

PLANNING COMMISSION
October 18, 2006

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, OCTOBER 18, 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
 Mickey Cox, Ex-officio Member
 Bart Svoboda, Zoning Administrator
 Stephanie Golon, County Planner

Mr. Lowe called the meeting to order noting that there was a full agenda. He explained the public hearing process.

PUBLIC HEARINGS

George Haney requests to have a 144.5 acre parcel and a 144 acre parcel, identified on County Tax Maps as 39-(A)-15 and 29-(A)-9, which are zoned A-1 and located on Dundee Road, removed from the Midway Agricultural and Forestal District (AFD). (AFD#06-005)

Mr. Lowe opened the public hearing and read the above request statement.

Bart Svoboda presented information regarding the request and read the staff report. He stated that the application is to withdraw the property from the Agriculture and Forestal District. He added that the AFD Committee has met and recommends approval of the request. He reviewed the maps of the property and its location.

George McCallum, attorney representing Mr. Haney, addressed the Commission. He explained that Mr. Haney has been a long-time resident of the county as well as a high school teacher and farmer since boyhood. He explained that Mr. Haney has participated in the AFD program since it began but has been having some serious health issues which now lead him to withdraw the property from the AFD program. He added that other properties in the area have also been approved for withdrawal recently. He asked that the Commission recommend approval of this request as well.

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

The Commission discussed the reasonable cause (health issues) for the request to be approved.

Mr. Davis Lamb made a motion to recommend approval of AFD#06-005 to withdraw from the AFD.

Mr. Graydon Lamb seconded the motion.

A vote was taken.

AYE

Jim Davis
Davis Lamb
Graydon Lamb
Gary Lowe

NAY

The motion to recommend approval of AFD#06-005 carried by a 4-0 vote.

The Bonning Group, LLC/Greene County EDA/Milton Oliver request a re-zoning from A-1, Agriculture, to B-3, Business, and M-2, Industrial, on a 12.878 acre tract and a 57.05 acre tract located on Spotswood Trail and identified on County Tax Maps as 50-(32)-1 & 2. (RZ#06-007)

Mr. Lowe explained that he would not be voting on this item as he sits on the Board of Directors for the EDA but that he would participate in discussion. He read the above request statement and opened the public hearing.

Bart Svoboda gave the staff report and a presentation. He reviewed the agency comments, site sketches, maps, and other information. He added that the request conforms to the Comprehensive Plan and that staff recommends approval of the request. He asked Herb White, water/sewer consultant, to discuss these issues.

Herb White addressed the Commission regarding water and sewer availability for this site. He stated that water is available from the Amicus Road tank and that sewer transmission would be available through the line that is effectively there but abandoned. There would be some work to be done there.

Willis Logan, Greene County EDA Chairman, addressed the Commission. He stated that the EDA enthusiastically endorses this request to develop a regional premier business park. He introduced Dennis Jarvis, Economic Director of EDA, and Mike Harding of the Bonning Group to address specifics regarding the project.

Mr. Harding addressed the Commission. He stated there is a demand for this type of facility and the concept has been well received. He added that the internal restraints for the park would encourage an upscale development and maintain a quality of design.

Mr. Jarvis addressed the Commission. He reviewed the proffer statement submitted by the applicant which addressed lighting, underground utilities, a permanent seat on the proposed Architectural Review Board for the development to be held by an EDA member or a county designee, 7 lots proposed for B-3 zoning, 12 lots proposed for M-2 zoning, and some uses which were proffered out. He added that this would ensure an upscale facility.

Several citizens addressed the Commission regarding this request. They were:

- Terry Morris-Knight
- Carl Schmitt
- Andrea Wilkinson

Their concerns included the conditions of the current Industrial Park and Spotswood Business Park and the maintenance/upkeep of the current businesses located therein, storage issues, landscaping/buffering, etc. Although the vision of the applicant for a premier site was appreciated, there were other concerns regarding lighting, funding, water/sewer usage and availability, low impact development techniques, and signage. Also suggested was a connector road.

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

Mr. Graydon Lamb asked the applicant if he would like to address any of comments mentioned.

Mr. Jarvis reviewed some of the concerns and agreed that some of the aesthetic issues need to be addressed in the current parks. He agreed that these current parks could use some improvements. He pointed out that those issues will not be found in Enterprise Pointe, the new facility.

There was discussion regarding covenants and restrictions in place for the existing parks as well as the proposed park and the enforcement of these covenants and restrictions.

There was also discussion regarding the submitted proffers and the uses which are proffered out. Also discussed was the pre-treatment ordinance adopted by the Rapidan Service Authority which does not allow certain constituents to come into the treatment plant so that any significant industrial user would be regulated by that ordinance. Discussion also covered the connectivity of parcels.

There was discussion regarding the make up of the ARB, how it would operate and what its responsibilities would be. Fire protection, buffers, traffic, and funding were also discussed.

Mr. Lowe stepped down at this time and Mr. Davis stepped in as Vice-chairman.

There was discussion on the revision of proffers.

Mr. Davis Lamb made a motion to recommend approval of RZ#06-007 with the acceptance of the submitted proffers dated October 17, 2006 with the revision of the relay towers and substations being removed as a use.

Mr. Graydon Lamb seconded the motion.

A vote was taken.

AYE

Graydon Lamb
Davis Lamb
Jim Davis

NAY

The motion to recommend approval of RZ#06-007 carried by a 3-0 vote with Mr. Lowe abstaining since he is on the Board of Directors for the EDA.

Gateway Center, LLC/Larry & Barbara Hall/Kerry Alorto et als/Larry Hall request a re-zoning from A-1, Agriculture, to B-3, Business, on a 39.67 acre tract, 24.44 acres of a 44.44 acre tract, a 1.51 acre tract, a 3.23 acre tract, a 0.48 acre tract, a 0.25 acre tract, and a 0.50 acre tract located on Spotswood Trail and Seminole Trail and identified on County Tax Maps as 60-(A)-18, 20 (portion), & 20B and 60C-(A)-4 and 60C-(2)-1 & 2. (RZ#06-008)

Mr. Lowe read the above request statement and opened the public hearing.

Bart Svoboda gave the staff report and a presentation. He pointed out a correction to the acreage with the more accurate acreage being 63.5 acres. He reviewed the agency comments, site sketches, maps, and other information including interconnectivity. He added that the request conforms to the goals and objectives of the Comprehensive Plan and that staff recommends approval of the request. He asked Herb White, water/sewer consultant, to discuss these issues.

Mr. White addressed the Commission regarding water and sewer lines. He stated that water is available from the Amicus Road tank and soon the new water tower on Seminole Trail will go online. As to water/sewer availability, he noted that service is provided on a first come/first served basis adding that the applicant has already purchased water EDUs for the site. As for sewer service, he stated that a pump station is needed to make it available but that it is soon to happen.

Valerie Long, representing Gateway Market Center, addressed the Commission. She introduced the members of the team as Andrew Boninti and Gordon Giuliano, with Rivanna Realty Investment. She added that they would be available to answer questions. She pointed out that the name "Gateway Center"

is significant in that the area is the gateway to the Blue Ridge. She stated that the development will be a first-class retail center with shopping and dining options. She added that the development will provide a tax benefit to the community as well as providing shopping and dining opportunities. She added that the interconnectivity will provide a significant portion of the "ring road" idea for traffic flow. She noted that they are working with several large retailers for that site. She added that they were pleased to meet with the Ruckersville Citizens Council and receive feedback from them. She stated that she would be available to answer questions throughout the meeting.

Several citizens addressed the Commission regarding this request. They were:

- Andrea Wilkinson
- Carl Schmitt
- Robert Orth
- Barbara Andrews
- Marty Silman
- Dennis Jarvis, II

There was support for and opposition to the request. Some of the concerns included the need for another big-box store so near the existing one in Albemarle County, the big-box locations within the site, traffic congestion, turn lanes, median upgrades, buffering and design, signage, interparcel access, sidewalks, night sky protection, storm water management/detention ponds, and other environmental protection. It was noted that adequate proffers would be needed and future marketability should be examined. Some of the positive issues were the potential tax revenue, shopping conveniences, and the potential of Greene County to be a regional retail hub anchored by Gateway Center to the north and Rapidan Retail Center to the south.

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

The Planning Commission discussed these concerns and issues relating to entrances, roads, storm water management, aesthetics, proffers, LID techniques, additional pump station, second-story development opposed to sprawl, owner developed versus selling to other developers, possible property owners association, emergency services needs, and the lack of proffers.

Mr. Lowe asked if the name of the big-box store could be disclosed tonight.

Ms. Long stated that she could not verify the retailer at this time.

Mr. Graydon Lamb made a motion to recommend approval of RZ#06-008 with the recommended proffers that were discussed tonight.

Mr. Davis seconded the motion.

A vote was taken.

AYE

Graydon Lamb
Davis Lamb
Jim Davis
Gary Lowe

NAY

The motion to recommend approval of RZ#06-008 carried by a 4-0 vote.

There was a 5-minute recess.

Ordinance Revision Article 22-82.1 and 22-92 (OR#06-006)

Mr. Lowe read the above request statement and opened the public hearing.

Bart Svoboda gave the staff report and a presentation. Staff has found that “dentist office” is listed under “Medical Clinic” which is by special use permit so we propose to modify the definitions for to list it as a by-right use. The language is as follows:

SPECIFIC LANGUAGE

22-82.1 MEDICAL CLINIC: A medical facility providing either emergency or specialized treatment to the general public on an outpatient basis. ~~Dentists, physicians, and optometrists are included in this term.~~ **Emergency care facility is included in this term.**

22-92 PROFESSIONAL OFFICES: The office, studio, or room of a business rendering occupational services such as a physician, **dentists, optometrist,** attorney, real estate agent, insurance agent, consultant, travel agent, telemarketer, engineer, graphic designer or similar occupation that does not require the use of heavy equipment, outside storage, or sale of retail goods.

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

The Commission discussed the proposed revision.

Mr. Davis made a motion to recommend approval of OR#06-006.

Mr. Davis Lamb seconded the motion.

A vote was taken.

AYE

Graydon Lamb
Davis Lamb
Jim Davis
Gary Lowe

NAY

The motion to recommend approval of OR#06-006 carried by a 4-0 vote.

OLD/NEW BUSINESS

Emmanuel Christian Center/Tracy Bond request a special use permit for a church and youth facility on a 20.00 acre tract which is zoned A-1, Agriculture, located on Spotswood Trail and identified on County Tax Maps as 50-(A)-38B. (SUP#06-002)

Mr. Lowe stated that the public hearings have already been held on these requests under Old/New Business but that the Commission would allow comments tonight as well.

Mr. Lowe read the above request statement and opened the public hearing.

Bart Svoboda gave the staff report and a presentation. He reviewed the site sketches, maps, and other information. He added that the request conforms to the Comprehensive Plan and that staff recommends approval of the request. He reviewed the conditions which were included in the packets.

Mr. Bob Anderson, architect for applicant, addressed the Commission. He stated that Mr. Svoboda had covered the details but that he would be available for questions.

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

The Commission reviewed the hours of operation with the applicant. They also discussed the construction phasing, timeline of construction, asphalt parking area, height restrictions, screening/landscaping, and storm water management.

Mr. Davis Lamb made a motion to recommend approval of SUP#06-002 with the attached conditions in letter dated October 2, 2006.

Mr. Davis seconded the motion.

A vote was taken.

AYE

Graydon Lamb
Davis Lamb
Jim Davis
Gary Lowe

NAY

The motion to recommend approval of SUP#06-002 carried by a 4-0 vote.

Ordinance Revision Accessory Apartments (OR#06-005)

Mr. Lowe read the above request statement and added that the public hearings have already been held on these requests under Old/New Business but that the Commission would allow comments tonight as well, with that he opened the public hearing.

Bart Svoboda gave the staff report noting that recently the Zoning Department has had an increase of inquires from citizens regarding the creation of an accessory apartment. An accessory apartment is completely separate living unit contained within a larger single family. A citizen that has extra space in the single family home they own may be able to benefit from an accessory apartments by providing the advantages of a tenant without the potential challenges of a roommate. The specific language is as follows:

SPECIFIC LANGUAGE

Accessory Apartment: a completely separate, private apartment unit installed in the extra space of an owner-occupied single-family detached dwelling and shall be in accordance with the following parameters:

- A. The accessory apartment and the principal dwelling shall be in the same ownership. The owner must occupy at least one of the dwelling units as a permanent legal residence, except for temporary absences not to exceed six months. The owner occupancy shall be verified by a notarized affidavit from the owner.
- B. The installation of accessory apartment is permitted in all zoning districts that allow single family detached dwelling.
- C. The accessory apartment must be a complete, separate housekeeping unit, independent in function from the principal dwelling.
- D. **The accessory apartment must be connected to the principal dwelling by habitable space.**
- E. Not more than one accessory apartment may be established in a principal dwelling.
- F. The accessory apartment shall be designed so that the appearance of the building in which it is located remains that of a single family detached dwelling. ~~New entrances should face the side or rear yard of the building.~~
- G. The accessory apartment shall contain a max of 30% of the building's total floor area, and be no larger than 800 square feet, or smaller than 300 square feet.
- H. The accessory apartment shall not have more than two bedrooms.
- I. One additional off-street parking space shall be provided for the accessory apartment.
- J. The effective period of the accessory apartment permit shall be granted after application approval, the completion of a routine housing inspection verifying the

property remains the principal residence of the owner and that all Code requirements have been met.

Mr. Svoboda explained that this proposed revision would allow citizens of Greene County to utilize additional living space without creating additional rooftops. The proposed ordinance revision would be a by-right use with special application (see proposed application below) in the zoning districts of A-1, C-1, R-1, R-2, PUD and SR. In order to provide regulation for Staff as well as for the citizens of Greene County, Staff recommends approval of the Ordinance Revision (OR #06-005).

The Commission heard comments from Andrea Wilkinson and Mickey Cox. Their concerns included having parking and turn-around areas on site, condition enforceability, and issues that may arise if a home becomes an investment property. Also noted as a positive concept was the idea that the homeowner could tap into his own equity.

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

The Commission discussed the accessory apartment versus a hardship manufactured home, the investment to the homeowner, and the allowed districts. They reviewed the specific language and conditions and how the conditions would be enforced. Outside agency review and parking were also discussed.

Mr. Davis made a motion to recommend approval of OR#06-005 with the conditions of an application and zonings of A-1, C-1, R-1, R-2, PUD and SR.

Mr. Davis Lamb seconded the motion.

A vote was taken.

AYE

Graydon Lamb
Davis Lamb
Jim Davis
Gary Lowe

NAY

The motion to recommend approval of OR#06-005 carried by a 4-0 vote.

APPROVAL OF MINUTES

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

OTHER PLANNING MATTERS

Mr. Lowe commended Mr. Svoboda for being awarded the Zoning Administrator of the Year 2006 for the Commonwealth of Virginia.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary