and to divert some of the traffic. He said that VDOT would view that as a service road and that it would probably be a 35MPH road.

Mr. Wilson thanked Mr. Phillips for bringing this forward and said that the County needs desperately to address the traffic concerns that continues to grow in that corridor and intersection. He asked Mr. Phillips the time frame he is looking at once approved to do the business. He asked if he had plans right away.

Mr. Phillips said that the material is on site and is ready to sale.

Mr. Wilson asked Mr. Phillips when would he address the issue of the road once approved.

Mr. Phillips said that he could address quickly even the day after this meeting. He said whatever needs to be done he is ready to begin.

Mr. Wilson thanked Mr. Phillips for his willingness to bring this forward and that he shares the concerns of the Commissioners of trying to get this into writing. He said that we have several options, one being the Commission can defer, approve or disapprove. He said that he feels the Planning Commission wants to get a commitment in writing for the road. He asked Mr. Svoboda's recommendation given the situation.

Mr. Svoboda said that given the situation Mr. Phillips is willing to work with staff on re-working some of the proffers. He said that the recommendation from staff would be to deny the application regarding the importance of the road connection and send it on to the BOS. He said this will give Mr. Phillips time to work with staff and make any adjustments for the Planning Commissions concerns with the road connection prior to the BOS meeting.

Mr. Davis asked if the Planning Commission had the option to defer it and bring it back to the Commission.

Mr. Wilson said yes, but that will take more time but it is an option.

Mr. Svoboda said that it was the call of the Planning Commission.

Mr. Davis how much time would be involved.

Mr. Svoboda said it would be in January before it would go to the BOS. He said that Mr. Phillips came with all his documents and has been very cooperative with staff.

Mr. Skeens made a motion to recommend denial of the rezoning for RZ#5-168 due to getting a letter/signatures from Mr. Phillips and Mr. Hall for the road.

Mr. Lamb seconded the motion.

A vote was taken.

AYE

Jim Davis
Davis Lamb
Mike Skeens
Brent Wilson

The motion carried by a unanimous vote for Mr. Phillips to resolve with Staff and move on to the BOS.

OLD/NEW BUSINESS

Mr. Wilson said that next on the agenda is old business and we will take public comments. He said the first item is Deerfield, LC/The Carrington Company/Frank A. Thomas, III Esq./Shadrach, LLC/Artery Development Company, LLC. (RZ#05-265). He asked Mr. Svoboda to give a report.

Mr. Svoboda said that his presentation will be brief and the applicant has a power point program to present. He said this is the development between Deer Lake Estates and Food Lion and behind the back of Food Lion. He said that it is 181 town home with some commercial with some re-work of the property that was originally proposed as residential but now is matching commercial increase from that square footage. Mr. Svoboda said that some of the impact data that the Planning Commission wanted brought back is really what we are trying to conclude this evening.

Mr. John Foote, Representative for Artery Development approached the Planning Commission. He said that Mr. Bob Campbell the consultant for the fiscal impact is present to go over the issues from the previous hearing.

Mr. Bob Campbell approached the Planning Commission. He said that he has prepared a comparative fiscal impact analysis that compares the impact on the County's general fund as between what can be built under existing zoning and what is being proposed by the applicant.

Mr. Campbell reviewed his overhead/slide presentation.

Mr. Foote approached the Commission. He said this is with respect to the capital contributions from the residential development. He said that it does not reflect the tax benefits that would accrue directly from the commercial development. He said in response to the Planning Commission comments to the applicant from previous visits, the commercial component has been increased. He said that in addition to this, he said that one of the other costs that is not reflected is what Artery is prepared to do, there is a cost associated with the extension of the water/sewer line across the property, approximately \$65,000 that is being negotiated with the property owner. Mr. Foote said that artery is prepared to pay for that so that the County gets that easement for free.

The hearing was opened to the public.

