

PLANNING COMMISSION
August 15, 2007

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, AUGUST 15, 2007, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Graydon Lamb, Chairman
- Davis Lamb, Vice-Chairman
- Phyllis Woodfolk, Member
- Michael Skeens, Member
- Jimmy Davis, Member
- Mickey Cox, Ex-officio Member
- Bart Svoboda, Planning Director
- Marsha Alley, Secretary

Graydon 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 sheets.

PUBLIC HEARING

Kenneth Chapman requests a special use permit for a general store on a 68.42 acre tract which is zoned A-1, Agriculture, located at 6630 Celt Road and identified on County Tax Maps as 57-(A)-38. (SUP#07-003)

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

Mr. Svoboda reported that the area in question is designated as rural on the Future Land Use Map of the Comprehensive Plan which aligns with the request and that the use is allowed by special use permit in the A-1 zoning district. He stated that the proposed store is near the "old" Chapman's store but not the same owner. He explained that approximately 2 acres of the 68.42 acres would be used for the store. He stated that VDOT would require a commercial entrance and a fifty (50) foot turning radius. He added that the use would be served by private septic and private well. He stated that staff recommends approval of the request with the following conditions:

- VDOT requirements shall be met.
- Building Code and Zoning requirements shall be met.
- A site plan shall be submitted and approved for this application.
- Health Department concerns shall be addressed.

Scott Chapman, son of the applicant, addressed the Commission on his father's behalf. He explained that they would like to build and operate a general store on the property. He added that they had gone through the ordinance revision process to clarify the definition for general store and that they are ready to begin

this process for approval. He added that he would be available to answer any questions.

Graydon Lamb opened the public hearing.

The following citizens addressed the Commission voicing their concerns regarding the use being consistent with the rural character of the area, limitations on the use, environmental requirements regarding the fuel tanks, canopies, lighting, hours of operation, and signage. They added that the store would fit the area and wished the applicant success.

- Carl Schmitt
- Jill Meyer

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

Jimmy Davis asked how close this general store would be to the “old” store.

It was decided that the stores were about ½ mile to 1 mile apart keeping in mind that the “old” store is not in operation.

Davis Lamb asked what type of lighting would be used, what the hours of operation would be, what type of fuel would be offered, and if there is an existing drainfield.

Mr. Chapman stated that lighting would be kept to a minimum but would blend with the community, hours of operation would be approximately 6 am to 8 pm in the summer and 6 am to 7 pm in the winter, gasoline and on-road diesel would be offered and that there is not an existing drainfield.

There was discussion regarding the requirements and regulations for fuel tanks. It was determined that the fuel tanks would have state and federal regulations.

Mr. Skeens asked what would happen if the store was sold to a new owner in regard to the special use permit and what type of signs would be needed for the store.

Mr. Svoboda explained that the special use permit would run with the land unless otherwise conditioned.

Mr. Chapman stated that he did not anticipate the need for a major sign but may have one on the building and gas price signs at the road.

Ms. Woodfolk asked how many days the store would be operated and if traffic would increase in the area.

Mr. Chapman stated that the store would likely be open seven days per week

and that he did not anticipate traffic to increase as a result of the business, adding that he hopes to attract the traffic which is already in the area and the every day commuters. He added that he anticipated that he and his father will operate the business.

There was discussion regarding the use, the fuel tank regulations, site development plan issues, setbacks, canopy, and signs.

Mr. Svoboda stated that the applicant is willing to go above the setback regulations.

Mr. Chapman stated that he would like to have a canopy over the fuel tanks and assured the Commission that any signs would not be neon.

There was more discussion regarding the need for the canopy, especially during inclement weather and possible conditions to the special use permit.

Davis Lamb made a motion to recommend approval of SUP#07-003 with the following conditions:

- VDOT requirements shall be met.
- Building Code and Zoning requirements shall be met.
- A site plan shall be submitted and approved for this application.
- Health Department concerns shall be addressed.
- The property must be conveyed to an immediate family member or the special use permit must be renewed or reviewed.

Jimmy Davis seconded the motion.

The vote was taken.

AYE

Mike Skeens
Phyllis Woodfolk
Davis Lamb
Jimmy Davis
Graydon Lamb

NAY

The motion to recommend approval of SUP#07-003 carried by a unanimous vote.

David Vanderveer requests a special use permit for a general store/wayside market/ flea market/farmers market on a 2.00 acre tract which is zoned A-1, Agriculture, located at 2504 Amicus Road and identified on County Tax Maps as 48-(A)-32. (SUP#07-004)

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

Mr. Svoboda reported that the request is designated as rural on the Future Land Use Map of the Comprehensive Plan which aligns with the request and that the use is allowed by special use permit in the A-1 zoning district. He stated that the proposed use would take place on the site of the Amicus Church. He mentioned that the proposal would have more outside activity than a general store. He stated that staff recommends approval of the request with the following conditions:

- VDOT and Health Department concerns be addressed.
- Site plan review and approval.
- On site parking only will be required.
- Lighting plan will be required.
- Vendors must observe a 20 foot setback from travel right-of-ways for Amicus Road and Celt Road.
- The hours of operation for outside sales shall be 7:00 am to 7:00 pm.
- Outdoor amplification shall be prohibited.

David Vanderveer addressed the Commission. He explained that the use would support local farmers and artists and would raise money for developing countries. He added that there would be a natural, health food store, the church would be used as a church. He pointed out that alcohol, cigarettes, gas, and diesel would not be offered for sale. He added that signs would be wooden and located on the side of the building. He noted that the site would have minimal lighting.

Graydon Lamb opened the public hearing.

The following citizens addressed the Commission voicing their concerns regarding the use being consistent with the rural character of the area, protection of the stream and water quality, flooding, lighting, modifications of the church exterior, appearance of the flea market, and hours of operation, consideration of "new owner" conditions, parking accommodations, and traffic, as it is a dangerous intersection. It was stated that the concept is exciting and is a terrific idea.

- Carl Schmitt
- Jill Meyer
- Kathy Moore
- Roy Dye

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

Mr. Vanderveer addressed some of those concerns. He explained that the church would not be modified and would be used as a church; the flea market tables would be removable; the flea market hours would be Saturday morning and possibly afternoon; the flea market would be held along Amicus Road; and the site would be grass and gravel, no pavement.

Mr. Skeens asked how many parking spaces would be available, the number of vendors, and the days of operation.

Mr. Vanderveer stated that he was unsure of number of parking spaces and that the number of vendors would depend on the success of the proposal. He added that he planned to operate 6 days per week and be closed on Sunday.

There was discussion regarding flooding in the area.

Ms. Woodfolk voiced concern regarding the need for portable restroom facility.

There was discussion regarding drainfield requirements and Health Department comments.

Davis Lamb asked about parking and traffic issues.

Mr. Vanderveer stated that the new area would be gravel although the current area is pavement. He estimated about 40-50 parking spaces on site and no off-site parking is available.

Davis Lamb voiced concern regarding the stream.

There was discussion regarding the protection of the stream, buffer area, and run-off.

The Commission reviewed and discussed the definitions for each use listed in the request.

Graydon Lamb asked if the existing 16' x 24' accessory building would be used as the store. He added that the site has no well but added that the Health Department would allow the church to continue to use the existing outhouses but that vendors, customers, etc. would be excluded from their use.

Mr. Vanderveer agreed that the building would be used as the store and added that he is willing to do whatever is necessary, but noted that he is trying to keep it simple at this point.

There was discussion regarding possible conditions for the special use permit relating to site plan requirements, drainfield, sanitary requirements, and special use permit renewal.

Phyllis Woodfolk made a motion to recommend approval of SUP#07-004 with the following conditions:

- The special use permit will expire in three (3) years.
- VDOT and Health Department concerns be addressed.

- Site plan review and approval are required.
- On site parking only will be required.
- Lighting plan will be required.
- Vendors must observe a 20 foot setback from travel right-of-ways for Amicus Road and Celt Road.
- The hours of operation for outside sales shall be 7:00 am to 7:00 pm.
- Outdoor amplification shall be prohibited.
- At minimum, a portable restroom facility shall be required.
- A stream buffer of thirty (30) feet shall be required.

Jimmy Davis seconded the motion.

The vote was taken.

AYE

Jimmy Davis
Davis Lamb
Phyllis Woodfolk
Mike Skeens
Graydon Lamb

NAY

The motion to recommend approval of SUP#07-004 carried by a unanimous vote.

Mr. Vanderveer asked what the thirty (30) foot buffer meant.

Mr. Svoboda explained that it is a thirty (30) foot protective area along the stream which cannot be used for anything.

Rock Creek Boxwood Farm, LLC/Susan Harrison, Manager request a Comprehensive Plan Amendment to remove approximately 229.02 acres located on Spotswood Trail and identified on County Tax Maps as 37-(A)-3 from the designated growth area as shown on the Future Land Use Map. (CPA#07-001)

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

Mr. Svoboda gave a presentation and reported that the area in question is the last parcel in the designated growth area listed as "resort center". He explained that approving the request to remove the property would define the rural character. He added that the applicant wants to have less development potential. He explained that the zoning of the property will not change. He stated that staff recommends approval of the request given that removal of the property would reduce the growth area as it is located along the edge.

Jeff Early, attorney representing the owners, addressed the Commission. He explained that the request could be considered unusual but that he and his clients believe that it would be good for Greene County as it would enhance the county. He added that the property has approximately 35-45 division rights and that the applicants wish not to divide the property but preserve the character of the area.

Graydon Lamb opened the public hearing.

The following citizens addressed the Commission voicing their concerns regarding the amendment to the Comprehensive Plan. They pointed out that they normally did not favor amendments between review periods but this request seems appropriate, in that, "resort center" has no immediate focus and the owners plan to preserve the area.

- Carl Schmitt
- Andrea Wilkinson

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

Ms. Woodfolk asked if there are any immediate plans for the property.

Mr. Early stated that there are no intentions to develop the property although the owners do want to preserve the character and protect their by-right uses.

Elizabeth Hale, applicant, stated that the land is currently zoned as and used as agriculture and that they want to keep the parcel intact.

Susan Harrison, applicant, added that it is currently a farm and that they wish to maintain that use.

There was discussion on the request.

Davis Lamb commended the applicants for maintaining the farm.

Jimmy Davis stated that he applauded their effort to preserve the property and the area.

Mike Skeens made a motion to recommend approval of CPA#07-001.

Davis Lamb seconded the motion.

The vote was taken.

AYE
Jimmy Davis
Davis Lamb

NAY

Phyllis Woodfolk
Mike Skeens
Graydon Lamb

The motion to recommend approval of CPA#07-001 carried by a unanimous vote.

ZONING ORDINANCE REVISION: Sign Ordinance—Article 14 (OR#07-007)

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

Mr. Svoboda reported that the request is to revise Section 14: Sign Regulations, of the Greene County Zoning Ordinance to include and define “Electronic Message Center” and that moving signs have recently been an issue. He reviewed the proposed language noting that there would be a maximum size limit of twenty (20) square feet. He added that allowing it by special use permit could be considered to limit features, locations, etc. He stated that staff supports the revision.

Graydon Lamb opened the public hearing.

The following citizen addressed the Commission voicing their concerns regarding the sign size, the timing of the movement of message (daily messages vs. moving messages), the dangers of moving signs, and allowing it as a use by special use permit as opposed to allowing it by-right.

- Carl Schmitt
- Andrea Wilkinson

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

Mr. Svoboda stated that VDOT uses the signs under Federal Regulations. He added that the message can change no less than every six (6) seconds.

There was discussion regarding sign features, size, message movement, by-right use versus use by special use permit, and zoning districts that would be affected.

Phyllis Woodfolk made a motion to recommend approval of OR#07-007 with the following revisions:

- The Electronic Message Center would be allowed in all zoning districts by a special use permit, and
- There will be a maximum size limit of twenty (20) square feet.

Mike Skeens seconded the motion.

The vote was taken.

AYE

Davis Lamb
Jimmy Davis
Mike Skeens
Phyllis Woodfolk
Graydon Lamb

NAY

The motion to recommend approval of OR#07-007 carried by a unanimous vote.

OLD/NEW BUSINESS

Kinvara Properties, LLC request a re-zoning from B-1, B-2, Business, and R-2, Residential, to PUD (Planned Unit Development) on a 38.00 acre tract and a 1.04 acre tract located on Seminole Trail/Cedar Grove Road/Deerfield Drive/Buck Drive and identified on County Tax Maps as 66-(A)-6 & 6C. (RZ#07-002)

Mr. Svoboda informed the Commission that the applicant had requested a deferral until October 17, 2007.

After brief discussion, Mr. Skeens made a motion to defer RZ#07-002 until the October 17, 2007 meeting.

Ms. Woodfolk seconded the motion.

The vote was taken.

AYE

Jimmy Davis
Davis Lamb
Phyllis Woodfolk
Mike Skeens
Graydon Lamb

NAY

The motion to defer RZ#07-002 carried by a 5-0 vote.

Mr. Svoboda reported to the Commission that there would be a special use permit request and a rezoning request for the September meeting. He added that Lowe's and Wal-mart have submitted formal site development plans at this time.

APPROVAL OF MINUTES

The minutes for the July 18, 2007 meeting were approved as submitted by a 4-0 vote with Jimmy Davis abstaining.

OTHER PLANNING MATTERS

Davis Lamb stated that it seems that many localities are facing the problem of the number of people per dwelling unit.

Mr. Svoboda explained that enforcement is an issue.

There was discussion on the topic.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary