

**PLANNING COMMISSION  
FEBRUARY 15, 2006**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, FEBRUARY 15, 2006, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Gary Lowe, Chairman
- Davis Lamb, Member
- Phyllis Woodfolk, Member
- Graydon Lamb, Member
- Mickey Cox, Ex-officio Member
- Bart Svoboda, Zoning Administrator
- Stephanie Golon, Planner
- Kelly Clay, Secretary

Mr. Lowe called the meeting to order. He said that we have one public hearing for a re-zoning. Anthony & Bonnie Lawson/Northridge Land Trust request a re-zoning from R-1, Residential, to B-3, Business, on 1.50 acres of an 11.18 acre tract located on Spotswood Trail and identified on County Tax Maps as 50-(A)-20. (RZ#06-001)

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

Mr. Svoboda said that this is a re-zoning request for R#06-001. He said the property is located within the growth area. He said that it is adjacent to Ryan Funeral Home which is the east side of the funeral home and on the north side of Rt. 33. He said that public water is available but public sewer is not available at this time. Mr. Svoboda said that the applicant is proposing to re-zone 1.5 acres from R-1 to B-3. He said that proposed proffers have been offered even though they did come in late and copies have been given to each Planning Commission member before the meeting. He said that the applicant has proffered in a landscaping buffer and have proffered out some of the heavier uses which is highway retail, service centers and truck stops and bus/truck/taxi terminals out of B-3. He said everything else would be as is by either special permit or by-right. Mr. Svoboda said that the future land use map does designate this area as a business/retail area and it does meet with the Comprehensive Plan objectives. He said the screening makes it more in keeping with the area. He said there has been a letter sent in from an adjacent property owner with concerns about the use of an auto repair business and how it will affect their current business. He said there is some feedback on this application both for and against it. He said that it is in keeping with the Comprehensive Plan and it is slated for business retail on the future land use map. He reviewed the overhead presentation showing the sketch plan of the proposed building. He said the bay doors will be on the east and west sides of the building. He continued to review the overhead presentation pointing out the landscape buffers and other issues such as setbacks. He said that the existing house is going to be either moved to a different parcel or demolished. He continued to review the overhead pointing out the existing house and other issues. Mr. Svoboda said that staff

recommends approval and that it is consistent with The Future Land Use map and with the submission of the sketch plan and proffers and it does go along with the Comprehensive Plan.

Mr. Lowe explained the process of the public hearing. He said the applicant can come forward and make any comments that he may have. He said it will then be opened to the public, directing all comments to the Planning Commission. Mr. Lowe said it will then be closed to the public and opened up to the Planning Commission members for discussion.

Mr. Anthony Lawson came forward to address the Commission. He said that he is the owner/operator of the Alignment Shop and Auto Repair shop. He said that he is requesting this re-zoning due to his business growth. He said that he just received a letter from the funeral home expressing their concerns of the noise.

Mr. Lowe then addressed the sign-up sheet for those wishing to comment on tonight's rezoning and opened it to the public.

Mr. George Lerner approached the commission. He said that he is the Funeral Director and General Manager for Ryan Funeral Home. He said that Mrs. Ryan could not attend tonight's meeting. He said that they wanted to state some of their concerns. He said that due to the sense of the nature of their business, a funeral home, changing the zoning would directly impact the livelihood of the funeral home. He said that they deal with families in mourning and require a natural quiet serene setting to deal with their grief. He said that there would be increased traffic from the zoning change that will lead to noise and traffic congestion. He said their business would be adjacent to this business. He said that they feel no minimal landscape would disguise the noise or mechanical operation of this type of business. He said that they are not opposed to the property in question being zoned from R-1 but feel zoning it to a B-1 or B-2 would be adequate. He said they are opposed to zoning it to B-3.

Jake Harlow approached the Planning Commission. He said that he is a resident of Greene County and knows the area very well. He said that he would like to speak on an item that would support the funeral home. He thought maybe having shrubbery/screening closely knitted so that noise could be held down. He said the traffic is coming regardless. Mr. Harlow said being in the automobile business, there will be some noise but he feels that would be better than to have four houses there that would be low income. He said that he would like to see Mr. Lawson do better and move on up. He said it would help the whole community better than in the housing area. He said that he is in favor of it but would like to recommend some sort of shrubbery like what was shown on the east side of the overhead.

Mr. Allen Davis approached the Planning Commission. He said that he lives east of and adjacent to this property in the old Steve's house. He said that he had been in the Zoning office twice and spoke with Mr. Svoboda on three occasions. He said that he went into the

Zoning office on 02/14/2006 and site plan two was not available. He asked that site plan two be put up on the overhead for review. He said that he had setback concerns. He reviewed the overhead site plan. Mr. Davis said that Northridge is possibly proposing a road which will give access to further development at the rear of this site. He said that he feels if this proposal is accepted and when or if the road does or doesn't go in, he said the setbacks are not going to be correct and it is already going to be a ball in motion and he feels people will say since the work has been done, let's just ignore it. Mr. Davis said that he is also concerned about the proffers as far as the buffers are concerned. He said that he has investigated the moving of large boxwood trees, he has over 200 on his property and he would like to have moved them. He said that he has talked with American Boxwood Society and a number of nurseries who specialize in the moving of boxwoods. He said that all of them told him that it is virtually impossible to move boxwoods the size that front the property on Rt. 33. He said that he hopes anything that goes along there will be substantial and prevent him from having to look into. Mr. Davis said that he lives in A-1 but a residential home. He said that he doesn't want to have to look over and see something to this affect. He said at this point he looks over and sees a dilapidated but charming farm house. He said that he has emotional issues over this re-zoning. Mr. Davis then read a prepared letter/statement. He had handed out a copy to each member that was present for them to have in front of them during his reading. (A copy of this letter is placed in case file RZ#06-001).

Mr. Lowe closed the public hearing. He asked Mr. Lawson to step forward and approach the Planning Commission.

Ms. Woodfolk asked Mr. Lawson what his feelings were when it was suggested to put more shrubbery in to make a quieter place.

Mr. Lawson said that the automobile repair shop is relatively a quiet business. He said that there would be more noise generated off of Rt. 33 than what would come from his business. He said that he tried to design the shop/building in such a way that the noise would not be magnified. He said that he does minor car repair and alignment and that does not generate a lot of noise. He said that he would put in all buffers that would require him to put in and if moving the boxwoods meant that they would not live, and then he would do something different.

Mr. Graydon Lamb addressed Mr. Lawson asking that he just received the letter from the funeral home tonight and asked if he had comments regarding that letter.

Mr. Lawson said that a lot of the funeral homes business is at night and that his business is closed during the hours that the funeral home holds family night. He said that during the day, it is to his knowledge that they close Rt. 33 down to allow the funeral processions out of the funeral home and he said that he is not opposed to stopping and allowing people to get in their vehicles and proceed out. Mr. Lawson said that he respects those who have lost loved ones and need to grieve. He said that during the winter months, the doors will

be down so there would be nothing heard and he said he feels in the summer, spring and fall, and then it could be addressed at that time to accommodate Ryan Funeral Home.

Mr. Graydon Lamb asked Mr. Lawson if he would object to putting screening on the west side between the funeral home and his building.

Mr. Lawson said that would eliminate a lot of accessible use of the land. He said that he has to place the building 50 feet off of the residential side and the lot is 153 feet wide. He said the building width he wants to go with and have the bays that he needs, you're looking at 40 feet there and he said if he has to plant shrubs and a grassed in area there, that could possibly eliminate another 10-15 feet. He said that would make it hard to have adequate parking. He said the parking is an issue now at his present business location.

Mr. Davis Lamb said that he saw on the diagram present that it shows parking in the rear at 250 feet. He asked if there is any type of barrier that could be put between the Ryan property and his property.

Mr. Lawson said that he would not be opposed to that suggestion because he feels it would not eliminate anything such as noise because all that would be at that end would be parked cars.

Mr. Davis Lamb asked that during the day when a funeral was in progress, would the people attending the funeral be able to look over there during business hours with no barrier in place.

Mr. Lawson said that he could probably install a fence.

Mr. Davis Lamb reviewed the site plan showing the entrance and asked if a turning lane would be installed.

Mr. Lawson said yes, that there is an existing turning lane there now and he may have to add to that existing turning lane. He said that he hasn't discussed this with VDOT at this time.

Mr. Davis Lamb asked that if he would still need an entrance.

Mr. Lawson said yes, that at this time, it has a residential entrance.

Mr. Graydon Lamb said that there is central water now. He asked if there is an existing septic system on the 1.5 acres.

Mr. Lawson said that yes it does. He said that he has seen sewer pipes there at the house on the site.

Mr. Graydon Lamb said that he was wondering if the sewer system was on the 1.5 acres or if it was behind the house on the property.

Mr. Lowe said that the Health Department would regulate setbacks or wells.

Mr. Svoboda said that when the division occurred, the Health Department was contacted and they indicated that the existing septic system is contained on the 1.5 acres for the residence. He said that does not mean that it can be utilized for the business. He said there are regulations for a commercial business septic. He said no VDOT comments have been received. He said the application has been forwarded to them.

Mr. Lowe said that if VDOT doesn't grant an entrance then Mr. Lawson would be unable to get his building permit. He said there will need to be more of a deceleration lane.

Mr. Lowe asked Mr. Lawson about exterior lighting and his hours of operation.

Mr. Lawson said that his hours of operation are 7-5:30, with a rare occasion of running past the hours of operation. He said that he maybe 4 or 5 times a year, one of the employees may use the facility to service their own vehicles. He said there would be no lights on except for the bay area needed.

Mr. Lowe asked the applicant about outside storage.

Mr. Lawson said that at the time he doesn't look for anything. He said that he wants to keep the building in the back corner and it does meet the setbacks code for B-3 zoning. He said this building would be used for storage. He said that he wants to build a structure big enough for the storage he needs.

Mr. Lowe asked if used tires would be piled up outside.

Mr. Lawson said that he has a person that comes by regularly to pick up tires. He said they may sit for a day or two but not any longer than that. He said that he has a trailer that he will use to sit metal on and then haul it away from the premises. He said that there will be very little storage on the outside of the building.

Mr. Lowe asked if Mr. Lawson offered a towing service and if vehicles were towed there for service.

Mr. Lawson said that he does not offer towing service but does have vehicles towed in for service. He said that he does not have a tow truck. He said that no wrecked vehicles will be stored on site.

Mr. Lowe said that he shares the concerns of the neighbors about the screening. He reviewed and pointed out some areas on the overhead site plan. He asked Mr. Lawson to

explain what type of fence he would put up – the appearance and height.

Mr. Lawson said that he would install a screen fence, wood treated and 6-7 feet in height. He said that he would not want it to blind his business from Rt. 33.

Mr. Lowe used the overhead explaining his fencing concerns. He said that the fence could be brought down to where the bay areas are and leave the office area exposed.

There was discussion between Mr. Lowe and the applicant regarding issues using the site plan on the overhead. They discussed where the road was located and where it begins. They also discussed the fencing and where it is to the bays of the building. The landscaping location was also discussed.

Mr. Lowe asked Mr. Svoboda about state road requirements.

Mr. Svoboda said that our typical subdivision road requirement by VDOT is 50 feet. He said that if that was to become a public road (using overhead) the location of that building at 50 feet from the property line would meet the setbacks for the frontage along the potentially new public road.

Mr. Lowe said the building meets the requirements but what would the construction of the road and travel way be. (Addressed this question to Mr. Svoboda)

Mr. Svoboda said the possibly new proposed public road would not be on this parcel.

Mr. Lowe said that he wanted to make sure the 50 feet left over will accommodate a VDOT road.

Mr. Svoboda said that if you think in terms of recent developments such as Willow Creek, those are 50 foot right of ways.

Mr. Lowe asked if the applicant wanted to construct a VDOT standard road, they would deal with VDOT and the County would not get involved. (Addressed this question to Mr. Svoboda).

Mr. Svoboda said if this was a by-right division, R-1 then it would come to the Planning Commission as a Preliminary Plat, not a public hearing. He said the applicant would need to meet VDOT standards and the County ordinance.

Mr. Davis Lamb asked the applicant if he would be repairing large trucks.

Mr. Lawson said that no, he was eliminating that out of B-3. He said that he does do state inspections so there would be trucks coming in for inspections but not for repairs. He said there would be no trucks like semi-trucks.

Mr. Lowe discussed the options for this case. He said that the Planning Commission could vote to approve as is. He said that a re-zone unlike a special use permit the owner has to voluntarily offer proffers whereas on a special use permit, the commission can add other conditions to it. Mr. Lowe said that he has concerns and he feels the issues have been addressed but not represented on the plan tonight. Mr. Lowe asked for assistance from Mr. Svoboda.

Mr. Svoboda said if the Commission is not agreeable to the conditions submitted by the applicant then the Commission may want to recommend denial stating the lack of these areas are what needs to be addressed. He said this gives the applicant time to address before the Board meeting – this is one option. Mr. Svoboda said that another option is that the applicant may wish to defer to be able to address issues at the Commission level and come back next month, in the mean time get with staff and then return to next month to the Planning Commission.

Mr. Lowe said that he has concerns and need to look out for the neighbors too. He said that it appears to be a good business. He asked the applicant if he had a time frame on this project. He said that there is nothing in writing about the fencing at this time.

Mr. Lawson said that he is looking a year to a year and a half.

Mr. Lowe said he would feel more comfortable if this was deferred and the applicant could incorporate some of the comments made tonight and come back to the Planning Commission. He said that it could also be denied and the applicant could move on to the Board of Supervisors and proceed from there. He asked if the applicant had a preference.

Mr. Lawson asked that the issues be reviewed with him tonight.

Mr. Lowe said that there is the fence issue, buffer. He asked the applicant if he had specified the type of plant material the buffer would be.

Mr. Lawson said that he didn't specify that it was more of a proposal. He said they would like to look at their options and recognize that it needs to be something that will grow thick. He said that he thought of a type of cypress. He said that the land rolls in the back and the residential area would not need to have something as tall.

Mr. Lowe said that it would help if it was in writing. He also asked the applicant if he would be willing to proffer what he spoke about in accommodating Ryan Funeral Home during a funeral.

Mr. Lawson said that he most definitely would proffer those earlier mentioned comments. He said he could close his doors if necessary and would proffer to accommodate and that he respects their business. He asked for some notification as to what the funeral home is

doing at that time and he would accommodate.

Mr. Lowe asked if any other Planning Commission members shared concerns and Ms. Woodfolk said that she does. He said that a lot of items have come up that have not been reflected and if the Planning Commission could get these items in writing and give the applicant time to reflect on these items and come up with more detail. He said he is looking for a motion to defer.

Ms. Woodfolk made a motion to defer until the next meeting.

Mr. Graydon Lamb seconded the motion.

A vote was taken.

### AYE

Phyllis Woodfolk  
Graydon Lamb  
Davis Lamb  
Gary Lowe

The Planning Commission voted unanimously to defer RZ#06-001.

### **PRELIMINARY PLAT REVIEWS**

#### OCTONIA HIGHLANDS – SDV#06-007

Mr. Lowe asked Mr. Svoboda for the presentation.

Mr. Svoboda said this is a preliminary plat for Octonia Highlands, SDV#06-007. He said that it is a proposed 40 lot subdivision. He said it is being served by internal roads and is located off of Octonia Road. He said that there was information in the packets. He used the overhead presentation to point out the lots located on the plat. He said the property owner is trying to maintain the largest portion to keep in the Agricultural use. He said there are 80 acres with four roads that come in and the lots all access off of these four roads. Mr. Svoboda then pointed out the roads on the overhead presentation. He said that the applicant is here tonight to answer any questions.

Mr. Alton Keel approached the Planning Commission. He said that he is a member of the South River Land Preservation Group. He said their purpose is to try to keep land open in our area. He said that they are doing what they refer to as zoning by owning. Mr. Keel said that they bought this piece of land that was the old Parrott property. He said he worked with staff in preparing this preliminary plat and that Roger Ray and his son Brian from Roger Ray and Associates are here. He said that Mr. Ray has sent a letter to staff in

support of some of the work that has been done. He said that each Planning Commission member should have a copy of this. Mr. Keel said that in this report Mr. Ray indicated that he has met with VDOT and VDOT has approved the commercial entrance and the easement is reflected on this preliminary plat. He said in addition, he indicated in this letter he was going to meet with Jim Brogden who is with the U.S. Army Corp of Engineers. Mr. Keel said that Mr. Ray has talked with Mr. Brogden and he and Brian have sent the additional files with a photo of one small speed crossing. He pointed this out on the material present of the development. Mr. Keel said that Mr. Brogden said based on these files he sees no reason why the nationwide permit can't be issued. He said that he gave staff a copy of that e-mail today 2/15/06. He said that in addition, in this letter it indicates that he would meet with their Erosion and Soil Control Engineer, Mr. Taggart. He said that has been done and Mr. Taggart has sent a detailed narrative of erosion control and storm management to staff. Mr. Keel said that he understands that Ms. Riddle has sent a report to the Commission as part of the packet saying that she has no specific concerns on soil and erosion control. He said the detailed narrative also addresses storm water quantity management and concludes that there is sufficient channel for the one stream that they will not disturb that goes through the property in terms of additional storm run off. He said the detailed narrative also suggests and they agree that as far as storm water quality management to fit in a buffer around the one stream and they are also looking into additional low impact measures to put into the final plan. Mr. Keel said that they have also had a Soil Engineer go out and he has done a preliminary soil survey and soil feasibility study. Mr. Keel said that the engineer sent a letter to staff where he did 26 different borings and based on that Mr. Ray and his group did devise this plan and the conclusion of the soil survey engineer is that all of these sites will meet requirements in terms of soil reserves for septic systems. He said that would be a part of the final plat to be approved by the Health Department. Mr. Keel said that their intent of this process is to try and keep land open. He said that they are actually proposing more than what they hope to do. He said that they realize they can always do less and that this is by right. He said they hope to do this in phases and preserve 70% of the land. He then discussed the dollar amount of purchase for property in Greene County. He then offered to answer any questions.

Mr. Lowe opened the meeting up to the Planning Commission.

Mr. Davis Lamb asked the applicant if he would like to keep it all open.

Mr. Keel said he would like to have kept it open.

Mr. Davis Lamb asked the applicant why he's not keeping it open.

Mr. Keel responded that if he is to buy land to zone by owning, he has to preserve capital. He said his group is limited to the capital they have. He said they have to roll over their capital. He pointed out on his presentation material land on conservation easement. He said that he couldn't get his capital back if he kept it all open. He pointed out area on his presentation map that will never be developed.

Mr. Davis Lamb said that he understands Mr. Keel's answer but feel this is spot zoning.

Mr. Lowe said that this is a by right application and the applicant is within the guidelines.

Mr. Graydon Lamb asked why this needed to be approved by the Planning Commission if this is by right.

Mr. Svoboda said that the ordinance states that if public roads are required, the Preliminary Plat must go before the Planning Commission.

Mr. Graydon Lamb asked if the 80 acre parcel qualify for any tax relief.

Mr. Keel said there is no tax benefit.

Mr. Graydon Lamb said that we are going from land use on the entire parcel to allow the applicant divisions by right but still maintaining 80 acres in land use. He said he was concerned with having it both ways, if you get the right by use on the lots then should you still be eligible for tax relief.

Mr. Lowe asked if it is in land use, then do you forfeit a percentage of acreage.

There was discussion about areas on the presentation Mr. Keel had present and market value discussion of property.

Mr. Graydon Lamb said that he understands Mr. Keel's comments. He said that we are working on time based and being told that in Agricultural zones when houses are built, taxes increase. Mr. Lamb questioned if we should have our taxes increased with these 40 lots but still offer land use.

Mr. Keel said that this was a good question and he would be in favor of time based.

Mr. Lowe said this is a question that needs to be addressed to the Board of Supervisors.

Mr. Graydon Lamb asked Mr. Keel since he had mentioned that he wanted to preserve 70% of the land and asked if the applicant would protect that or if he would leave it in lots where they could be sold in the future.

Mr. Keel said that economics will dictate what he can do because he needs to get his capital back. He said that his intentions are to restrict the 70%.

Mr. Graydon Lamb asked if Mr. Keel was to get his money back on 50 acres or more, if he would leave that for future development.

Mr. Keel said so that his intentions are to restrict the 70%. He said he wants to keep open land.

Mr. Keel's presentation was used to point out the areas in the above discussion.

Mr. Lowe asked the applicant what he sees as the price range for the homes.

Mr. Keel said that he sees the range from the upper \$400,000 to mid \$500,000.

Mr. Lowe asked if lots would be sold to anyone or to select builders.

Mr. Keel said they have very restricted covenants and restrictions which have already been drafted. He said that his group is speaking to quality builders only.

Mr. Lowe said that the price range of \$400,000-450,000, these homes pay for themselves as far as services, schools, etc. He said what Mr. Keel is proposing is to put part of it in land use and that is good for the County, eliminating services that would be needed to provide. He said that the applicant has also divided it and it is market driven, putting in the upper end homes which creates a tax base that is a positive cash flow for the County. Mr. Lowe said that this proposal would not have a big impact on services like others have and it is by right. He said that it has met all criteria.

Mr. Svoboda said that it has met the criteria. He said that VDOT comments need to be finalized. He said that all preliminary work with VDOT has been done.

Mr. Lowe complemented Mr. Roger Ray on his work and is comfortable with the work that he has submitted.

At this time, Mr. Lowe asked that the Commission look at the proposed motions 1-4. He asked for a motion.

Mr. Davis Lamb made a motion to approve Preliminary Plat SDV#6-007 subject to the following requirements: VDOT comments are addressed on the final plat and Health Department comments are also addressed on the final plat.

Ms. Woodfolk seconded the motion.

AYE

Davis Lamb  
Graydon Lamb  
Phyllis Woodfolk  
Gary Lowe

The Planning Commission recommends approval of Preliminary Plat SDV#06-007.

Mr. Graydon Lamb addressed a question to Mr. Svoboda. He asked that he thought division by right, first 5 was 2 acres and then the remainder was 5 acres. He asked for example a plat comes in with ten 2 acres but there is enough division to allow this and there are no state roads – is this by right with no sign off.

Mr. Svoboda said that there are basically three ways to stay out of public road standard. He said that one is you get a single lot exemption if you're a parent tract. He said the second would be a family division. He said the third way is an Agriculture partition that has to be 10 acres or more. He said these are the only three ways under our ordinance to stay out of public road standards. He said that if you do any other divisions that do not directly front on an existing public road then you have to do a public road.

Mr. Graydon Lamb asked if all the two acre lots front on the existing public road, and there are enough division rights to allow this, is this by right.

Mr. Svoboda said yes.

### **OLD/NEW BUSINESS**

Mr. Svoboda reminded everyone of the packets they received for additional training.

Mr. Lowe commented that after everyone takes the initial training in March, then there will be additional sign-ups for additional training.

Mr. Lowe gave a report on the EDA. He said there is an event coming up the first part of September. He said that the EDA will help sponsor an event for tourism. He said that it deals with Virginia food and wine is the theme. He said it will be held at the civil war site and they are researching to see if it has to have a Special Use Permit for itself which come before the Commission or if the civil war Special Use Permit will service the event.

Mr. Svoboda said that he would research this.

Mr. Lowe asked Mr. Graydon Lamb if he had anything to report from the Town Council Meeting.

Mr. Graydon Lamb said he had nothing to report at this time.

### **APPROVAL OF MINUTES**

The minutes of the January 18, 2006 meeting were unanimously approved as submitted. There was a correction in the work session on page 3 paragraph 4 to add the word if.

## **OTHER PLANNING MATTERS**

Mr. Svoboda said that we will have 2 new by-right subdivisions to review next month. He said these are within the growth area. He said one is for 118 lots and the other is for 799 lots.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Kelly Clay  
Secretary