Dan Curtner approached the Planning Commission. Mr. Curtner said he is a resident of Willow Creek Subdivision which is adjacent to the proposed project. He said that he is speaking on behalf of his fellow residents. He said they held a meeting and have met with the developer. He said their preferred re-zoning would be to re-zone this property R-1, B-1, B-2 along Rt. 29 for business development as they have done a very good job presenting the benefits of the business development. He said they would like to single family homes as opposed to high density town homes and potential for apartments. He said they are concerned with the increase noise and traffic congestion. He said that it is a quality of life not just for them but for the County as well. He said you are talking about a pattern of high density development not just a single individual development, so, you need to look at the entire pattern and big picture. Mr. Curtner said that he and his neighbors agree with the numbers as far as the school system is concerned. He said that the 2006 budget said that the actual cost per student for the year in the County school system is \$9,800 which he said they have taken into consideration. He said if you do the math with 181 town homes valued at \$200,000, it will generate \$304,000 in real estate tax. He said that they estimated 90 additional students in the school system for a cost of \$312,000, so he said that you would come out with about \$8,000 deficit per year. He said that the business tax and benefits there would probably take care of this. Mr. Curtner said that if you looked at R-1 development as opposed to town homes, he said they came up with an example of 50 single family homes ranging \$210,000 to \$300,000 and they would pay for themselves assuming only 25 additional students in the school system. He said that you would have less strain on the school system and less demand for resources particularly water and public transportation. Mr. Curtner said you would have an increase in an improved quality of life to have the single family dwelling and it doesn't have Rt. 29 turned into a parking lot. Mr. Curtner said that they have another option and it is if this is approved they have

concerns they would like to see addressed. He said that they would like to see written assurance of proffers to the County government that there will be no apartments and that the quality of the homes will be sufficient, and they would like to take a look at plans, costs etc. He said that he would like to see the residents screened for reliability and they don't want to see a lot of rental property. He said they would like for the residents to be buyers and they want no encroachment upon the common area. He said this is a big issue for them regarding their privacy and quality of life. Mr. Curtner said they talked with the developer about the idea of burns, trees and fences between the two neighborhoods, this is something they would like to see and they would like to have an active part to participate with them in such barriers that would be installed. He said that they also talked about subdued lighting, again a quality of life issue. He said they wanted controls on storm water management setback limits to be enforced. He said they also would like to see proffers from the Artery Development that would offset any real estate tax increase on the County residents now. He said that they want very careful planning and consideration for the impacts for the people living directly behind Food Lion. He said that development as planned has an impact on those people, they would like to have this looked at because of noise, congestion, lights etc.

Mr. Mat Strauss approached the Commission. He said that he is Mr. Curtner's neighbor and backs up to the proposed development. He said they met as a neighborhood and that everyone affected directly was there. He said that one of the items mentioned in the fiscal plan was revenue from cable television. He said that he would like to see that guaranteed because unfortunately in Willow Creek, cable television was not installed. He said that he would also like to talk about busing. He said that looking at the number of proposed students, he said that the average bus ride for his children is 45 minutes. He said that the busing problem right now is, if the students don't get on the bus early, then they are sitting 3 to a seat or they don't get a seat and this is a real big safety issue and concern. He said that looking at the \$2,100 per home based on .6 per home, he said his question is why is the developer only proffering \$2,000. He said that they should be proffering the entire amount. He said that his other concern is the property value. Mr. Strauss said that the average cost of a house in Willow Creek today is \$450,000 to \$500,000. He said that they looked at this when purchasing the home and said that they do pay a fair good amount of tax and he is concerned about property value. He went over a handout he had regarding the current zoning. He said that they are not opposed to growth, he said they think smart growth is important and the Comprehensive Plan is great. He said the County has to grow and we accept that.

Mr. Carl Schmitt approached the Commission. He said that 42 homes verses 181 homes, there are going to be a lot more children. He said that the studies he has done and he has worked on the Comprehensive Plan and the land use part of it and it shows that you need a home \$400,000 to \$450,000 to pay for the children. He said that these homes being half of that price will clearly put a significantly added burden on the County in terms of paying for these children to be educated. He said that he feels some of the capital costs are not in there that are likely to occur. Mr. Schmitt said that he commends them for proffering

anything. He said that if they were doing this with cash proffers, he said the smallest cash proffer he has seen around the County has been \$5,000.00. He said that it goes up from \$14,700 in Goochland to \$35,000 in Loudon. He said that this is a better measure in terms of what the total capital impacts would likely be for the County. He said these cash proffers are quite low. He said quite simple, we have land that has been designated for commercial use and that is what it should be used for. The County is desperate for commercial use and it should not be re-zoning commercial land for residential land. He said that the developer has put together a very thorough plan but he just doesn't see it in the best interest of the County to proceed. He said in the big picture of the sheer amount of residential growth that is already in the County, we shouldn't be putting more in.

Ms. Pat Morris agreed with Carl Schmitt.

Mr. Bryan Strickland approached the Planning Commission. He said he wanted to agree with Mr. Curtner and Mr. Strauss.

Ms. Pamela Graham approached the Planning Commission. She said that she lives directly behind the Food Lion and that the plan the applicant put together looks good on paper. She said that her only concern is the space directly behind Food Lion. She said it is a small parcel of land and she doesn't have a lot of trees but she does have some that have been planted by the builder and there are some older trees there and the coverage is nice. She said what she loves about her parcel is it is a small parcel compared to other Virginians. She said that if groundhogs and deer come into her yard, they have the freedom to watch and explore and not to have the interference from something else behind them. She said the Food Lion is there and it is not lovely, however, she gets to see the sun easily without an extraordinary amount of noise. She said that she gets to enjoy her neighbors and they are all great people and you have heard that from some of them tonight. She said that in their community it is not that large and that's what she loves about it. She said that she has lived in the city and has gone through new properties where her and her husband have been taxed for larger schools. She said the schools got so large that trailers were put in place because they were unable to house the students. She said that the school could not match the growth. She said they moved here from Ohio and find this area beautiful. She said that she has the threat of construction coming through and it troubles her. She said that her and her family could have lived in Charlottesville and they decided to drive a little further north to this area and loved the homes that were being built. She said that there was so much going for this area and she hates to see it wasted on too much residential construction whether it is town homes or single family homes. Ms. Graham said that it needs to be intelligent and that if you build town homes or homes it has to stop somewhere. She said that she understands trying to make a buck but you have to be smart and if you can get businesses in here would be great and she would be willing to help with that support and it should be done wisely.

The Public Hearing was closed.

Jim Davis said that looking at the proffers in the financial analysis if there was anything that ties the town houses to the restaurants.

Mr. Foote said yes that they agreed to have a portion for commercial. He said that if 25% of residential is done then 25% commercial must be done. He said that this means that you cannot go to 26% of commercial until 25% residential is done. He said there are four stages of 25%.

Mr. Davis asked if this had changed since the last meeting.

Mr. Foote said yes that is correct.

Mr. Campbell said that he would like to point out from a fiscal basis that if you keep in line at the same time that is the retail with the residential, it will always produce a substantial positive.

Mr. Davis asked if there was a percentage of the change from Business to R-2.

Mr. Lambert said the current acreage of the commercial is plus or minus 10 acres.

Mr. Davis asked how much business zoned land are we losing in this transaction.

Mr. Svoboda said that the business zoned land decreases.

Mr. Davis said that in the financial analysis in 2008 the applicant shows .3 for 128 residential units and in 2009 and .42 is shown and then in 2010 it shows .6.

Mr. Campbell said it is assumed because of timing for people to move in with the units per year. He said that the figures are basically shifted each year.

Mr. Lamb said that in the proposal it shows 3 restaurants on 3 pads with 47,000 square feet, he asked if that meant each restaurant has 15,000 square feet.

Mr. Lambert said that these are assumptions at this time.

Mr. Lamb asked if the 350 square feet yearly was correct. He said the proposal says \$14,000 sales a day and asked if this also was correct.

Mr. Campbell said that \$350 is a typical level is what is used in a retail projection.

Mr. Lamb said that it was mentioned at the last meeting, that there wouldn't be a right in, right out but a traffic light would be installed.

Mr. Lambert said yes.

Mr. Foote said that would be funded by the developer.

Mr. Lamb asked if the water source would be sufficient.

Mr. Lambert and Mr. Foote said yes at this time.

Mr. Svoboda said that there are also some pre-purchased EDU's that go with that parcel. He said that there is 25% ratio in proffers. He read the proffer letter.

Mr. Wilson asked if the timing is in sync with what VDOT would recommend.

Mr. Svoboda said that that this is not firm but the way growth is taking place, VDOT is already looking into closing the crossover at Advance Auto.

Mr. Lamb asked if they are closing the crossover at Advance Auto.

Mr. Svoboda said that is correct. He said that the traffic is backing up from the light and the crossover is becoming unsafe. He said that there is \$2,000 monetary contributions in the proffer and also \$250 per dwelling unit for fire and rescue services. He said this adds to \$2,250 per household. He said that pre-purchased water and sewer is also included. He said that Deerfield will also waive the \$65,000 easement fee.

Mr. Foote said that this agreement has been negotiated.

Mr. Svoboda said the applicant will pay all sewer connections upon receipt of the first building permit. He said that development phasing is also mentioned.

Mr. Lambert said that they recognize the debt for the water/sewer plant.

Mr. Davis asked if it were possible for commercial to be built and then sit vacant.

Mr. Svoboda said that it is possible but unlikely.

Mr. Wilson asked if there were any other proffers submitted.

Mr. Svoboda read the miscellaneous clause mentioned in the proffer letter.

Mr. Foote said this is an escalator clause. He said that after 18 months, the number escalates according to the CPI. He said that it automatically escalates over time.

Mr. Skeens said that he didn't see anything mentioned for fencing or lighting. He asked if anything had been decided on these items.

Mr. Lambert said that he would like to thank the residents of Willow Creek and Deer Lake Estates for being here. He said they have asked us to consider several things and we would like to do that. He said that unfortunately he would need to do a grading study before he could do anything. He said that the landscaping is assured and the disturbance into or encroachment to open space is not going to occur. He said they also intend to make improvements to the storm management pond area which seems to be seeping into residence. He said that it seems to be an overflow and they intend to correct this problem. He said they do want to put in low impact lighting so that it is not an impact and feel that it is a benefit. Mr. Lambert said that he could address the noise level today. He said what he cannot control and cannot fix is what the county has planned for a roadway and how it connects, so he cannot control the noise. He said it is the County's plan and unless the County wants to tell him not to build the secondary road, then it is something already planned and coming through and he would look for direction from the County. He said in addition to the proffer plan, the applicant intends to build the roadways and a round about to slow down traffic to keep it safe for the children in the neighborhood and make that connection to Cedar Grove Road. He said he is still working on the landscaping to buffer it and make this an attractive community.

Mr. Skeens asked about rental units in the development. He also asked about the price range of the units.

Mr. Lambert said their intentions are to sell to people who want to buy and reside in the units. He said that he could not control someone purchasing a unit and then renting it out. Mr. Lambert said the price range is approximately \$215,000.

Mr. Wilson asked Staff about water impoundment with a figure of 20 million, and if it was in sync with the current CIP.

Mr. Svoboda said yes.

Mr. Wilson said that he has concern for the taking of land for residential in a targeted area for commercial both at a lost opportunity for potential revenue going forward and the impact of water being directed to residential to a potential commercial area.

Mr. Davis said that he agreed with Mr. Wilson. He has concerns giving up business zoned land.

Mr. Wilson said being no further discussion, he is looking for a motion.

Mr. Davis said that he recommends denial of re-zoning RZ#05-164 due to it not making sense for the County right now of how to get to the financial end of the restaurant tax and the loss of business zoning and the traffic issues.

Mr. Davis Lamb seconded the motion.

AYE

Mike Skeens
Davis Lamb
Jim Davis
Brent Wilson

Mr. Wilson said the motion is declined and will be forwarded to the BOS.

Mr. Wilson said that our next order of business in RZ#05-160, J6 Developers. He asked Mr. Svoboda to give a report.

Mr. Svoboda said that his presentation will be brief as this case has been presented many times. He said the applicants are here to speak with the Commission with any concerns. He said it is to re-zone R-1 property to PUD which includes some business and residential. He said that it is townhouse development with some single family houses in what is currently known as Eastview. He said that part of Eastview is incorporated into this plan. He said that it is 13.25 acres. Mr. Svoboda said at this time he will turn it over to the applicant.

Mr. Fraidon Hovaizi approached the Commission. He thanked the Commission for allowing him to speak. He said that the last time he was present at the Planning Commission meeting there were some issues and concerns for the student per family ratio. He said that he revised the fiscal impact analysis and incorporated three different scenarios in the fiscal impact analysis. He said that one was the student ratio per family of .41 and the second scenario called Point B is .61 the third scenario called C is .75 ratio per family. Mr. Hovaizi reviewed his handout and asked the Planning Commission for their approval on their proposal.

Mr. Carl Schmitt approached the Planning Commission. He said that this is a very interesting development and very close to what we have been discussing tonight. He said that many of the issues on this proposal apply to others discussed tonight. He said that there is a mixture of business and residential and he said he doesn't know how many residents that are being discussed. He said that he has not seen any new information that applies to this new analysis that is recent. He said that he doesn't know what the proposed price of the units are but wanted to remind the Commission that it takes a unit cost of approximately \$400,000-450,000 to pay for the school children in that unit. He said that it would be fair to say that there would be an equal amount of children coming out of this proposal as it would the previous proposal. Mr. Schmitt said in the previous memo of May 17th he commented on this proposal and noted several deficiencies in the submittal compared to what was required in the PUD and he said that he sees no new information that addresses any of those items. Mr. Schmitt said that the overall issue is the sheer quantity of residential development. He said this is not what the County needs, yes we

would like to have commercial and there is the component here but, the impact on the Rt. 29 corridor on traffic and water and sewer is overwhelming and not a good thing for the County.

Ms. Jill Meyer approached the Commission. She said that she is going to be reflecting on a lot of people's thoughts. She said that what she had been hearing and reading she found extremely overwhelming and confusing. She said that she was hoping to understand it better tonight but does not. She said that she finds this much more complicated than she anticipated. She said that when she looks at all the people being jeopardized by this incredible residential growth. She said that the EMS services can barely manage what they have now and we have a ton of approved growth and we are looking at more. She said that she doesn't want to be the one who doesn't get help when needed and she doesn't want to see anyone else not receive help as well. She said that there is just simply not enough money to support the schools. She said that the teachers are overwhelmed and the children are cramped as it is and why would we want to make this more difficult. Ms. Meyer said that the Fried Representative said that their complex is going to bring in senior citizens, age 55. She said that she questions how that will affect the traffic. She said that we were told tonight that it would not affect our traffic that they will not be on the roads during rush hour because they are older citizens. She said that age 55 does not mean retirement to her. She said she believes that citizens coming it at age 55 will be adding to our rush hour traffic. She said that we had heard tonight that these citizens will be coming here to get another job, yes they will be adding to the rush hour traffic. She said that she thinks this is an overwhelming situation for every resident of our community. She said that we are going to be forced to raise taxes and we are going to be losing the people that make this the unique community that we want to remain. She said that there have been many references to Northern Virginia tonight, she said that we don't live there and we don't want to live there so let's not turn it into that.

Ms. Tracy Wingfield approached the Commission. Ms. Winfield said that she is a resident of Pinewood Court. She said that she opposes the re-zoning and the development of this proposed PUD. She said that personally if she wanted a town house, she would have purchased one in Charlottesville. She said that she wanted her own property, privacy and a small neighborhood, which is what she has now. She said that if this is approved then she will have town homes in her back yard. She also said that she sees this as a financial burden on the County. Ms. Wingfield said that if this proposal was recommended to the BOS, then please recommend privacy fencing and landscaping buffers.

Ms. Pat Morris said that she agrees with everyone else.

Mr. Tom Sillette approached the Planning Commission. He said that he is a resident of Moore Road he does oppose this development. He said that he does not oppose home building in that area. He said that there is a traffic problem on Moore Road and he opposes this large building.

Mr. Sal Milione approached the Planning Commission. He said that he is a resident at 61 Pinewood Court and he opposes this proposal as well as 20 other residents of Pinewood Court and Moore Road. He said that he presented a petition at the last Planning Commission meeting. He said that he wanted to comment on Carl Schmitt's memo and he feels that he raises a lot of questions that in a month's time has not been answered. He said that he also has not seen the statistics that just came out. He said that he went to the Greene County Planning Department last week to see if any new information has been submitted and nothing was found so he is hearing it for the first time and said he isn't really hearing a lot. He said that he thought their proposal was for 153 families/town houses in a very small condensed area. He said that he feels this is not a good thing for Greene County. He said he realizes this is a PUD and the developer plans to put office buildings there but, he feels the town houses will go up first. He said that he cannot see them putting the office buildings in first because he said that he didn't think the town houses would be marketable. He said that he feels this is a financial burden on the school system in Greene County. He said the schools are already over crowded and there are more approved developments. He said that we already know about approved burden on the County and this would just add to it. Mr. Milione said the property is irregularly shaped with a finger that injects into the Pinewood Court community and because of that he feels it is a very hard property to market in any other way except for R-1. He said that lastly he feels that the PUD is a form of spot zoning. He said that if you look at the whole area, Pinewood Court is residential. He said that when you go on Rt. 33, you have two churches on the corner of Moore Road and when you turn into Moore Road, on the whole right side, you have nothing but residential development and then all of sudden you are going to inject a piece of development that changes the character of the community. He said that he opposes it and hopes that the Planning Commission does not recommend it.

Mr. Mary Silman approached the Planning Commission. He said that he is a resident on Moore Road and opposes the re-zoning. He said that he is also concerned with the school system and the traffic control. He said that he would like to see the Planning Commission recommend denial.

Ms. Andrea Wilkerson approached the Planning Commission. She said that she finds the financial analysis mind boggling. She said that if the annual cost per child is \$3,500 to keep a child in the school system but there are no more seats for them. She said that if we added 100 kids then we would need about \$2,700,000 in proffers to build the seats for the kids. She said that the real estate taxes are clearly not covering the annual operating costs for the children. Ms. Wilkerson said that it is not all about finances. She said that the point of government is to support lifestyle and if we make mistakes now, we cannot roll back later.

Mr. Francis Eways approached the Planning Commission. He said he said that he put up a business on Moore Road and that he has kept it manicured. He said that he pays a lot in taxes and he was promised when he built the building that he would have sewer in before completion of the building. He said that is has been 2 years and he has spent sometimes

\$1,800-2,400 a month to have his pump and haul system pumped out. He said that he had someone interested in the building but due to the fact of not knowing when the sewer was coming it, they decided to not take the building. Mr. Eways said he is paying taxes on the front part and the back part. He said that he kept his word on the development. He said that he keeps the 4 acres manicured, the building is neat, the property is paved and the trash is picked up. He said that he feels he increased the value of homes on Moore Road. He discussed his meeting with VDOT in regards to a road coming through his property, so he felt like he needed to get involved.

The hearing was closed to the public.

Mr. Skeens and Mr. Hovaizi reviewed the handout from J6 about proffer #13 pertaining to the loop road.

Mr. Skeens asked Mr. Hovaizi to confirm the number of units, 153 or 182.

Mr. Hovaizi said this was an example for the worse scenario.

Mr. Wilson said that the Commission is struggling with how many units. He asked Mr. Hovaizi how many units are they planning. He asked for how many residential and how many commercial.

Mr. Eways addressed the Commission. He said that he spoke with a lot of the neighbors and he can see their concerns. He said that in the change the only thing listed on the residential section is single family homes, town homes and on the commercial they have listed commercial from 7 acres to 3 acres, assisted living center or a daycare center. He said there will be 182 and it would be the maximum and that depends on what the Planning Commission will allow him to build.

Mr. Hovaizi said that 3 acres would be allocated for commercial. He said 160 for residential and 2 commercial sites.

Mr. Eways said those 2 commercial sites would be only for a daycare center and assisted living facility.

Mr. Wilson said this is confusing since the letter from Staff talks about the development consisting of 4 office/retail buildings verses what the applicant is commenting tonight.

Mr. Davis asked Mr. Svoboda the intent of a PUD.

Mr. Svoboda said the intent PUD is to balance commercial and residential but it also is an infill district on how you want to use or you could use it for both. He said that you could use the PUD to infill areas between residential and commercial.

Mr. Davis said that he got the impression that the business would be there for the residential and the traffic wouldn't go outside this particular PUD or there would be more businesses associated with the residential so they wouldn't have to travel.

Mr. Svoboda said that originally when it was discussed about a year ago when some other developments came through, that was a proposal that they had made.

Mr. Davis said that he is concerned about the loop road. He said that he understands how it helps the traffic going from Stanardsville to Ruckersville. He asked the necessity to the County to the State to do this on the left side of the intersection.

Mr. Svoboda said this is a concept that came in before his employment with the County. He said that he has seen the VDOT drawings and plans that show the proposed road going through the property line.

Mr. Davis said that he doesn't see this as a priority.

Mr. Svoboda said that initially the concept of the loop road was to start on the east side of Rt. 29 but with some of the development that Mr. Hall started doing, it now has started on the west side of Rt. 29. He said since Mr. Hall offered to build the road, we said ok to start on the west side first as opposed to the east side.

There was discussion about the loop road.

Mr. Wilson said the Phillips property that will connect to Rt. 33 going north, and then property Mr. Hall owns and is developing the northwest quadrant. He asked if the connector coming up in sync with the crossover.

Mr. Svoboda said yes and one of the reasons for that particular place is that VDOT is saying that an appropriate place for that road (Larry Hall property) to go north across Rt. 33 because the turn around at Burger King will be closed. He said that crossover will come back and connect with a loop road and potentially a crossover at Rt. 33 will more likely have a traffic light. Mr. Svoboda pointed out on a drawing of the above mentioned crossovers and loop road. He said that when they continue to parallel Rt. 29 and before it gets to Luck Stone it will take a right and head east and will come across the crossover we are discussing tonight. Again, Mr. Svoboda pointed out these areas. He said that he has seen a plan showing a crossing on Moore Road and dumping out somewhere between Eastview and Godalming Subdivision.

There was discussion about the loop road and crossover closings.

Mr. Lamb asked commented on the loop road and the proffers mentioned in the handout from the applicant.

There was discussion about proffer #13 and proffer #2 on the handout.

There was further discussion about the loop road using the drawing present.

Mr. Wilson asked if there was a letter from VDOT commenting on the feasibility of the loop road.

Mr. Svoboda said the only comment from VDOT was to only keep the loop road open for possibility.

Mr. Wilson asked the applicant if this proposal was not approved, what would be done with the property.

Mr. Hovaizi said they had not contemplated that yet.

Mr. Wilson said that he is concerned about the loop road that there are really no comments from VDOT. He told the applicant he appreciated the different scenarios that was presented for the fiscal analysis. He asked the applicant the analysis that they prepared showed all residential being the worse case scenario.

Mr. Hovaizi said that is correct.

Mr. Wilson asked the applicant if there was some revenue from the commercial, that would improve the analysis that was presented.

Mr. Hovaizi said that was correct.

Mr. Davis said that his concerns are the burden on the County and the maybe of the loop road.

Mr. Wilson said that he shares the same concerns and the proffers being offered. He said that he has concerns also about the drain on resources on the County for the development.

Mr. Lamb said he was concerned about safety issues.

Mr. Wilson said that he is looking for a motion.

Mr. Davis made a motion to recommend denial of RZ#05-160 due to traffic, drain on financial resources for the County and the uncertainty of the loop road.

Mr. Skeens seconded the motion.

AYE

Mike Skeens
Davis Lamb
Jim Davis
Brent Wilson

Mr. Wilson said the motion is rejected and will be forwarded on to the BOS for them to hear the request.

PRELIMINARY PLAT REVIEWS

Wexford Subdivision

Mr. Wilson asked Mr. Svoboda for the presentation.

Mr. Svoboda said this is the Wexford Subdivision. He said that the Planning Commission had seen the re-zoning and it was approved by the BOS. He said the total acreage is 41.58 acres and it covers 3 parcels. He said that during the re-zoning, additional acres were picked up that are currently zoned R-1. He said that it is for a total of 41 lots with public water available but not public sewer. He said that all roads will be accepted into the VDOT system. He said access for all the lots will be from the internal subdivision road. Mr. Svoboda said that there is copy of the plat in all the Planning Commission packets. He said the amount of open space was reduced by proffer by the BOS.

Mr. Wilson asked what the next action would be tonight for the Planning Commission.

Mr. Svoboda said the Planning Commission could approve or deny the preliminary plat. He said the plat does meet the ordinance requirements. He said there are some VDOT items that need final improvement and some soil tests to come back from the Health Department. He said the final plat will not be approved until these 2 criteria's are met. Mr. Svoboda said the applicant is here if there are any questions. He said that it is Staff's recommendation to approve the preliminary plat and note that the final plat would not be approved until VDOT and Health Department items are taken care of.

Mr. Wilson asked if the applicant would like to comment.

Mr. Barry Dofflemyer approached the Planning Commission and said he is here to answer any questions of concerns.

Mr. Davis asked if there were any concerns about the water near the tot lot.

Mr. Dofflemyer said it would be fenced.

Mr. Wilson said that he is looking for a motion.

Mr. Skeens said he makes a motion to approve preliminary plat SDV-05-411 with all the issues with VDOT and the Health Department be taken care of.

Mr. Lamb seconded the motion.

A vote was taken

AYE

Jim Davis

Davis Lamb

Mike Skeens

Brent Wilson

The Preliminary Plat for Wexford Subdivision was passed.

Stoneridge Subdivision

Mr. Wilson asked Mr. Svoboda for staff report.

Mr. Svoboda said this for 26.37 acres that was part of a re-zoning. He said that the property is zoned B-3. He said the plat that the Commission has present has the zoning lines and the section in which we are discussing tonight is all zoned B-3. Mr. Svoboda said that the roads are designed by VDOT and meet all standards. He said that all the access is off the internal subdivision road. He said there is public water and sewer and RSA will review. (There was a typographical error which read the Health Department would review, correction is RSA). He said it is an 11 lot commercial subdivision. Mr. Svoboda said staff recommends approval. He said the final plat will not be approved until we receive VDOT comments and RSA approval which we have received.

Mr. Hall said there is 12 acres, 10 lots. He said 6 are under contract, 2 reserved and 2 remain. He said that the Planning Department should have received paperwork for 2 building permits.

Mr. Svoboda said that there are 2 site plans pending and 2 building permits pending.

Mr. Hall said the two commercial businesses coming are the UVa. Credit Union and a Martha Jefferson Facility.

Mr. Davis asked about the width of the roads in regards to getting fire trucks in and out.

Mr. Svoboda said information was sent to the appropriate agencies and there were no

problems.

Mr. Hall said there would be 12 foot lanes. He said it is designed for 40MPH but it will be 35 MPH.

Mr. Davis asked about the parking and Mr. Svoboda said that parking will be on site.

Mr. Lamb asked about lighting and Mr. Hall said that he had not been proposed but was being considered.

Mr. Svoboda said that the road lighting will meet VDOT criteria.

Mr. Hall said that the alignment through the road is going through Mr. Phillips and that there is good topo.

Mr. Wilson asked when the estimated completion date.

Mr. Hall said that Mr. Phillips is ready, Phase I should not take too long to complete and Phase II should begin around Spring with re-zoning. He said that you will see a lot of activity going on.

Mr. Wilson asked for a motion.

Mr. Lamb made a motion to approve the Stoneridge preliminary subdivision plat SDV-05-442 subject to all VDOT comments are addressed on the final plat and RSA concerns are addressed as well.

Mr. Skeens seconded the motion.

A vote was taken.

AYE

Jim Davis
Davis Lamb
Mike Skeens
Brent Wilson

The motion passes the preliminary plat review for Stoneridge Subdivision.

APPROVAL OF MINUTES

The minutes of the October 19, 2005 meeting were unanimously approved as submitted.

OTHER PLANNING MATTERS

Time Based Zoning

Mr. Svoboda said that the Planning Commission has a packet for review. He said what needs to be done is either a work session or public hearing. He said that the work session is not required, we could do public hearing and have a recommendation and then the BOS.

Mr. Wilson asked if there was a recommendation from the BOS and Mr. Svoboda said no.

Mr. Wilson asked Mr. Svoboda's recommendation and he said that if the Planning Commission had a lot of questions or wanted to discuss it in length then he recommends a work session. He said that we could do it before or after the public hearing depending on the Planning Commissions comfort level. Mr. Wilson asked if the work session would be a separate meeting and Mr. Svoboda said yes.

Mr. Svoboda said that the work session would be where the public is invited but not allowed to speak where as the public hearing the public is allowed to speak.

Mr. Wilson asked if the public hearing would be part of the normal meeting and Mr. Svoboda said yes and that the work session could take place before or during the meeting. Mr. Svoboda said that generally it takes place prior to the meeting.

Mr. Wilson asked if there was a request for a joint session with the BOS. Mr. Svoboda said there had been no request for a joint session.

Mr. Wilson said he would like to check the status of CIP and other items to see where we are in the process.

Mr. Svoboda said the CIP work session was held last night 11/15/05 and there were some time table changes and will go to the BOS next Tuesday to re-work or adopt it.

Mr. Wilson asked Mr. Svoboda if there was any need for the Planning Commission to work on the CIP.

Mr. Svoboda said no, the BOS is concentrating on the CIP.

Mr. Wilson asked the Commission members any preference of the time for the work session.

Mr. Skeens said the public hearing first.

Mr. Davis said the work session first.

Mr. Svoboda asked if the Commission wanted to do a work session prior to the public hearing or if everyone is comfortable or maybe do a work session one month the public hearing the next month.

Mr. Lamb said that he would like to do the work session and the public hearing the same night.

Mr. Svoboda said that the risk you take in doing the work session the same night as the public hearing is that if a lot of time is spent on it then the public hearing may need to be continued or canceled.

Mr. Wilson said that he would like to do a separate work session then schedule a public hearing and what would be the time of notification of the public hearing.

Mr. Svoboda said that it would have to be advertised the same as a regular meeting. He said that we need 2 weeks notice.

There was discussion on when and how to schedule the work session. Mr. Cox was asked by Mr. Wilson on a preference for scheduling for the BOS.

Mr. Cox said that he would like to see this done correctly and that it will take a little time. He said that we approaching the holiday season and there will be change in status on the Planning Commission and the BOS and we need to take this into consideration and not rush. He said that he would like to make a suggestion. He said that years ago they would be 2 Planning Commission members go out on re-zonings and study, talk with people then present to others. He said he would like to see this procedure again beginning the first of the year, that it would help us considerably.

Mr. Wilson said that was a good recommendation and that he would like to see the work session take place before the next meeting, on the same night.

There was discussion about the work session. The work session will be at 6:30 at the next Planning Commission on December 21st.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Kelly Clay
Secretary