

PLANNING COMMISSION
March 16, 2016

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, MARCH 16, 2016, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Jay Willer, Chairman
- Victor Schaff, Vice-Chairman
- Frank Morris, Member
- John McCloskey, Member
- William Saunders, III, Member
- Dale Herring, Ex-Officio Member
- Bart Svoboda, Planning Director
- Stephanie Golon, Planner
- Shawn Leake, Zoning Officer
- Marsha Alley, Secretary

CALL TO ORDER

The Chairman called the meeting to order.

DETERMINATION OF QUORUM

The Chairman asked each member to state their name for the record to determine a quorum.

PUBLIC HEARINGS

Robert Scott & Julia Winslow request a special use permit for a Bed & Breakfast/ Lodging with events on 139.01 acres and 2.64 acres which are zoned A-1, Agriculture, located at 777 A & B and 1017 Beazley Road and identified on County Tax Maps as 49-(1)-A & A1. (SUP#16-001)

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

Mr. Svoboda reviewed the request. He stated that parcel A has a special use permit in existence and an accessory structure on site. He noted that parcel A-1 has a duplex allowed by special use permit. He noted that the request for Lodging/Bed & Breakfast is for both parcels and the noted structures. He reviewed the ordinance language and noted that the Commission may place conditions for approval. He reviewed the goals of the Comprehensive Plan as they apply to these parcels. He added that staff recommends approval with the following conditions:

- a) The bed and breakfast/lodging house on TMP 49-1-A1 shall consist of a one bedroom efficiency lodging house to be located in the existing accessory dwelling unit.
- b) The bed and breakfast/lodging house on TMP 49-1-A shall consist of the two-family dwelling unit (duplex unit) only.

- c) No guests would reside in the lodging houses or bed and breakfast for more than 30 days in a 365 day period.
- d) In order to preserve the residential character of the immediate community, all outdoor lighting fixtures shall be aimed, located and maintained so as not to produce disability glare. All lighting fixtures serving these areas shall be full cut-off fixtures and shall be mounted horizontal to the ground.
- e) A sketch plan is required prior to the operation of any of the facilities.

Mr. Svoboda stated that the request is not unusual and noted that there is quite a distance to adjoining properties.

Mr. Schaff asked if approval would prevent the duplex from being rented as a fulltime residential rental.

Mr. Svoboda stated that item "c" may need to be reworded if that causes confusion.

Mrs. Golon explained that the condition is intended to be specific to the use as noted in the condition.

There was discussion relating to the wording of item "c" and the impact on the county based on the use of the structures. It was noted that most other Bed & Breakfast requests have included a condition similar to item "c".

Mr. Willer stated that there are two parcels involved in the request. He noted that if one parcel is sold, the special use permit would remain in place as it runs with the parcel.

Mr. Svoboda agreed.

Scott Winslow addressed the Commission. He thanked the Commission for the opportunity to speak. He explained that there are two parcels with a residence, accessory structure and a duplex. He stated that the request is to offer Lodging/Bed & Breakfast at the accessory structure apartment and the duplex. He stated that his intention is to use them as transient lodging. He added that he could imagine that down the road one of his children may desire to live in one of those apartments, noting that he would like to maintain the right to do that.

Mr. Morris asked Mr. Winslow if he would prefer that the Commission defer the request to allow him time to seek legal advice.

Mr. Winslow stated that he did not prefer a deferral and added that he could get some legal guidance as it relates to item "c" prior to the Board of Supervisors meeting. He added that he does not intend to surrender the special use permit but it could be a possibility for the future for himself or a future owner.

The Chairman opened the public hearing.

The following citizens addressed the Commission voicing comments and concerns as noted:

- Ed Yensho: thanked the Commission for the opportunity to speak; thanked Mr. Winslow for being a good neighbor; stated that he and his wife are strong proponents of property/ownership rights; distributed letter to Commission; had supported the previous special use permit; this request is to allow business development in rural setting with large events; reviewed photos from his property; moved to area to be in the country; can support the request but with restrictions as follows:
 - events be limited to 150 people or less in order to reduce traffic
 - limit weekend events to two (2) weekends per month
 - amplified sounds be off at 10 pm
 - vehicles would be removed by midnight
 - lighting be off by midnight
 - in the event of future parking needs, he requests berms and a visual barrier to protect their homeHe added that if limitations are included, we could support the request.
- Sandra West: adjoining property owner; presented a photo to the Commission; agreed with the Yensho's concerns; stated that her property is her home, her peace, and her tranquility; hopes that a compromise may be reached.

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

Mr. Willer gave Mr. Winslow the opportunity to respond.

Mr. Winslow stated that he would prefer to wait to comment.

Mr. Willer asked Mr. Svoboda if events are accessory to these types of structures or operations.

Mr. Svoboda explained that some of the components of this request are driven by state law and the adoption of the recent ordinance revision relating to agritourism. He reviewed the agricultural/agritourism use, the special use permit approval for the duplex, and the bed and breakfast. He added that the only thing that this special use permit does is allow the duplex to be used as lodging for less than thirty days with no effect on the events related to agritourism.

Mrs. Golon pointed out that Article 16-23 addresses agritourism.

Mr. Svoboda reviewed the agritourism language. There was discussion relating to the language and the inclusion of weddings as an event.

Mr. Willer pointed out that the agritourism language was driven by state law which includes these types of events as agritourism.

Mr. Svoboda explained that there is an Attorney General decision stating that weddings within a farm building are permitted if the primary use of the structure is

for bona fide agricultural purposes. He added that the existing building may not be classified that way since the bed and breakfast use comes into play, noting that the structure would likely require a certificate of occupancy at this point.

There was discussion regarding the agritourism language and how the limits would apply to this particular request and the two (2) parcels involved.

Mr. Schaff asked Mrs. Golon asked if the number of events were specified in the by-right uses.

Mrs. Golon read the language for by right uses as listed in agritourism, noting that twenty-four events related to agritourism were allowed.

There was discussion regarding the allowed number of events for agritourism and agricultural events as noted in Article 16-24.

Mr. Willer restated that the county established the agritourism guidelines to be in compliance with state law.

Mr. Morris clarified that the request is to allow Bed & Breakfast/Lodging.

Mr. Svoboda agreed.

Mr. Willer stated that the original special use permit is not being affected, noting that this request is allowing for more lodging options on the parcels.

Mr. Svoboda agreed and noted that you can have more than one special use permit on a parcel.

Mr. Saunders asked if screening conditions would be appropriate.

Mr. Svoboda explained that if there was concern that the use may cause visual impacts, then screening conditions could apply as appropriate.

Mr. McCloskey stated that a duplex could be a permanent dwelling with a likely lower impact that would not require screening.

Mr. Svoboda stated that there would be different travel times for ingress and egress depending on the use.

Mr. Willer asked if the ordinance that governs events contains limitations relating to sound and light.

Mr. Svoboda stated that the County Code may address the occurrence of a nuisance noise, etc.

Mrs. Golon referenced the agritourism language which requires outdoor amplified sounds to be off at 10 pm.

There was discussion relating to amplified noise and possible restrictions that could be added and for regulations that are already in place.

Mr. McCloskey stated that the land topography is different in every area. He noted that Lydia Mountain Barn is located nearby his home and that, although he thought he might, he never hears it.

Mr. Svoboda stated that noise is affected by various items, such as weather, terrain, seasons, etc.

Mr. Willer added that the lighting ordinance would apply as well.

Mr. Svoboda agreed.

Mr. Willer asked Mr. Winslow if he had any further comments.

Mr. Winslow stated that the noise ordinance that he is aware of states that there will be no amplified noise after 10 pm and that he is amicable to that. He stated that there are some motion-sensor safety lights that are currently in place. He added that he had previously commented at an earlier meeting that it is incumbent upon the neighbors and citizens to try to be good neighbors, to try to be sensitive to the needs and concerns to both the immediate neighbors and the community as a whole. He added that he still believes that and hopes that if he has been a good neighbor in the past, that he would continue to be viewed as a good neighbor despite the fact that they are doing something that has not been done before on the farm. He noted that he hopes that when it is all over that he would be viewed as a good neighbor.

Mr. Willer stated that the Commission has to consider that the special use permit does stay with the property when there is a transfer of ownership and that someone else may not be as good a neighbor.

Mr. Saunders asked where the parking areas are located.

Mr. Winslow demonstrated on a photo that the parking area is somewhat behind the barn, between the barn and the property line.

There was discussion regarding the parking locations and the possibility of screening options if needed.

Mr. Winslow stated that there could be a number of things to assist in mitigating the view of the cars.

Mrs. Golon asked if the screening would be for the events or for the Bed and Breakfast.

There was discussion referring to the screening options being in place as a

gesture of a good neighbor.

Mr. Willer noted that he was not sure that the Commission could require the screening, adding that it would be a gesture of goodwill.

Mr. Winslow agreed that it is a good topic for his neighbors and himself, noting that he was not sure that it applied to the special use permit.

Mr. Saunders stated that Mr. Svoboda had answered his original question noting that this special use permit has nothing to do with requiring screening.

Mr. Willer asked Mr. Winslow if something might be worked out.

Mr. Winslow stated that he would hope so.

Mr. McCloskey made a motion to recommend approval of SUP#16-001 with the following conditions:

- a) The bed and breakfast/lodging house on TMP 49-1-A1 shall consist of a one bedroom efficiency lodging house to be located in the existing accessory dwelling unit.
- b) The bed and breakfast/lodging house on TMP 49-1-A shall consist of the two-family dwelling unit (duplex unit) only.
- c) No guests would reside in the lodging houses or bed and breakfast for more than 30 days in a 365 day period.
- d) In order to preserve the residential character of the immediate community, all outdoor lighting fixtures shall be aimed, located and maintained so as not to produce disability glare. All lighting fixtures serving these areas shall be full cut-off fixtures and shall be mounted horizontal to the ground.
- e) A sketch plan is required prior to the operation of any of the facilities.

Mr. Morris seconded the motion.

The vote was taken.

AYE

Mr. Morris
Mr. Schaff
Mr. McCloskey
Mr. Saunders
Mr. Willer

NAY

The motion to recommend approval of SUP#16-001 carried by a unanimous vote.

OLD/NEW BUSINESS

Mr. Svoboda stated that the Comprehensive Plan Work Session will be held during the regular meeting which begins at 7:30 pm and that it will be advertised to encourage public comment.

Mr. Willer stated that he was asked to make a presentation to the Board of Supervisors regarding the Capital Improvements Plan. He added that the Board had a positive response. He reviewed the feedback and noted that the committee will follow up on the suggestions and input provided by the Board.

APPROVAL OF MINUTES

Mr. Morris made a motion to approve the February 17, 2016 work session minutes as presented.

Mr. Schaff seconded the motion.

The minutes for the February 17, 2016 work session were approved by a 5-0 vote.

Mr. Morris made a motion to approve the February 17, 2016 meeting minutes as presented.

Mr. Schaff seconded the motion.

The minutes for the February 17, 2016 meeting were approved by a 5-0 vote.

OTHER PLANNING MATTERS

Mr. Svoboda reminded everyone of upcoming training opportunities.

Town of Stanardsville Information

Mr. McCloskey reviewed the block grant submittal process that would include the event area and the renovation of the William Mills house near the library. He noted that there are several plans for that home once the renovations are complete. He reviewed other upcoming town events.

Mr. Svoboda noted that the Board of Supervisors did support the submittal of the grant.

There was discussion regarding upcoming town events/celebrations and the need for contributions and sponsorships for these events.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary

Planning Commission, Chairman

Date