

PLANNING COMMISSION
August 16, 2006

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, AUGUST 16, 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

Mr. Lowe called the meeting to order.

PRELIMINARY PLAT REVIEW—SDV#06-060—CUTE, LLC (King’s Court-39 lots)

The Planning Commission reviewed a preliminary plat for CUTE, LLC. It was noted that this request is a by-right use of the property. The tax map parcel is 66F-(A)-4, 5, 6, & 7 and the parcel is zoned R-1, Residential located on Freddy Creek Road in Ruckersville. The subdivision is named Kings Court and will have 39 lots. These lots will be served by public sewer and public water. The VDOT has listed their requirements and comments in a letter dated July 12, 2006 which can be found in the case file. The request is supported by the Comprehensive Plan and the Future Land Use Map. Planning staff recommended preliminary approval of the plat.

Steve Jones, representative of CUTE, LLC, was present and available to answer any questions.

There was discussion and review of the plat.

Mr. Jim Davis made a motion to grant preliminary approval so SDV#06-060 as submitted.

Mr. Graydon Lamb seconded the motion.

A vote was taken.

AYE
Phyllis Woodfolk
Graydon Lamb
Davis Lamb
Jim Davis
Gary Lowe

NAY

The motion to grant preliminary approval of SDV#06-060 carried by a unanimous vote.

Mr. Lowe explained the public hearing process and asked those who wished to address the Commission to sign in.

PUBLIC HEARINGS

Ordinance Revision: Phasing of Division Rights OR#05-020

Bart Svoboda presented information regarding the phasing of division rights. He read the staff report:

Greene County, like many other Counties in Virginia, is facing the influx of new residents and businesses. With this influx also comes issues with traffic congestion, crowded schools, and loss of open space. The State of Virginia mandates that each jurisdiction adopts a Comprehensive Plan to aid in the planning process that helps citizens prepare for and attempts to alleviate some of the burdens of these growth issues. The Greene County Comprehensive Plan enables County citizens to articulate their vision of what they would like Greene County to be and to identify actions needed to achieve this visualization. The vision statement of the Comprehensive Plan calls for a strong rural county, with growth concentrated in a designated Future Growth areas, maintenance of our agricultural base, protection of rural and scenic resources that promote tourism, and protection of natural resources that provide for a wide variety of wildlife and ensure a clean, adequate water supply.

A clear objective of the Comprehensive Plan vision statement is that: "Land use ordinances preserve and enhance the rural character and scenic beauty of the community, while accommodating needed growth by focusing expansion to areas suitable for specific types of development." This objective allows the community of Greene to grow without destroying the beauty, history and livability.

He presented the specific language as follows:

SPECIFIC LANGUAGE

Article 3

Conservation District C-1

3-2 AREA REGULATIONS

- 3-2-1** The minimum lot area for permitted uses shall be eight (8) acres (348,480 square feet), except as specified under Section 3-2-2 and hardship under Section 16-5-1 and 16-5-2 of this ordinance.
- 3-2-2** For uses specified in Section 3-1-1.5, if and only if such uses are not equipped for human habitation or offices, there shall be no minimum lot size, provided only that the regulations concerning setback, yard, and heights of buildings are met.

3-10 DIVISION RIGHTS

Division rights apply to every parcel of land in existence on May 8, 2001. However, 40 acres of a parent tract in existence on this date are exempt from these provisions and can be divided as per the area and frontage regulations as set forth in Sections 3-2 and 3-4 respectively. There shall be allowed one additional division right for every sixteen full acres in the non-exempt portion of the parent tract. Parcels may not be subdivided in a C-1 zone unless there are division rights assigned to that parcel.

The number of division rights in the parent tract shall be as follows:

- A) Parent tracts that have less than 16 acres have no division rights.
- B) Parent tracts equal to or between 16 and 39.999 acres have one division right for each 8 full acres in size.
- C) Parent tracts equal to or greater than 40 acres have 5 division rights plus one additional division right for each 16 full acres in excess of 40 acres.

Division rights may be exercised at ~~the rate of two (2) division rights, plus 5% of the total available division rights, every ten (10) years~~ ~~may be exercised at any time~~ and are not affected by a transfer of ownership of the parent tract, or any divisible portion thereof. ~~The ten (10) year period begins when the first division right is exercised. Parcels and residuals created during a ten (10) year period may not be further subdivided until the next ten (10) year period. The frequency of division and~~ The size of the parcels created through the exercise of division rights under this section are left to the discretion of the landowner; however, the minimum lot size established for this zone shall remain in effect, both for the newly created parcel(s) and for the residual parcel which remains after all allowable division rights have been exercised. Nothing in this section shall be construed to prevent the transfer of division rights along with the transfer of all or any portion of the parent tract, except that no division shall increase the number of parcels which may be created hereunder. Upon the division of the parent tract, the rights of further division are established by the recorded plat and clearly indicated thereon in conformance with Section 4-2-2.2A of the Subdivision Ordinance. ~~The requirements of this Section 3-10 may be varied in a specific case if the Planning Commission determines that a peculiar or special situation exists which makes it necessary or desirable to vary one or more standards or procedures.~~ (Revised 5/8/01)

Nothing in this section shall be constructed to replace, supersede, or amend the Greene County Subdivision Ordinance or to affect the application of its provisions in certain kinds of residential land development, as set forth in the Subdivision ordinance itself. (Amended 12/10/96)

Article 4 Agricultural District A-1

4-2 AREA REGULATIONS

- 4-2-1** The minimum lot area for permitted uses shall be two (2) acres (87,120 square feet) with the following exceptions:
- .1 The minimum lot size for high intensity agriculture as defined in this Ordinance shall be fifty (50) acres.
 - .2 Mobile or manufactured homes Permit must conform to the provisions of Section 16-5 of this Ordinance.
 - .3 For uses specified in Section 3.1-2.7, if and only if such uses are not equipped for human habitation or offices, there shall be no minimum lot size, provided only that regulations concerning setback, yard, frontage, and height of the buildings are met.

4-12 DIVISION RIGHTS

Division rights apply to every parcel of land in existence on May 8, 2001. However, 10 acres of a tract in existence on this date are exempt from these provisions and can be divided as per the area and frontage regulations as set forth in Sections 4-2 and 4-4 respectively. (Adopted 6/27/95)

There shall be allowed one additional division right for every five full acres in the non-exempt portion of the parent tract. Parcels may not be subdivided in an A-1 zone unless there are division rights assigned to that parcel.

The number of division rights in the parent tract shall be as follows:

- A) Parent tracts that have less than 4 acres have no division rights.
- B) Parent tracts equal to or between 4 and 9.999 acres have one division right for each 2 full acres in size.
- C) Parent tracts equal to or greater than 10 acres have 5 division rights plus one additional division right for each 5 full acres in excess of 10 acres.

Division rights may be exercised at ~~the rate of two (2) division rights, plus 5% of the total available division rights, every ten (10) years~~ ~~may be exercised at any time~~ and are not affected by a transfer of ownership of the parent tract, or any divisible portion thereof. ~~The ten (10) year period begins when the first division right is exercised. Parcels and residuals created during a ten (10) year period may not be further subdivided until the next ten (10) year period. The frequency of division and~~ The size of the parcels created through the exercise of division rights under this section are left to the discretion of the landowner; however; the minimum lot size established for this zone shall remain in effect, both for the newly created parcel(s) and for the residual parcel which remains after all allowable division rights have been exercised. Nothing in this section shall be construed to prevent the transfer of division rights along with the transfer of all or any portion of the parent tract, except that no division shall increase the number of parcels which may be created hereunder. Upon the division of the parent tract, the rights of further division are established by the recorded plat and clearly indicated thereon in conformance with Section 4-2-2.2A of the Subdivision Ordinance. ~~The requirements of this Section 4-12 may be varied in a specific case if the Planning Commission determines that a peculiar or special situation exists which makes it necessary or desirable to vary one or more standards or procedures.~~ (Revised 5/8/01)

Nothing in this section shall be constructed to replace, supersede, or amend the Greene County Subdivision Ordinance or to affect the application of its provisions in certain kinds of residential land development, as set forth in the Subdivision ordinance itself. (Amended 12/10/96)

The Chairman opened the public hearing.

The following citizens addressed the Commission voicing their opinions and concerns regarding the proposed ordinance revision:

- Mickey Cox
- H. R. Herring
- Smith Coleman
- Cheryl Ragland
- Thomas Hayes
- Neil Williamson
- Chee Ricketts
- David Crowe
- Ed Lumadue
- Carl Schmitt
- Sonny Clay
- Richard Herring
- Pat Morris
- John Ensor
- Ken Lawson
- Will Brown
- Shelley Hickman
- John Bethune
- Jamie Reaser
- Roy Dye
- Alton Keel
- Bill Lumpkin
- Andrea Wilkinson
- M. Silman
- Victor Rosenberg
- James Henshaw
- Buddy Spencer

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

The Commission reviewed the comments and discussed the information regarding the proposed revision.

Ms. Woodfolk made a motion to recommend approval of ordinance revision OR#05-020.

Mr. Davis seconded the motion.

A vote was taken.

AYE

Phyllis Woodfolk
Jim Davis
Gary Lowe

NAY

Graydon Lamb
Davis Lamb

The motion to recommend approval of OR#05-020 carried by a 3-2 vote.

OLD/NEW BUSINESS

David & Doris Berry/Little Ledge, LLC request a re-zoning from A-1, Agriculture, to PUD, Planned Unit Development, on approximately 280.80 acres located on Spotswood Trail, Judges Road, and Ford Avenue and identified on County Tax Maps as 27-(A)-6 and 37B-(3)-B1—B18 and F1—F7. (RZ#06-003)

Bart Svoboda gave a presentation consisting of maps, sketches, and information regarding the request. The property will be served by public water and public sewer although improvements to those systems will be necessary and the extent is unknown at this time. The VDOT listed its requirements and recommendations in a letter dated April 17, 2006 which may be found in the case file. Proffers dated July 28, 2006 were also submitted. The area is designated as residential on the Future Land Use Map and is supported by the Comprehensive Plan. The proposed development near the Town of Stanardsville will provide a larger customer base for the current and future businesses located within the vicinity. Also, the applicant has met with the STAR committee to coordinate efforts regarding the revitalization of the Town of Stanardsville. Planning staff does see this application as a positive proposal for the citizens of Greene County and the Town of Stanardsville. However, there are still many unanswered questions relating to transportation, public water and public sewer. Therefore, staff has drawn no conclusion and has no recommendation at this time.

Don Franco, representing Little Ledge, addressed the Commission. He reviewed information regarding public utilities, water availability, and transportation issues.

The Chairman opened the public hearing.

The following citizens addressed the Commission voicing their opinions and concerns regarding the proposed rezoning request:

- Jean Blakey
- Carl Schmitt
- Marty Silman
- Don Pamenter
- James Henshaw
- Buddy Spencer
- Andrea Wilkerson
- Bill Lumpkin

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

The Commission reviewed the comments and discussed the information regarding the proposed rezoning request.

Mr. Davis made a motion to recommend denial of rezoning request RZ#06-003 due to the following:

1. There is no defined centerpiece in the proffers,
2. Sewer and Water have not been defined,
3. It is undefined how the businesses tie into the project,
4. and the adverse effect on taxes and the schools.

Mr. Davis Lamb seconded the motion.

A vote was taken.

AYE

Phyllis Woodfolk
Graydon Lamb
Davis Lamb
Jim Davis
Gary Lowe

NAY

The motion to recommend denial of RZ#06-003 carried by a 5-0 vote.

The Commission took a five-minute recess.

APPROVAL OF MINUTES

The minutes for the July 19, 2006 meeting were not available for approval at this time.

OTHER PLANNING MATTERS

Mr. Svoboda gave a brief description of the information regarding Clustering and Rural-Residential that was included in the PC information packet.

Ms. Golon reviewed the agenda for next month.

Mr. Svoboda explained that the Planning Commission will not be reviewing all preliminary plat reviews, only those that meet the new requirements.

Mr. Graydon Lamb gave a liaison report from the most recent Town Council meeting regarding the Town revitalization.

Mr. Lowe gave a liaison report from the EDA regarding upcoming projects for the county.

Mr. Cox asked what a rustic road would be.

Mr. Lowe explained that it is a term used by VDOT regarding gravel roads that may not meet all VDOT standards. There was discussion regarding this issue.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary