

**PLANNING COMMISSION
MAY 17, 2006**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, MAY 17 2006, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Gary Lowe, Chairman
- Jim Davis, Vice-Chairman
- Davis Lamb, Member
- Graydon Lamb, Member
- Phyllis Woodfolk, 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 we have a preliminary plat review that will not require public comments.

PRELIMINARY PLAT REVIEWS

Hood Manor –SDV#06-035

Mr. Lowe said this is a preliminary plat review for Hood Manor. He asked Mr. Svoboda for a report.

Mr. Svoboda said this is a preliminary plat for Hood Manor, SDV#06-035. He said this is a proposed 17 lot by-right subdivision. He said it is located on Rt. 33, near the Quinque light. He pointed out the location on the overhead presentation. He said it is approximately 11 acres and it will be serviced by public water and sewer. He said that we have not received VDOT comments back but do anticipate public roads. He said the current zoning district is R-1. Mr. Svoboda said this is a by-right development and the applicant is here if there are any questions.

Mr. Dick Johnson with Blackwell Engineering approached the PC. He said that they need to install a pump station.

Mr. Lowe then opened the review up to the PC.

Mr. Davis Lamb pointed out on the overhead an area of the site asking that at the end of the road, if there was anyway that could be connected.

Mr. Johnson said there is a cul-de-sac that ends at another piece of property with the intention that it could be connected.

Mr. Davis Lamb asked Mr. Johnson if they had a deed of right of way.

Mr. Johnson said they did not.

Mr. Lowe asked if they were going to record an easement deed on their part of the property.

Mr. Johnson responded with yes. He said the cul-de-sac is designated on the plan as a temporary cul-de-sac.

Mr. Graydon Lamb asked Mr. Svoboda because of the poor visibility on his copy, if this meets all requirements.

Mr. Svoboda said that it does meet all requirements.

Mr. Lowe said that he does have a question regarding the plat received, if what the PC received was what was submitted by the applicant.

Mr. Svoboda said that staff had to reduce it in order to complete packets. He said that staff has a much larger copy with better visibility in order to read.

Mr. Davis Lamb asked if there was any free space.

Mr. Dick Johnson said that there is about 29% open space.

Mr. Lowe said this is a by-right subdivision and it does meet all requirements.

Mr. Jim Davis made a motion to approve preliminary plat SDV#06-035 subject to VDOT comments addressed.

Ms. Phyllis Woodfolk seconded the motion.

A vote was taken.

AYE

Jim Davis
Davis Lamb
Phyllis Woodfolk
Graydon lamb
Gary Lowe

The PC recommended approval of SDV#06-035.

PUBLIC HEARINGS

Mr. Lowe explained the public hearing process.

Mr. Lowe read the request: Michael and Mildred Vincel, Jr. request to have a 72.19 acre parcel, identified on County Tax Maps as 39-(A)-2, which is zoned A-1 and located on Fredericksburg Road, removed from the Midway Agricultural and Forestal District (AFD) AFD#06-001. He asked Mr. Svoboda for a report.

Mr. Svoboda said this is AFD#06-001 application to remove 72.19 acres from the AFD and is zoned A-1 on Rt. 609. Mr. Svoboda used an overhead presentation to point out the location. He said that Mr. Vincel is present tonight if he would like to offer comments about why he is asking for the removal of the property.

Mr. Michael Vincel approached the PC. He said that he had spoke on his reason to the AFD committee.

Mr. Lowe asked if he could give a brief overview that was given to the AFD committee as not all from the PC were present during that meeting.

Mr. Vincel said he is in a situation that has become very obvious to him and his wife that they can no longer manage this piece of property and that they need to move into the city where there are available medical facilities. He said they have made the decision to move and they will be going. He said that the property has been on the market and their intention is to find someone who wants to put it into conservation. He said that in marketing the property, people are reluctant to wait another 4 years. He said that he is not planning to turn it over to a developer who will develop it to its maximum extent.

Mr. Lowe opened the hearing to the public.

There were no sign-ups to speak.

Mr. Lowe closed the hearing to the public and opened it to the PC.

Ms. Woodfolk asked Mr. Vincel how long his property had been in the AFD.

Mr. Vincel said he signed up in 2000 and he thought he was in there before that.

Mr. Svoboda said that it has been 16 years and would have been 20 if he would continue to 2010. He said 16 year plus.

Mr. Jim Davis asked how long the property had been on the market and if the only

interest was coming from developers.

Mr. Vincel said 2 ½ months and only two parties have come forward showing interest. He said one person said that he wanted it for his own personal interest to keep for himself. He said the other interest was for a horse farm.

Mr. Davis asked Mr. Svoboda if Mr. Vincel could possibly divide this property,

Mr. Svoboda said that a division could only occur if someone was doing agricultural use. He said Mr. Vincel can sell his property, it just cannot be divided.

Mr. Jim Davis asked Mr. Svoboda about the horse farm.

Mr. Svoboda said the horse farm under the AFD is by-right. He said if it were just plain A-1 then it goes to a special permit.

Mr. Davis Lamb asked if the equestrian facility would be by a special use permit.

Mr. Svoboda said that in A-1 district it would be a special use permit.

Mr. Davis Lamb said that he would like to ask Mr. Vincel if there would be anyway possible to have it in the contract that the land could possibly be confined somewhat.

Mr. Vincel said that was his intent.

Mr. Lowe said that this is the first application in the AFD to come forward. He said it appears to be no opposition from anyone. He said he would like to hear from the PC because one of his concerns is hardships of others. He reviewed a letter from Mr. Vincel that this is a medical hardship. He said that he did not see a letter from a physician stating this hardship.

Mr. Svoboda said that no letter has been received. He said that we need to remember to be cautious that anything submitted as part of the application becomes public record and there could be some hesitation.

Mr. Vincel said that he doesn't feel like this is an invasion of his privacy. He said that he and his wife spoke to her doctor and he said this was not a life threatening situation and did not feel comfortable writing a letter.

Mr. Lowe asked if there were any PC comments. He asked if Mr. Ray Clark would like to comment on a legal standpoint.

Mr. Ray Clarke said that the legal standard for a removal piece of property in the AFD is not hardship but a good and reasonable cause.

Mr. Graydon Lamb asked Mr. Clarke if there is change in the good and reasonable verses hardship.

Mr. Clarke said that he is not aware of hardship ever a requirement rule in the AFD.

Mr. Davis Lamb asked Mr. Svoboda if there were 17 potential division rights and if that was the max.

Mr. Svoboda said yes that was correct.

Mr. Phyllis Woodfolk said since the AFD is a voluntary agreement and not mandated by law and Mr. Vincel has been in the AFD for 16 years that showed good intentions from Mr. Vincel. She said that if Mr. Vincel is experiencing a problem now that he cannot continue, she feels that we should not restrict him from doing what he wants to do with his land. She said that we should be grateful that he kept the property in for 16 years.

Mr. Lowe said there was no one opposing this and the neighbors were in support. He said he is looking for a motion.

Mr. Graydon Lamb made a motion to remove AFD#06-001.

Ms. Phyllis Woodfolk seconded the motion.

A vote was taken.

AYE

Jim Davis
Davis Lamb
Graydon Lamb
Phyllis Woodfolk
Gary Lowe

The PC voted to recommend removal of AFD#06-001.

Mr. Lowe read the request: Stephen & Marguerite Birchell request a special use permit for mini-storage units on a 2.18 acre tract which is zoned B-3, Business, located on Seminole Trail and identified on County Tax Maps as 60C-(A)-35. (SUP#06-004)
He asked Mr. Svoboda for a report.

Mr. Svoboda said this is SUP#06-004, 2.18 acres and is currently zoned B-3. He said the property is served by public water and sewer and that RSA has requested that the water main be relocated. He said that entrance and turn lane with curb and gutter is requested to meet VDOT requirements. Mr. Svoboda said the SUP is for mini storage units which is located south of the Burger King. He showed the submitted site plan on an overhead presentation saying that it is currently under review. He said that mini storage units are not specifically mentioned in the Comprehensive Plan but the proposed business does conform to the goals and objectives in the Comprehensive Plan. He said the proposed development will have a by right 2 story professional office building on the front portion of the property. He said there is also a landscaping plan in which he pointed out on the overhead presentation.

Mr. Brian Smith approached the PC stating that he is the Engineer who prepared the site plan.

Mr. Lowe opened the hearing to the public. There being no sign-ups, the hearing was closed to the public and opened up to the PC.

Mr. Davis Lamb asked Mr. Smith if he anticipated a lot of traffic.

Mr. Smith said no. He said that Mr. Birchell owns the units that are connected and these units will be connected to the existing storage units. He said there will be a deceleration lane. He was also asked by Mr. Davis Lamb if there would be an acceleration lane. Mr. Smith said there will not be an acceleration lane but a 50 foot radius. He said there is also access to the rear of the center.

Mr. Davis Lamb asked if there would have to be a water line.

Mr. Smith said that right now the water line is on Rt. 29 and he was told by Lynne Clements with RSA that it is in pretty bad shape and they would like to have it replaced and located behind the new deceleration lane.

Mr. Davis Lamb asked if there would be a lot of fill.

Mr. Smith said that would be a lot of relative but there is field. He said the office building is a 2 story office building.

Ms. Woodfolk asked Mr. Smith the number of storage units we would be talking about.

Mr. Smith said we are talking about 86 storage units. He said there would be 5x5, 10x20 and 10x10 units.

Mr. Jim Davis asked what the attraction is of the storage units – high demand and if the people renting them are County residents.

Mr. Smith said yes and they are highly booked and most of them are rented by County residents.

Mr. Jim Davis asked if the water main is going to be removed does the office tie into the SUP.

Mr. Svoboda said that the PC could condition the SUP. He said that the office is by-right and that the mini-storage could be conditioned.

There was discussion about the appearance of the office building. Mr. Smith said it would be a combination of brick and windows. Mr. Smith showed a drawing of the office building and said it would be built by Bruce Eades. Mr. Smith said there is no phasing involved that the mini storage and the office building will be built the same time. There was discussion about lighting and development techniques.

Mr. Lowe asked if this would be similar to what the shopping center architecture is.

Mr. Smith said yes, that they are trying to match existing similar shopping center.

Mr. Jim Davis asked if there had been any interest in the office space.

Mr. Smith said yes, professional interest.

Mr. Lowe said he had no problem with WW Associate comments. He said he would like to comment on since it is the same owner then the PC has opportunity to have inter-connected activity. He asked if the deceleration lane that is being installed will go all the way back to the shopping center entrance.

Mr. Smith said yes.

Mr. Lowe said he is looking for a motion.

Mr. Davis Lamb said he would like to make a motion to approve SUP#06-004 subject to approval of the site development plan addressing issues related to RSA concerns, parking, and site improvements and building codes.

Mr. Jim Davis seconded the motion.

A vote was taken.

AYE

Phyllis Woodfolk

Graydon Lamb
Davis Lamb
Jim Davis
Gary Lowe

The PC recommended approval of SUP#06-004.

Mr. Lowe read the request: SIR Spotswood, Inc./George & Catherine Lamm request a re-zoning from R-1, Residential, to B-1 and B-2 Business, on a 5.22 acre tract located on Spotswood Trail and identified on County Tax Maps as 60C-(A)-19. (RZ#06-005) He asked Mr. Svoboda for a report.

Mr. Svoboda said that public water is available and public sewer is not. He said the applicant needs to get with an Engineer to examine the existing system and determine its capacity. He said there would have to be Health Department approval. Mr. Svoboda said that the VDOT comments have not come back. He said the property is currently zoned R-1. He displayed a site sketch using the overhead presentation. He said this is an all business proposal at this time and there is no residential component to this. He said the proposal is to create 50-72,000 square feet of self storage, 6,000 square feet of craft artisan trade and 5,000 square feet of professional office space. He said the applicant has submitted proffers. (SEE ATTACHMENT A) He said the applicant is here to answer any questions.

Mr. Joe Lawson approached the PC. He said Mr. Svoboda gave a thorough report on what their plans are.

Mr. Lowe opened the hearing up to the public due to no sign-ups; the hearing was closed to the public and opened to the PC.

Mr. Jim Davis asked if proffer's can be proffered in on a right.

Mr. Svoboda said yes, the applicant can offer it, whether we accept or not is the question.

There was discussion about the artisan trade. Mr. Joe Lawson said it is like a pottery craft.

There was discussion about the building facility.

Mr. Davis asked about the type of build out that was planned.

Mr. Lawson said this project is a 5 year plan with 24,000 square feet in the first two years.

Mr. Davis Lamb asked what type of design will be on the front of the building.

Mr. Lawson said brick and veneer.

Mr. Davis Lamb asked the applicant if he had received VDOT comments.

Mr. Lawson said that VDOT estimates 182 trips per day. He said regarding the septic field, it has not been examined at this time. He said they plan to hook to public sewer once it is available.

Mr. Graydon Lamb asked Mr. Svoboda that this by-right SUP, if it is any different legally than the SUP that is approved.

Mr. Svoboda said that the PC can condition, otherwise it runs with the land. He said by proffering in the mini storage, that becomes a by-right use on this property.

There was discussion about the artisan trade. The PC asked if there would be noise. The applicant said everything will be enclosed and there would be saws, cement mixing and the hours would be 7:00 am to 9:00 pm. The applicant was asked if the noise would interfere with the neighbors and how many feet from the building would noise be projected. The applicant said that he could not scientifically answer that at this time.

Mr. Lowe said that we have a site plan submitted, an exact square footage on the building. He also asked Mr. Svoboda about the procedure of the artisan if successful.

Mr. Svoboda said that the craft/artisan trade is allowed by-right.

There was discussion about the mini-storage increasing and whether the applicant would need to come back to the PC. Mr. Svoboda said that the plan itself has not been proffered in so he would say no to this.

There was discussion about the site plan. Mr. Lawson displayed photos of the existing building and the photos of the building discussed.

Mr. Jim Davis asked if there is a down size to this.

Mr. Svoboda said the demand is there for mini-storage and it is low impact. He said it is the decision of the PC.

Mr. Lowe said that he sees no big risk.

Ms. Phyllis Woodfolk asked the applicant how many employees will be employed.

The applicant said that they are projecting 30.

Mr. Davis Lamb asked Mr. Lawson if he has spoken with the adjoining land owners.

Mr. Lawson said they have spoken to Mr. Daniels and have dropped a site plan off to the Morton's. He said that he and Mr. Daniels are in agreement of an easement. He used an overhead presentation at this time.

Mr. Lowe said that he had some concern about the artisan but after the explanation that it will not be operating like a factory, he feels it is appropriate for the property.

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

Mr. Jim Davis made a motion to approved RZ#06-005 subject to the approval of the site development plan, VDOT concerns, sewage concerns and the acceptance of the submitted proffers dated 4/18/2006.

Mr. Davis Lamb seconded the motion.

A vote was taken.

AYE

Phyllis Woodfolk
Graydon Lamb
Davis Lamb
Jim Davis
Gary Lowe

The PC recommends approval of RZ#06-005.

Mr. Lowe said the next item on the agenda for the Ordinance Revision, OR#06-002, will be deferred to the 06/21/06 meeting. He said he is looking for a motion.

Mr. Davis Lamb made a motion to defer OR#06-002 until 06/21/2006.

Ms. Phyllis Woodfolk seconded the motion.

A vote was taken.

AYE

Jim Davis
Davis Lamb

Graydon Lamb
Phyllis Woodfolk
Gary Lowe

The PC recommends deferral until 06/21/2006.

Mr. Lowe read the request: Ordinance Revision – Articles 19-3-1 & 19-3-3—Site Plans (OR#06-003) He asked Mr. Svoboda for a staff report.

Mr. Svoboda said this is a request that the PC made to the BOS at staff's request. He said it is an update. He reviewed an overhead presentation. He said we will be updating our ordinance to request 10 copies to accommodate and reflect our needs which will be for 19-3-1 and then for 19-3-3 will be a 5 year period after date of approval.

Mr. Lowe opened the hearing to the public. He said that there is one sign up, Carl Schmitt. Mr. Schmitt said that he has no problem with this. Mr. Lowe closed the hearing to the public and opened it up to the PC.

There being no PC comments, Mr. Lowe asked for a motion.

Ms. Phyllis Woodfolk made a motion to recommend approval of OR#6-003.

Mr. Graydon Lamb seconded the motion.

A vote was taken.

AYE

Jim Davis
Davis Lamb
Graydon Lamb
Phyllis Woodfolk
Gary Lowe

The PC recommends approval of OR#06-003 to request 10 copies on 19-3-1 and on 19-3-3 to have submittal on site plans expire 5 years after the date of approval.

19-3-1 The applicant shall first submit a completed application and **ten (10)** copies of a proposed site development plan to the Administrator for initial review at which time the required fee as published shall be payable to the County Treasurer. The proposed plan shall be drawn to scale of not less than one (1) inch equals one hundred (100) feet and shall contain all the applicable information required under Section 19-4-2.

19-3-3 Approval of the site development plan pursuant to this section shall expire **five (5) years** after date of approval thereof unless actual construction shall have commenced and is thereafter prosecuted in good faith.

OLD/NEW BUSINESS

Carroll & Lynette Morris/K & B Properties request a Comprehensive Plan Amendment to change the designation from Rural to a mix of Business/Retail and Residential on approximately 327.54 acres located on Spotswood Trail, Dunnes Shop Road, and M & M Road and identified on County Tax Maps as 50-(A)-42A, 42B, 45 and 59-(A)-19, 19A, 21, 25, 26, 27, and 28A. (CPA#06-001)

Mr. Svoboda reviewed a staff report using an overhead presentation. He said there is not adequate water to supply the development of this magnitude. He said there are some water issues in general. He continued to review the overhead presentation. He said there have been several discussions with the PC, BOS and the public regarding the depth of commercial. He said the applicant is here to speak if there are questions. He said this is a PC, Staff and BOS decision to make.

Mr. Dick Johnson with Blackwell Engineering approached the PC. He said that water is a significant issue.

Mr. Lowe gave a brief review. He said that tonight is not a public hearing but more for the PC, Staff and applicant. He said he would like to review the options. He said one option is a time frame, since this was submitted by an applicant, he asked if we were under the 60 day rule.

Mr. Svoboda said there is no time frame.

Mr. Lowe said the options that the PC has is that they can have workshops with public hearings or they can choose not to have public hearings. He said one of his biggest concerns is transferring part of the developed growth area to this area. He said he sees a lot of positive benefits with this particular area as far as infrastructure already in place.

There was discussion between the PC and staff about the development, traffic issues, water, and growth area on this proposal.

Mr. Lowe said that he still has a lot of questions. He said that he appreciates Mr. Morris bringing this to our attention because it is forcing us to make some decisions. He said he doesn't want to create a new separate growth area. He says there are a lot of questions that need to be answered, and staff and the applicant have done research but he said he would like to hear from the public. He suggested a workshop at next months meeting. He said the public has been very supportive in sending in their concerns, both with pros and cons to each side.

Mr. Carroll Morris approached the PC and expressed his concerns on the development of the Comprehensive Plan in regards to the water, sewer and road infrastructure.

Mr. Lowe said he appreciates Mr. Morris's concerns and feels these are items we need to partake in more studies.

There was discussion among the PC and staff in regards to workshops and public comments. The PC said there are still concerns that need to be addressed. There was discussion about the growth area of the County. It was decided from the PC to have a workshop beginning at 6:30 on 06/21/2006, advertise so the public can speak.

Mr. Lowe asked for a motion to defer CPA#06-001.

Mr. Davis Lamb made a motion to defer CPA#06-001 at 6:30 p.m. at a workshop 06/21/2006.

Mr. Graydon Lamb seconded the motion.

The PC voted unanimously to defer CPA#06-001 to 06/21/2006.

APPROVAL OF MINUTES

The minutes of April 19, 2006 were unanimously approved with revisions on page 12 and page 20.

OTHER PLANNING MATTERS

Mr. Svoboda introduced the new County Administrator, Barry Clark.

Mr. Svoboda said there are some major mandatory provisions coming from the state, one being cluster developments in rural areas. He said by July 2007, it will be mandatory that we have cluster divisions in our ordinance for subdivisions that have a cluster provision. Ms. Golon said a copy of the passed bill is in each PC packet. Mr. Svoboda said this may

help us address our concerns in the rural areas with types of divisions or how we can cluster homes.

Mr. Svoboda said we have switch time tables. He said that research was done in the ordinance both subdivision and zoning. He said currently we are talking about a 60 day time table from submittal. He said other parts of the timing schedule that we are looking at based on application as he found out through the Comprehensive Plan, some of the time tables are different on applications but he will keep the PC posted on any revisions that would need to take place.

Ms. Golon said that she has included the spread sheets in the PC packets that she has been putting in for the last couple of months, let her know of any comments that you would like to be added. She also said that when we were talking about the Comprehensive Plan Amendment, there is information on the size of our growth area, with what the current zoning is and will be, included in the packet. She said there is also the future land map use in each packet as well.

Mr. Jim Davis asked about the study that went with the time based subdivisions.

Ms. Golon said she has put together a rough draft and forwarded it on to Mr. Lowe for review and will discuss later this week.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Kelly Clay
Secretary