

PLANNING COMMISSION
July 16, 2008

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, JULY 16, 2008, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Davis Lamb, Chairman
- Norman Slezak, Vice-Chairman
- Phyllis Woodfolk, Member
- Jim Frydl, Member
- Anthony Herring, Member
- Jeri Allen, Ex-officio Member
- Bart Svoboda, Planning Director
- Stephanie Golon, County Planner

Mr. Lamb called the meeting to order.

Mr. Lamb asked that those who wished to speak regarding the public hearing sign up on the appropriate sheets.

PUBLIC HEARINGS

Martin Investments, LLC request a rezoning from A-1, Agriculture, to B-3, Business on approximately 2.03 acres located on Seminole Trail and identified on County Tax Maps as 51-(A)-35 & 35A and 52-(9)-E. (RZ#08-002)

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

Mr. Svoboda reviewed the request and presented information, sketches, and maps regarding the request. He stated that the property currently is used as a trailer sales and the request is to add property to that use. He noted that there is also a proffer amendment to incorporate the proffers to include all properties. He added that the access for the trailer sales is from Route 29 and that the access to the rental property is from Forest Lane. He pointed out that the request is in accordance with the Comprehensive Plan but added that public utilities are not currently available. He reviewed the proffers which were included in the information packet.

Bill Gentry addressed the Commission on behalf of the applicant who was also present. He stated that he would be available to address any concerns.

Mr. Lamb opened the public hearing.

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

There was discussion regarding the proffer amendment regarding the use limitation of trailer sales for ten (10) years being removed and allowing other uses to be proffered in. The effects of the use on adjoining property owners were also considered.

Mr. Slezak reported that he and Mr. Svoboda visited the property and reviewed the use as it is being operated. He added that there was nothing unique about the property.

Mr. Slezak made a motion to recommend approval of RZ#08-002 with the acceptance of the submitted proffers dated May 14, 2008.

Ms. Woodfolk seconded the motion.

The vote was taken.

AYE

Mr. Herring
Mr. Frydl
Ms. Woodfolk
Mr. Slezak

NAY

Mr. Lamb

The motion to recommend approval of RZ#08-002 carried by a 4-1 vote.

ORDINANCE REVISION: Inoperative Vehicles (OR#08-002)

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

Mr. Svoboda presented information and the proposed language for the revision. He stated that the revision addressed the keeping of inoperative vehicles, notice of violation, civil enforcement procedures, civil penalties, and definitions.

Mr. Lamb opened the public hearing.

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

There was review of the language and discussion regarding the proposed revisions and the implementation thereof.

Ms. Woodfolk made a motion to recommend approval of ordinance revision OR#08-002.

Mr. Herring seconded the motion.

The vote was taken.

AYE

Mr. Herring
Mr. Frydl
Ms. Woodfolk
Mr. Slezak
Mr. Lamb

NAY

The motion to recommend approval of OR#08-002 carried by a 5-0 vote.

CAPITAL IMPROVEMENT PLAN (CIP)

Mr. Lamb announced the request and asked Mr. Svoboda for a report.

Mr. Svoboda presented the information and stated that staff made the changes requested by the Commission as a result of the work session. He added that a formal motion is necessary to forward the CIP to the Board of Supervisors.

Mr. Lamb opened the public hearing.

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

There was discussion regarding the project list, immediate needs vs. long-term needs, and budget needs.

Mr. Frydl made a motion to recommend approval of the CIP.

Mr. Herring and Ms. Woodfolk seconded the motion.

The vote was taken.

AYE

Ms. Woodfolk
Mr. Slezak
Mr. Frydl
Mr. Herring
Mr. Lamb

NAY

The motion to recommend approval of the CIP carried by a 5-0 vote.

OLD/NEW BUSINESS

W. Copley McLean Trustee of the W. Copley McLean Rev. Dec. of Trust/SJS Limited Company request a rezoning from R-1, Residential, to B-3, Business on approximately 16.16 acres located on Seminole Trail/Cedar Grove Road and identified on County Tax Maps as 66C-(2)-A & B. (RZ#08-001)

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

Mr. Svoboda reviewed the information and stated that amended proffers had been submitted as well as an amended concept plan. He reviewed the concept plan and proffers.

Michael Barnes, KG Associates, addressed the Commission. He stated that the property has always been considered as a potential for commercial development. He reviewed the request and concept plan. He reviewed possible road networks but added that VDOT would like to minimize the amount of access along the Route 29 corridor. He stated that meetings were held with the citizens to address their concerns regarding the development. He added that the applicant is willing to work with the citizens to address their concerns, with an emphasis on buffers, security, and the uses of the property.

Mr. Lamb opened the public hearing.

The following citizens addressed the Commission voicing their concerns/opinions regarding noise, traffic, light, security, business hours of operation, uses, nuisance factors, right-of-way issues, possibility of uncontrolled development, proffers, fence details, sign details, and the concept plan:

- Sue Lewis
- Francis Soucy
- Justin Claeys
- David Hale
- Andrea Wilkinson
- Nicole Strickland
- Matt Strauss
- Elizabeth Claeys

Some citizens did thank Mr. Barnes for being receptive but added that there is still a difference of opinion.

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

Ms. Woodfolk stated that there seems to be some areas that still need work regarding this development and that compromises would likely need to be made on both sides. She added that security is a major issue in a development like this.

Mr. Slezak asked for the status regarding Heatherton Drive and the legal aspects of its use.

Mr. Barnes stated that the road was left as the residue of the property when it was divided. He added that later the road was deeded to the properties being discussed and that the applicant has legal right to Heatherton Drive.

There was discussion regarding the meeting with the citizens and the business

uses being discussed for the development. B-1 uses versus B-3 uses and the intensity of each were also discussed.

Mr. Frydl stated that the proposal would be covered by proffers even if the property is sold, noting that any changes to the proffers would have to be reviewed again. He compared the proposal to the plaza with the Best Western, a restaurant serving alcohol, and a 24 hour gym, which has had no complaints. He added that the proposal is a good land use decision for this piece of property with the proffers intact.

Mr. Herring clarified that the applicant has control of Heatherton Drive to the residential areas.

Mr. Lamb stated that he shared some of the neighbors concerns as well as the concern with the traffic impacts. He added that some compromises may need to be made.

Mr. Barnes addressed the traffic concerns, stating that the road network is not right for the present time. He added that they would be offering traffic improvements for short-term and long-term goals.

There was discussion regarding the timeline in which the sixteen (16) acres and the road would be graded and developed.

Mr. Herring made a motion to recommend denial of rezoning RZ#08-001.

Ms. Woodfolk seconded the motion.

The vote was taken.

AYE

Ms. Woodfolk
Mr. Slezak

Mr. Herring

NAY

Mr. Frydl

Mr. Lamb

The motion to recommend denial of RZ#08-001 carried by a 3-2 vote.

Mr. Barnes asked for clarification as to why the motion would be to reject the proposal.

Mr. Lamb explained that the recommendation of denial is based on the Heatherton Drive status, citizen concerns, the intensity of the proposed uses, and traffic impacts.

Mr. Barnes stated that he just wanted to know so that the issues could be addressed.

Mr. Lamb advised him that the request will go forward to the Board of Supervisors for final decision.

Mr. Barnes thanked the Commission.

APPROVAL OF MINUTES

The minutes for the May 21, 2008 meeting and work session were approved as submitted by a 5-0 vote.

OTHER PLANNING MATTERS

Mr. Svoboda stated that the Board of Supervisors has forwarded a memo to the Planning Department including a priority list of projects including ordinance revisions, private road standards, non-conforming uses, etc.

There was a brief discussion on the preparation for the upcoming Comprehensive Plan review.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary