

PLANNING COMMISSION
December 16, 2015

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, DECEMBER 16, 2015, AT 7:30 PM IN THE COUNTY ADMINISTRATION BUILDING MEETING ROOM.

Those present were:

- Jay Willer, Chairman
- Victor Schaff, Vice-Chairman
- Frank Morris, Member
- Eva Young, Member
- John McCloskey, Member
- Davis Lamb, Ex-Officio Member
- Bart Svoboda, Planning Director
- Stephanie Golon, County Planner
- Shawn Leake, Zoning Officer
- Marsha Alley, Secretary

CALL TO ORDER

The Chairman called the meeting to order.

DETERMINATION OF QUORUM

The Chairman took a roll call to determine a quorum. He reviewed the public hearing process.

PUBLIC HEARINGS

Francis Shiflett/Jody & Jamie Shiflett request a special use permit for all uses allowed by special use permit in the C-1, Conservation, zoning district except for 3-1-2.3 through .7, .16, .17, and .21 and for all uses allowed by special use permit in the A-1, Agriculture, zoning district except for 4-1-2.1, .2, .6, .8, .11, .17, and .19 through .23 on a 2.41 acre tract which is zoned A-1, Agriculture, located at 14865 Spotswood Trail and identified on County Tax Maps as 60C-(A)-6. (SUP#15-009)

Mr. Willer introduced the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request for a special use permit for a variety of uses allowed in the A-1 zoning district which includes uses allowed in the C-1 zoning district. He reviewed the location of the parcel and the surrounding zoning designations. He displayed aerial photos and maps of the parcel and its surrounding area. He stated that the parcel is located in the mixed-use village center growth area. He noted that the applicant is present to address the uses that have been requested. He added that the Commission and/or Board of Supervisors have the opportunity to place conditions on the approval of a special use permit in order to mitigate impacts. He reviewed the variety of uses that are

being requested by the applicant. He noted that a variety of the uses listed by the applicant are allowed in the business district by-right. He stated that the Comprehensive Plan indicates that the area is a good area for business growth. He explained that staff recommended denial of the request based on the following considerations:

- The uses may change the character and established pattern of development of the area or community in which it wishes to locate due to the future land use designation and existing zoning designations of the surrounding parcels.
- The use appears to not be in harmony with the uses permitted by right under the surrounding zoning districts and does adversely affect the use of neighboring property because of current setback regulations, screening yards, and lighting regulations required for business districts adjacent to the agriculture districts.
- Staff is unable to determine and address impacts regarding the suitability of the property for the proposed uses because of the broad nature of the request and the varied uses and impacts that may adversely affect the community and surrounding parcels.

Mr. Svoboda stated that the special use permit consideration for the list of uses may involve a varied list of conditions to address impacts. He added that a variety of the requested uses are allowed by-right in the business district without the special considerations or special regulations. He indicated that the applicant is present to offer any additional comments.

Jody Shiflett, applicant, addressed the Commission accompanied by his brother, Jamie Shiflett, and his mother, Mae Shiflett. He stated that the family has owned the property for over sixty years noting that it exists as it did in the fifties when it operated as a business and as a restaurant. He added that the property also has an address of 9027 Seminole Trail which should be included in this application. He stated that they are trying to maintain the operation of a business on site. He explained that the building was recently operated as a music store but was now vacant. He reviewed their recent process of trying to find a tenant to use the space to discover that county regulations needed to be met by the tenants, etc. He noted that he spoke with the Planning Department at that point. He stated that they want to place tenants in the existing buildings and to continue to have the opportunity to get some income from the property while maintaining the property and the corner area. He noted that the property has been in the family for years and that he and his brother have only been involved in the property since June. He stated that their intentions are good for Ruckersville and that their only plans are to use the existing structures and possibly improve them. He added that the property is on the market for sale, noting that the demand is higher for renters. He noted that they need the flexibility to find the appropriate tenant. He stated that he made the application and understands the explanation of the vagueness of it, noting that it was not his intention to be vague but to have the viability and opportunity to search for and choose the potential renters. He offered his brother and mother the opportunity to offer comments. Neither Jamie Shiflett nor Mae Shiflett had any further comments as this time.

Mr. Schaff asked if a rezoning to B-3 would be considered given that most of the requested uses would likely be allowed by-right in a business district.

Mr. Shiflett stated that it is his understanding that the tax rate would change and that the improvements to the property would be costly, noting that they are not prepared for that at this time. He stated that they envision the property to be purchased as they are not prepared to develop the property as a family at this time. He reviewed some of the costs involved in maintaining the property.

Mr. McCloskey asked if a potential tenant was for a specific use why not ask for the specific use.

Mr. Shiflett stated that he did not understand that at the time of application. He added that there had been a contract with the potential tenant and their money was returned. He stated that potential tenants may not be interested now with the application process timeframe.

Mr. Schaff stated that if the property were zoned B-3 you may not have to worry about that since the tenant could move right in.

Mr. Shiflett stated that the costs deter them at this point, noting that the only point that he would invest a serious amount of money would be contingent on the sale of the property, noting that he would not know what zoning district a potential purchaser may want. He noted that he had heard that an upcoming development will be displacing some businesses that will be looking for other space, adding that they would not take just anyone. He explained that they want to preserve their family legacy in Ruckersville. He added that they are not prepared to absorb that impact. He noted that tenants usually want to move in within sixty days or so. He stated that they would like the opportunity for early spring to move someone in who fits some options. He asked that they not be restricted to one type of business and asked for quite a few as possibilities. He added that they are prepared to work with the county.

Mr. Morris asked if the intention is to use the existing buildings with no additional improvements, additions, etc.

Mr. Shiflett stated that limited income would only allow for improvements such as fresh paint and things of that nature in order to preserve the appearance and value for a potential buyer. He added that if a buyer does not come along, then some of the buildings that need to come down could be taken down once enough money was accrued through the rental of the property. He stated that they want to work with the county.

The Chairman opened the public hearing.

Clarence Peyton addressed the Commission. He stated that approval of the request to generate revenue is equally if not more important to Greene County than to the applicant for two important reasons: 1) Pay taxes and 2) Upkeep and

maintenance to enhance the appearance of the property. He stated that the bullet points of staff's recommendation appear to be overly cautious regarding the change in character and harmony of the surrounding properties. He noted that the request is to simply allow a business to occupy a dwelling that has been used for that purpose for decades noting that there are no significant changes or alterations planned for the property. He added that if the permitted uses are too broad then the Commission has the authority to place conditions on the permit. He added that he believed that denial would take away rights of the applicant to generate revenue to maintain favorable appearance of the property for potential buyers. He noted that it is exceptional on the applicant's part to create a favorable appearance to the area. He stated that the Ruckersville hub is a primary intersection and denial would be a hindrance to the applicant's options which would impact the ability in maintaining an attractive property. He noted that the property being on the market and its location within the growth area, potential growth would be encouraged in that area. He respectfully requested approval to benefit the applicant and the future commercial growth of the Ruckersville hub.

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

Mrs. Young asked Mr. Svoboda if there had been any issues regarding the operation of a business on that corner.

Mr. Svoboda clarified with Mrs. Young that her question was, are there any active violations on that property.

Mrs. Young agreed and asked if there are any issues as to why a business could not be there now.

Mr. Svoboda stated that there have been some minor sign permit violations on the property and that there are no non-conforming use determinations on file for any non-conforming businesses on site.

Mr. Willer stated that at the moment, because the property is zoned Agricultural and the most recent business has been a music store, then that limits the current building to something in the nature of a music store.

Mr. Svoboda stated that a zoning determination cannot be made tonight. He explained that there are no zoning records indicating that the music store exists, noting that they did receive a business license from the Commissioner of the Revenue at some point. He added that being issued a business license is not the same as determining a zoning use. He stated that there has been no determination of a non-conformity of the use. He stated that the hotel has been abandoned for quite some time and that other businesses have been in and out of there but noted that there are no zoning records of those businesses taking place.

Mr. Willer asked if the space is simply limited to uses allowed in the A-1 zoning

district.

Mr. Svoboda stated that is correct.

Mr. Morris asked if conditions could be placed regarding the use of the existing buildings only. He noted that when the property was built originally everything was agricultural around there and that the business uses were placed around there. He added that the applicant has been paying taxes for sixty years.

Mr. Svoboda stated that as far as he was aware, the applicant is being assessed as agriculture.

Mrs. Young stated that originally the area was zoned agricultural noting that the zoning changed to the surrounding properties. She stated that staff has suggested that the property should be rezoned to be consistent with surrounding zoning designations.

Mr. Svoboda agreed.

Mr. Schaff stated that the surrounding properties were rezoned because people wanted to operate businesses on them and no longer have it as agricultural land.

Mr. McCloskey stated that it is a growth area.

Mr. Morris stated that sixty years ago when the business was built, you did not need to rezone it to a business district. He stated that they have been paying taxes for sixty years as a business. He stated that the property is for sale and that it will be hard to find a tenant willing to invest a lot of money into the site until it is rezoned. He stated that he does not want to see another Mr. B's there because it is a primary intersection in the county, noting that he does not expect that from Mr. Shiflett.

Mr. McCloskey stated that he counted 27 different special uses requested and that if the normal process was followed, it would take well over two years to evaluate them well. He noted that it would take a lot of deliberation by the Planning Department, the Planning Commission and the Board of Supervisors in order to fully evaluate all of the uses.

Mr. Willer reminded the Commission that the request is for a special use permit for a variety of uses and not for a rezoning of the parcel.

Mr. Svoboda agreed.

Mr. Willer stated that if it were a rezoning request, then some of the concerns could be addressed more quickly. He noted that the request is for a long list of special use permits that are not normal courses of business for this property under this zoning and asked everyone to keep that in mind.

Jamie Shiflett asked if the special use permit is approved, could a business license be denied if the proposed business is unfit for that property.

Mr. Willer noted that his understanding is that it could not be handled in that manner and deferred to Mr. Svoboda for explanation.

Mr. Svoboda explained that if once the uses are approved with no conditions, noting the differences in the specific uses, then there is no mitigation to address the uses. He reviewed the process of review for ministerial acts, noting that uses would be approved under a checklist process and not on opinion. He noted that Mr. Morris referred to adding conditions for approval. He explained that usually there are about three to ten conditions for a typical special use permit use. He reviewed the site plan review process although it is not a rezoning request.

Mr. Morris asked Mr. Svoboda if conditions are attached, would the size of the buildings govern the approval for certain uses.

Mr. Svoboda stated that it would depend on the type of construction, parking, and other factors.

There was discussion regarding the types of businesses that may work with the size of the buildings and which types of uses are allowed in the A-1 zoning district.

Mr. Willer reminded everyone that special use permits run with the property and not with the property owner even in the event of the property being sold. He stated that approval for a use, such as a hospital, may not be used by the applicant but may be used by the purchaser of the property.

Mr. Morris asked if a condition could be added to have the special use permit expire if the property is sold.

There was discussion regarding the authority of the Commission to attach conditions and what types of conditions that could be considered.

Mr. Schaff pointed out that the expiration of the special use permit upon the sale of the property may also take away from its marketability.

Mr. Morris asked Mr. Shiflett if they just want to use the existing building until the property is sold.

There was no audible response from Mr. Shiflett.

Mr. Morris stated that he is just trying to pay the taxes and take care of the maintenance.

Mrs. Young stated that he is not trying to open a hospital.

Mr. Willer noted that a hospital is an absurd choice there.

Mr. McCloskey stated that a precedent is being set by allowing for such a long list of special uses to be requested and it does not seem fair in bogging down the process or giving the option to others.

Mr. Willer stated that it is not the job of the Commission to determine the use listed on the application. He reminded the Commission that the application is for a very long, complicated, diverse list of special uses all in a single decision.

Jody Shiflett stated that this is their first attempt and that they are prepared to pare it down in order to work with the county. He added that the surrounding area was sold in a number of transactions in order to get the Walmart. He stated that there is only so much that their family can do financially for the property, noting that it is not a threat. He added that practical thought must be put in to the buildings and what they will allow. He stated that he needs the tool to be able to maintain the property until it sells. He added that he did not want to end without the Commission understanding their intent.

Jamie Shiflett stated that he believes that once the property is sold, there will be zero percent chance of the special uses to be transferred to the next owner, expecting that the property would be rezoned after the sale.

Mr. Willer stated that he believed that everyone would like to see that corner be something. He added that there is an incredibly complicated and incredibly difficult application to say yes to given the requests. He noted that at the moment, he would have to vote against simply because he cannot see a way to say yes without alternatives. He noted that he appreciated the applicant's interest in working with the county in finding a solution to finding alternatives.

Mr. Svoboda explained that the Code of Virginia governs the criteria for placing conditions on special use permits. He added that conditions are intended to address impacts and that he was unsure how the sale of the property would be considered an impact. He added that no one can predict the future which is part of the dilemma.

Mr. Morris asked if it would be better if the applicant could provide a list of businesses for review.

Mr. Svoboda stated that in narrowing down the possibilities, it may be easier to get feedback on more specific uses.

Mr. Schaff stated that given their unwillingness to apply for a rezoning to B-3, he suggested the need for a specific business.

Mr. Willer clarified for a specific category.

Mrs. Young stated that it is not unwillingness, noting that it is just not possible at

this point and that he is just trying to keep a business on the property.

Mr. Morris asked if the property is rezoned to B-3, would VDOT require improvements.

Mr. Svoboda stated he understands that improvements would only be required when the use is brought in.

There was discussion regarding what VDOT improvements may be needed and at what point they would need to begin. It was noted that VDOT did not review the request from a B-3 requirements perspective.

Mrs. Young asked if it is possible for the request to be amended.

Mr. Svoboda stated that it is certainly possible.

Mr. Willer stated that it could be accomplished by a deferral.

Mr. Svoboda stated that the Commission or the applicant may request a deferral.

There was discussion regarding the option to defer and whether a specific date could be set by the Commission or if the applicant would prefer an indefinite deferral.

Mr. McCloskey asked if there is any push back from agencies reviewing for multiple uses.

Mr. Svoboda explained that normally, if multiple uses are requested, they are usually similar in nature and small in number.

There was discussion regarding various agency comments, setbacks, etc., renovation permits, if required, etc. in the case of multiple uses being requested. There was also discussion regarding the possible upgrades of the existing buildings for new uses and whether those uses may be in jeopardy.

Mr. Shiflett asked if permits are required for renovating the interior of the building.

Mr. Svoboda stated that permits are required.

Mr. Willer stated that there is a lot of support for a positive use for the corner, noting that the ordinances govern those uses and regulations.

There was discussion regarding the specific setbacks in that area given the intersection nearby.

Jody Shiflett asked for some perspective regarding the number of possibilities that could be considered and how specific the description needs to be. He added that it is a viable space and they just need to figure out their options on

uses. He noted that he wants to keep the property lively and clean for the sale in the not so distant future.

Mr. Willer stated that the narrower scope of uses would likely be better and easier for consideration.

Jody Shiflett asked how the deferral process would work.

Mr. Willer stated that Mr. Svoboda would be the point of contact to meet with to review the uses desired by the applicant and to determine a timeframe that would work for the applicant and the Commission.

Mr. Svoboda stated that staff would be more than happy to work with the Shiflett family on grouping those uses to be determined by the applicant.

Mr. McCloskey stated that the Commission may defer after the groupings are reviewed as well given the amount of information that will likely be provided. He added that it sounds as if the primary goal is to sell the property and that the uses would be temporary. He noted that it appears that an island that is zoned Agricultural in a sea of property classified as Commercial would not be as desirable as if it were rezoned.

Jamie Shiflett stated that the market would determine that, noting that they feel connected to the property and are waiting for the best possible buyer.

Mr. Svoboda reviewed the public hearing schedule as it would relate to the likely deferral.

Mr. Willer reminded the Commission that if they recommend deferral, a specific date must be chosen.

Mr. Svoboda suggested January or February, with February being the least busy.

Mr. Willer stated that the applicant could request a deferral with a date to be determined when they are ready to come back.

There was discussion regarding the options for deferral for the applicant while reviewing the fees associated with deferral and the process for scheduling the next meeting. It was noted that the request would remain open and that the applicant would not have to pay the deferral fee until ready to proceed with the application.

Jody Shiflett requested an indefinite deferral to allow them to meet with the Planning Department in order to be more prepared.

Mr. Willer stated that it is not the job of the Commission to negotiate with the applicant and noted that he hoped that the applicant could understand the frustration with the complexity of this request.

Mr. Schaff suggested that maybe they would have a buyer before then and they will not have to come back, noting that it would be great.

Jody Shiflett stated that they could talk afterwards and maybe work something out.

Jamie Shiflett suggested that they could possibly put some apartments on site.

Mr. Willer stated that the applicant has requested an indefinite deferral. He asked if there was a motion to accept or reject this request.

Mr. Morris made a motion to accept the applicant's request for an indefinite deferral.

Mrs. Young seconded the motion.

The vote was taken.

AYE

Mr. McCloskey
Mrs. Young
Mr. Morris
Mr. Schaff
Mr. Willer

NAY

The motion to accept the applicant's indefinite deferral of SUP#15-009 carried by a 5-0 vote.

Mark-Dana Corporation/Joseph & Patricia Troilo request a rezoning of approximately 10.166 acres of a 12.202 acre tract zoned B-3, Business, to R-2, Residential, located near 7106 Seminole Trail and identified on County Tax Maps as 66-(A)-20. (RZ#15-003)

Mr. Willer stated that the next two public hearings have also requested a deferral.

Mr. Svoboda explained that the applicant for the next two public hearings has requested a deferral to the January meeting. He noted that the applicant must pay the deferral fees in order to maintain that schedule. He added that a motion would be needed for each application.

Mr. Willer asked if there was a motion to accept or reject this request.

Mr. Schaff made a motion to accept the applicant's deferral request for RZ#15-003.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

Mr. Morris
Mr. Schaff
Mrs. Young
Mr. McCloskey
Mr. Willer

NAY

The motion to accept the applicant's request of deferral of RZ#15-003 carried by a 5-0 vote.

Mark-Dana Corporation/Joseph & Patricia Troilo request a special use permit for multi-family apartment buildings on approximately 10.166 acres of a 12.202 acre tract which is currently zoned B-3, Business, pending a rezoning request from B-3 to R-2 (RZ#15-003) located near 7106 Seminole Trail and identified on County Tax Maps as 66-(A)-20. (SUP#15-010)

Mr. Schaff made a motion to accept the applicant's deferral request for SUP#15-010.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

Mr. Morris
Mr. Schaff
Mrs. Young
Mr. McCloskey
Mr. Willer

NAY

The motion to accept the applicant's deferral request for SUP#15-010 carried by a 5-0 vote.

OLD/NEW BUSINESS

There was no Old/New Business for discussion.

APPROVAL OF MINUTES

Mr. Schaff made a motion to approve the November 18, 2015 work session minutes as presented.

Mr. McCloskey seconded the motion.

The minutes for the November 18, 2015 work session were approved by a 4-0 vote with Mrs. Young abstaining as she was not present for the entire work

session.

Mr. Schaff made a motion to approve the November 18, 2015 regular meeting minutes as presented.

Mr. McCloskey seconded the motion.

The minutes for the November 18, 2015 regular meeting were approved by a 5-0 vote.

OTHER PLANNING MATTERS

Town of Stanardsville Information

Mr. Svoboda gave an update on recent Town projects and events. He stated that a site plan was recently approved for the Town to add a storage building. He added that the Town will likely review their ordinance for any revisions in 2016.

Next Month's Agenda

Mr. Svoboda reviewed the agenda for the January meeting, noting that the deferral from tonight would be added as well. He added that an ordinance revision for chickens in the R-1 district would be heard in January. He noted that there will also be a review of the 2016 work program and a Comprehensive Plan update next month.

Mr. Willer stated that elections will take place in January in order to organize for the year and added that he would like to review the bylaws at that time as well.

Mr. Morris asked if the Extension Office representative has rescheduled from last month.

Mrs. Golon stated that she was not supposed to attend last month.

Mr. Willer stated that the Commission was interested in hearing from the water representatives.

Mr. Svoboda stated that WW Associates are scheduled to attend in February.

Mr. McCloskey asked about the Joint Session with the Board of Supervisors.

Mr. Svoboda stated that the Joint Session with the Board of Supervisors regarding tourist lodging is scheduled for February.

There was discussion regarding the date, noting that it is a tentative date in February.

Mr. Willer announced that Mrs. Young has chosen not to request reappointment to her seat. He thanked her for her work, effort, and commitment to service to

Greene County.

Mr. Willer wished everyone a Merry Christmas.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman

1.20.16

Date