

PLANNING COMMISSION
April 18, 2007

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, APRIL 18, 2007, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Graydon Lamb, Chairman
- Jim Davis, Member
- Phyllis Woodfolk, Member
- Michael Skeens, Member
- Mickey Cox, Ex-officio Member
- Bart Svoboda, Zoning Administrator
- Marsha Alley, Secretary

Mr. Lamb called the meeting to order. He stated that there would be four public hearings tonight and asked that those who wished to speak sign up on the appropriate sheet.

PUBLIC HEARINGS

Quarles Fuel Network/Imogene Gibson request a special use permit for a fuel distribution center on 0.71 acre which is zoned B-3, Business, located on Carpenters Mill Road and identified on County Tax Maps as 60C-(4)-2 & 3. (SUP#07-001)

Graydon Lamb read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the maps and graphics of the proposal and explained that the request is for a special use permit for an unattended fuel distribution center. He added that the center is currently in operation at the corner of Seminole Trail and Carpenters Mill Road and that the special use permit would be for a site located just around the corner on Carpenters Mill Road near Allied Concrete. He stated that public water is available to the site but noted that public sewer is not available. He added that the entrance and road improvements must conform to VDOT specifications. He explained that the comprehensive plan has selected a pattern of land use to provide orderly growth and that the special use permit would help promote and support future commercial growth. He added that there are, however, concerns such as increased traffic on existing roads and the impact a large volume of large vehicles will have on Carpenters Mill Road. He pointed out that there also appears to be setback and building code issues with the proposal. He stated that these items make it unclear what the overall impacts will be. He noted that staff originally recommended denial of the request but that he had recently been made aware that the applicant had settled issues with VDOT and the recommendation has been amended to approval of the request.

Greg Napuck, Chief Operating Officer for Quarles, addressed the Commission. He stated that he wanted the county to be comfortable with the use, etc. He added that they are already operating in the county and now want to move the operation to a new site. He noted that their customer base is that of specialized vehicles with special needs. He explained that their reason for moving is that the current site is more valuable and would be more available for a "better" use. He pointed out that they want to move to a new parcel and build a new, better facility.

Graydon Lamb opened the public hearing.

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

Mike Skeens asked the applicant if he had received the letter from Kyle Lawson, the property owner of the current site, and if Quarles would agree to the conditions listed in the letter.

Mr. Napuck stated that he had received the letter and that the conditions were agreeable.

Phyllis Woodfolk asked about the letter from Mr. Lawson, traffic impacts, number of customers, restroom access and security.

Mr. Napuck discussed the process of cleaning up a site when they moved, noting that he had spoken with Mr. Lawson about it as well. He added that the Department of Environmental Quality (DEQ) will govern the removal of the underground tanks and the clean-up of the site and when everything is completed, DEQ will issue a "no-further action" letter. He stated that this is not an intense use in terms of traffic, noting that most customers are either morning or evening customers and that the customer base is smaller because it is specialized. He added that most customers are commercial businesses who have Quarles Cards for the purchase of fuel and they pay directly to Quarles. He explained that they are still addressing the restroom access issue, adding that no other sites have restroom facilities and that a key-card access would have to be explored.

Jim Davis asked Mr. Svoboda if an attended gas station would be allowed by-right, VDOT concerns, zoning compliance, and landscaping.

Mr. Svoboda explained that the VDOT concerns had been discussed with Quarles and that the applicant agreed to cooperate with VDOT in road construction issues. He added that the zoning compliance and landscaping are being addressed and that they would be covered by the conditions of the special use permit approval.

Graydon Lamb asked about the restroom availability, right-of-way width, and the Kyle Lawson letter.

Mr. Napuck explained that there is a restroom at the current site in place prior to their lease but that it has never been used. He added that there are no restrooms at any of their other sites.

Mr. Svoboda stated that he believed the right-of-way width was 50 feet, adding that the VDOT issue involved the current level of construction.

Mr. Napuck stated that Quarles agreed with the terms listed in Mr. Lawson's letter regarding tank removal and clean-up.

There was discussion regarding the Kyle Lawson letter, lighting issues, and low-impact development possibilities.

Phyllis Woodfolk made a motion to recommend approval of SUP #07-001 with the following conditions:

1. All entrance and road improvements shall meet VDOT requirements
2. A restroom facility shall be provided on site for customer use.
3. All improvements shall conform to local ordinances and the building code.
4. Full cutoff fixtures shall be used for all lighting.
5. Landscaping and/or screening shall be required.

Mike Skeens seconded the motion.

The vote was taken.

AYE

Jim Davis
Mike Skeens
Phyllis Woodfolk
Graydon Lamb

NAY

The motion to recommend approval of SUP#07-001 with conditions carried by a 4-0 vote.

Tricor, Inc. requests a re-zoning from B-2, Business, to B-3, Business, on a 1.00 acre tract located on New Life Drive and identified on County Tax Maps as 60A-(12)-7C2. (RZ#07-001)

Graydon Lamb read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the maps and graphics of the proposal and explained that the request is to rezone 1 acre from B-2, Business, to B-3, Business. He added that public water and public sewer is available to the site. He noted that no

proffers have been submitted at this time. He stated that the request is in accordance with the comprehensive plan. He added that staff recommends approval of the request based upon the information provided and the projects consistency with the comprehensive plan and future land use map.

Al Laluna, applicant, addressed the Commission. He stated that he is the owner of the property and that he currently runs a business out of the adjacent parcel. He explained that he would like to add to his current business by building another building on this parcel but that the property needs to be zoned B-3.

Graydon Lamb opened the public hearing.

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

Jim Davis asked what type of business Tricor is.

Mr. Laluna stated that Tricor is only the owner but that he operates a portable document destruction business which falls under truck terminal and contractor's storage yard.

There was discussion of the B-3, Business, uses.

Jim Davis asked about the RSA hook-up.

Mr. Laluna stated that he is currently hooked to RSA and would anticipate hooking up at this site as well.

Phyllis Woodfolk asked if the business would move from the current location to this new site.

Mr. Laluna stated that the document destruction business would move into the new site and the current construction business would continue to operate out of the current site, noting that the current building would not be destroyed.

Mike Skeens asked if the trucks would be kept inside.

Mr. Laluna stated that the trucks would be kept inside.

There was discussion regarding screening, conditions versus proffer process, and special use permit versus rezoning requests.

Graydon Lamb asked if this property is where the bucket truck is parked.

Mr. Laluna stated that the bucket truck is not his and is located on the adjoining property.

There was discussion regarding lighting, screening, low-impact development techniques, and lot size.

Jim Davis made a motion to recommend approval of RZ#07-001.

Phyllis Woodfolk seconded the motion.

The vote was taken.

AYE

Mike Skeens
Phyllis Woodfolk
Jim Davis
Graydon Lamb

NAY

The motion to recommend approval of RZ#07-001 carried by a 4-0 vote.

ORDINANCE REVISIONS

OR#07-004 Encroachment of Like-Architectural Features
OR#07-005 "General Store" Definition

Mr. Lamb asked Mr. Svoboda to review and clarify the above ordinance revisions.

Mr. Svoboda reviewed staff reports for the revisions.

There was discussion regarding all of the revisions. Information for these revisions is as follows:

OR#07-004 Encroachment of Like-Architectural Features

Mr. Svoboda explained that this request was made regarding the districts in which the Greene County Zoning Ordinance would allow the encroachment of covered porches, balconies, chimneys, eaves and other like architectural features. He stated that after careful investigation and study of the ordinance, staff concluded that the only district this is currently allowed in is A-1, Agriculture, noting that the revision would allow this in all zoning districts. He added that the addition of this language in all districts would expedite the zoning review and permitting process. He stated that staff recommends approval of the proposed revision. He read the existing and proposed language.

Existing language:

4-5-4 Covered porches, balconies, chimneys, eaves and like architectural features may project not more than four (4) feet into any required yard; provided that no such feature shall be located closer than six (6) feet to any lot line.

Suggested language:

16-1-7 Covered porches, balconies, chimneys, eaves and like features
Covered porches, balconies, chimneys, eaves and like architectural features may project not more than four (4) feet into any required yard; provided that no such feature shall be located closer than six (6) feet to any lot line.

Note: This language, if approved, would be added to the general regulations and be applicable in all zoning districts.

George Grummer addressed the Commission representing the applicant, Hauser Homes. He stated that the proposed language could offer better value of homes and would allow for more opportunities for using the property. He asked that the revision be approved.

Graydon Lamb opened the public hearing.

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

Graydon Lamb suggested that the next proposed revision be reviewed before discussion or voting. All members agreed.

OR#07-005 “General Store” Definition

Mr. Svoboda explained that a county resident requested information regarding the districts in which the Greene County Zoning Ordinance would allow a general store to be located. He stated that after careful investigation and study of present Definitions found in Article 22, staff concluded that a “general store” is allowed in the C-1 and A-1 districts by special use permit. He noted that, however, specific language for a “general store” does not include the sale of gasoline. He stated that the applicant is requesting an ordinance revision to include the sale of gasoline in the definition of “general store”, adding that the comprehensive plan does not directly address this issue. He compared the regulations for a convenience store and a general store and added that staff recommends approval of the proposed revision. He read the language as follows:

Existing language:

22-55 GENERAL STORE: *A single store that contains less than three thousand, five hundred (3,500) square feet and which offers for sale general merchandise and does **not** offer gasoline for sale.*

Suggested language:

22-55 GENERAL STORE: *A single store that contains less than three thousand, five hundred (3,500) square feet and which offers for sale general merchandise and may or may not include the sale of gasoline.*

Scott Chapman, applicant, addressed the Commission. He stated that Mr.

Svoboda had covered the information that he had regarding the proposal and noted that he would be available for questions.

Graydon Lamb opened the public hearing.

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

There was discussion regarding the encroachment language relating to setback requirements, how surrounding counties address this issue, and the review process.

Mr. Svoboda explained that the setbacks would not change within the zoning districts and that other counties have something similar in their ordinances to address these types of issues and that it has worked well for them. He added that this revision could decrease some of the time it takes in reviewing building permits as they relate to zoning issues. He noted that the basic structure of the house must still meet the setback requirement. He explained that the house could not be cantilevered, adding that this language would only apply to like-architectural features, not living space.

Mike Skeens made a motion to recommend approval of OR#07-004.

Phyllis Woodfolk seconded the motion.

The vote was taken.

AYE

Jim Davis
Mike Skeens
Phyllis Woodfolk
Graydon Lamb

NAY

The motion to recommend approval of OR#07-004 carried by a 4-0 vote.

There was discussion regarding the definition of “general store” and why it was written with the current language, the environmental issues relating to gasoline, and the special use permit requirement. Many agreed it would be nice to have a general store that sells gasoline closer to home.

Mr. Svoboda explained that the definition may be the original definition which might explain the omission of the sale of gasoline. He stated that the Department of Environmental Quality would regulate the gasoline tank installation and issues relating to the fuel and the environment. He noted that a special use permit would be required to operate a general store.

Phyllis Woodfolk made a motion to recommend approval of OR#07-005.

Mike Skeens seconded the motion.

The vote was taken.

AYE

Phyllis Woodfolk
Mike Skeens
Jim Davis
Graydon Lamb

NAY

The motion to recommend approval of OR#07-005 carried by a 4-0 vote.

OLD/NEW BUSINESS

Is a conservation easement considered as a division?

Mr. Svoboda explained that this question had been posed to him and that after research, it is his opinion that a conservation easement is allowed by-right in the Agricultural & Forestal District (AFD) and that it would be appropriate to allow a division for a conservation easement as it serves the intent of the AFD.

There was discussion regarding conservation easements and Carl Schmitt gave a brief overview of what a conservation easement is and how it benefits the county, community, and the property owner.

APPROVAL OF MINUTES

The minutes for the March 21, 2007 meeting were unanimously approved as submitted.

OTHER PLANNING MATTERS

Mr. Svoboda announced that there would not be a regular meeting in June.

Mr. Svoboda informed the Commission that the Board of Supervisors (BOS) had sent a memo to the Planning Department/Planning Commission with a list of items to address.

There was discussion regarding the list of items and their priority. It was determined that a work session be held on July 18, 2007 at 6:30 pm to review the items listed on the memo.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary