

**PLANNING COMMISSION**  
**November 19, 2008**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, NOVEMBER 19, 2008, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Norman Slezak, Vice-Chairman
- Bill Martin, Member
- Jim Frydl, Member
- Anthony Herring, Member
- Jeri Allen, Ex-officio Member
- Bart Svoboda, Planning Director
- Shawn Leake, Zoning Officer
- Marsha Alley, Secretary

In the absence of the Chairman, Mr. Slezak, Vice-Chairman, called the meeting to order and established a quorum. He asked that those who wished to speak regarding the two public hearings sign up on the appropriate sheets and limit their comments to three minutes.

**STREAMWATCH PRESENTATION**

John Murphy, with StreamWatch, gave a presentation regarding the conditions and future of our streams. He described the monitoring of the streams, the samples/data collected, and the stream assessments. He reviewed the impacts that development has on the area streams. He also offered solutions to minimize these developmental effects, such as low impact development techniques (LID), rain barrels, rain gardens, forested buffers, and education. He noted the two StreamWatch sites in Greene County are Preddy Creek at Rosewood Drive and the Roach/Buffalo River, north of 648, both of which rated in Fair Condition. He added that other sites in Greene are being monitored locally. He stated that StreamWatch only monitors streams within the Rivanna Watershed.

There was discussion regarding the effect that drought and other variables have on the assessment scores.

**PUBLIC HEARINGS**

**Ted Corp, Inc./Oak Hill Development LLC/Wendell W. Gibson, Inc. have filed a rezoning application to amend proffers approved on July 13, 2004 (rezoning file #04-149) for property zoned PUD containing approximately 32.22 acres total located in Ruckersville on Route 33 (Spotswood Trail/Greenecroft Boulevard) identified on County Tax Maps as 60F-(2)-1-7, 9, 10, 12-34, 36, 38, 39, 41-54, 56-75,76, 77-90, 91, 92, 93, 94, 95, 96, 97, 98-101, 102, 103, 105, 106, 107-119. (RZ#08-003)**

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

Mr. Svoboda reviewed the request presenting maps and sketches of the location. He explained that the proffers that were approved for RZ#04-149 stated the minimum square footage for a ranch style home would be 2,600 square feet and two-story homes would be a minimum of 2,800 square feet. He added that the amended proffers have decreased the square footage minimum to 1,800 square feet for both ranch and two-story homes. He stated that the amendment also offers an additional \$2,000 per lot for all building permits issued for plans under 2,600 square feet. He explained that the applicant indicates that due to the recent market decline and the proposed new homes priced out of the reach of many of Greene County work force, the proposed larger homes are not a viable size. He reminded the Commission that all other items of the original proffers from RZ#04-149 will remain a condition of the approved rezone.

Rob Lynch addressed the Commission representing the applicant. He explained that the amendment was requested at the request of the builders in order for them to be able to build a more affordable house due to recent changes in the real estate market. He added that these are local builders, small businesses who are hiring local citizens.

Wendell Gibson, Gibson Homes, addressed the Commission. He stated that he is a builder in Greenecroft and that the changing market now requires smaller companies to compete with the larger companies. He added that recent decline in the housing market has made it harder to build larger homes and harder to sell larger homes. He stated that their desire is to build affordable homes constructed by local builders so that citizens can afford to buy a good quality home.

Ryan Roman, Roman Homes, addressed the Commission. He requested that the Commission support the amendment in order to allow the local contractors to stay in business as well as to further business in Greene County. He added that he lives in Greene and that people are looking for smaller homes so that they can afford them.

Kevin Jones, Contracting Services, addressed the Commission. He stated that currently young families are looking for new homes and that older, more established homeowners are looking to downsize. He explained that contractors need to build houses to meet these needs as these types of customers may not be able to afford the mortgages on the larger homes. He added that this proposal would be better for everyone.

Mr. Slezak opened the public hearing.

The following citizens addressed the Commission voicing their comments and concerns regarding the increased tax burden to taxpayers, the negative impact on property values in the Greenecroft subdivision as well as the Four Seasons community, noting that the conditions were in effect at purchase, and that any changes would not be in the best interest of the community, the increase in service impacts such as emergency services, schools, etc., some earlier

promises have not been followed through on by the developer and any changes should not be made until the original promises are met, the suggestion that, if approved, the smaller houses should be intermixed within the development, and the concern for setting a precedent:

- Jerry Gore
- Jack Howell
- Larry Miller
- John Lucey (also submitted two photos of John Rucker Lake and minutes)
- Charles Rolph
- James Grasewicz
- Marty Cavanaugh
- Linda Detrick
- Andrea Wilkinson

There was sympathy and understanding for the builders and their situation but it was noted that risks must be taken in business ownership and that recovery would come.

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

Mr. Slezak stated that a site visit was made. He gave a brief overview of the development, vacant lots, and topography.

In the interest of full disclosure, Mr. Herring explained that he was formerly employed by K. Hovnanian Four Seasons but that he was relieved from his position six (6) months ago and added that his parents are listed as adjoining property owners for this request.

There was discussion regarding the 1,800 square footage minimum, noting that it could include a house design with a 900 sq. ft. footprint and two stories to total 1,800 sq. ft.

There was discussion regarding the proposed selling prices of the smaller homes. It was determined that the prices have not been set at this point but that prices are expected to be \$300,000 and higher. Mr. Gibson pointed out that they are trying to keep the prices low enough to avoid the jumbo mortgage loans.

Mr. Frydl and Mr. Lynch agreed that the terrace-level house design seems similar to the one-story design in the Greenecroft packet.

Mr. Frydl stated that during the site visit, they also visited Holly Hill as a comparison. He added that the assumption is being made that all new houses would be built to the 1,800 sq. ft. design, noting that it would not be likely and that it would be fair to consider a mixture of homes. He stated that it does not benefit anyone's home values to have an empty neighborhood. He added that it cannot be assumed that all Greenecroft homes would have children either.

Mr. Gibson agreed.

Mr. Lynch pointed out that the current square footages are driving contractors to include more bedrooms, adding that no one can predict the market.

There was discussion regarding the proffer policy, current proffers, and proposed proffers and calculations. There was also discussion regarding energy efficiency uses in both house sizes.

Mr. Gibson assured the Commission that quality construction does not change based on the size of the house.

Mr. Martin stated that he understands the expectations of the community, adding very cautiously that this request has a sense of 'bail out" although he agreed that these times will pass. He added that there are other sites in the county where more affordable homes could be built. He added that he does not believe that a decrease in size equates to a decrease in quality.

There was discussion regarding the proffer amount and the entrance to Greenecroft and Four Seasons.

Mr. Slezak pointed out that shortfalls in tax revenue generated by smaller homes results in an increased tax burden for the taxpayer overall.

Mr. Lynch reminded the Commission that a \$200,000 cash proffer was paid up front and the entrance property was provided for Four Seasons.

Mr. Slezak noted that there are no walking trails, sidewalks, etc. in the Greenecroft community that would allow residents to access the surrounding community or the proposed retail area. He added that the large boulevard there looks nice but may be difficult for residents to cross in traffic.

Mr. Lynch explained that in smaller subdivisions, residents typically walk along the street to reach their destination but agreed that the boulevard may present a challenge in crossing during traffic. He added that a crosswalk may be taken into consideration.

Mr. Frydl made a motion to recommend approval of RZ#08-003 with the acceptance of the submitted proffers dated August 27, 2008.

Mr. Martin seconded the motion.

The vote was taken.

AYE

Mr. Herring  
Mr. Frydl

NAY

Mr. Martin  
Mr. Slezak

The motion to recommend approval of RZ#08-003 failed by a 2-2 vote.

The Commission took a five minute recess.

Upon return from their recess, Mr. Slezak thanked the citizens in attendance for their cooperation in abiding by the time limit constraints. He acknowledged that two newly appointed members from the Charlottesville Planning Commission were in attendance to complete their training program and thanked them for attending.

**Jefferson Area Board for Aging/Mark & Christina Seale request a rezoning from R-1, Residential, to SR, Senior Residential, on approximately 15.16 acres located on Preddy Creek Road and identified on County Tax Maps as 66-(11)-2A. (RZ#08-004)**

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

Mr. Svoboda reviewed the request presenting maps and a concept plan for the project, pointing out the connection to Preddy Creek Road and the water tower location. He stated that the R-1 zoned parcel may be developed by-right without the transportation items, landscape offerings, or proffers and may promote the need for services from the county that are involved with by-right residential developments. He added that the proposed development will include 225 units of senior housing. He noted that the impacts of the development (Article 16-11 of Greene County Zoning Ordinance) were not offered by the applicant to demonstrate the comparison of developing by-right or rezoning to a higher density. He stated that the area zoned R-1 would require water and sewer for Senior Residential and that there may be a possible county well site on the property. He noted that VDOT does not require a 527 traffic study, although VDOT would appreciate any donations for improvements in the area. He added that the location is in the growth area and that the number of units has increased to 225. He stated that no proffers have been submitted at this time as the applicant wanted to have feedback from the Commission for inclusion in the proffers.

Chris Murray, JABA, addressed the Commission. He stated that JABA intends to be good neighbors and that they want to accommodate the change in demographics in the area. He noted that the project would be a phased development and described the sketch as follows:

Blue area=Tax Credit Process area

Red area= Market area

Gray area= Congregate area, possible assisted living

He stated that JABA wants to provide low to moderate housing options for the elderly and disabled. He added that this population tends to generate less traffic and slower traffic. He stated that public water is available to the site and that they expect less water usage than statistics show. He noted that there is access to public sewer and that there would be no impact on the schools. He added that

JABA is asking for 14.06 units/acre, noting that the tax Credit application is complex explaining that points are awarded for project features and good practices. He restated that proffer submittal was pending feedback from the Commission. He added that he would be willing to proffer affordable housing, universal design, and noted that they want to include persons with disabilities regardless of age. He suggested that they would like to see meeting spaces, a community center, 15 units/acre, open space to include community gardens, interconnectivity to adjoining properties, walking trails, transit stops, and a library drop-box. He added that contingent proffers would include working with retailers to provide transportation to their locations.

Mr. Slezak opened the public hearing.

The following citizens addressed the Commission with encouragement for the project due to the need for this type of housing and employment opportunities, while others voiced their comments and concerns regarding traffic safety, the assurance of timely grading just prior to development, the dependency on the Rapidan Center which is not developed, the expected decrease in property value, the loss of the rural nature of the community, the inclusion of apartments and assisted living which was not originally mentioned, the increased impacts on emergency services, the loss of a sense of community, the connection area being located amid single-family dwellings, the possibility of the housing area becoming an undesirable area, and the increase in housing density:

- Lori Gore
- Terry Lilly
- Andrea Wilkinson
- John Kidd
- Rob Nowicki
- Diane Boland
- David Mercer
- Marnie Deaton
- Peter Benson
- Kelly Morris
- Jeff Morris

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

Mr. Frydl gave a site visit report. He stated that access is limited, adding that there are no sidewalks. He described the property as wooded in the blue area and open field in the red area, noting that there did not appear to be any large grades. He added that there is a small creek at the edge of the gray area, adding that it is a pretty property.

Mr. Herring stated that there is a need for affordable senior communities in the area. He added that he is also concerned about the traffic trips per day in and out, by the residents and the service vehicles. He stated that he does not expect that it would be likely to have those residents walking to the Rapidan Center once

it is developed.

Mr. Frydl stated that the use is a positive one. He referred to Article 16-11-1 of the Greene County Zoning Ordinance regarding the requirements for rezoning. He added that the Commission needs specific, critical details about the project in order to make a recommendation, noting that these details are needed because if the request is approved, the proffers, conditions, etc. would run with property.

Mr. Martin stated that he shares the concern regarding the traffic. He added that no matter how worthy the cause (project), when the neighbors/community show great concerns, the project designers need to reevaluate. He stated that he agrees with Ms. Deaton regarding the connection through the one lot on to Preddy Creek Road. He added that the project has a good concept, and the he is a JABA supporter, but the location seems not to work. He added that it is necessary to keep in mind that a by-right division would be allowed so there may be people back there at some point. He noted that it does appear that 225 units of senior housing seems to be shoe-horned in to the community as opposed to a solid plan of a senior community within an existing community, adding that he believes that the project is far from fully evolved.

Mr. Slezak agreed with Mr. Frydl in that there is not enough information to make a recommendation tonight, stating that the Commission needs to know the effect on the community based on data which has not been provided. He added that Mr. Murray stated many items as proffered but no written proffers have been received at this time. He stated that bus stops and walk-ability are great ideas but added that he does not envision it here due to the issue of traffic safety. He noted that stream protection would be necessary as well.

Mr. Murray stated that it was useful to hear all of the Commission and public comments. He explained that there would only be senior housing, not families, not section 8. He added that JABA would hire a green, sustainable consultant for sewage needs on site, to include cisterns, irrigation, etc.

There was discussion regarding decision options and information availability.

Mr. Murray requested a deferral until the December 17<sup>th</sup> Planning Commission meeting.

Mr. Herring made a motion to accept the applicant's request for deferral until the December 17, 2008 Planning Commission meeting.

Mr. Marting seconded the motion.

The vote was taken.

AYE

Mr. Herring  
Mr. Frydl

NAY

Mr. Martin  
Mr. Slezak

The motion to accept the applicant's request for deferral carried by a 4-0 vote.

### **OLD/NEW BUSINESS**

Mr. Svoboda stated that the By-laws had been previously agreed on but never voted on for approval.

Mr. Herring motion to approve the Bylaws as agreed upon at last meeting.

Mr. Frydl seconded the motion.

The vote was taken.

Aye  
Mr. Herring  
Mr. Frydl  
Mr. Martin  
Mr. Slezak

Nay

The motion to approve the Bylaws carried by a 4-0 vote.

Mr. Svoboda announced that there will be a workshop regarding the business districts before the December meeting and the regular meeting would include the equine ordinance revision request and the JABA deferral from tonight.

### **APPROVAL OF MINUTES**

The minutes for the October 15, 2008 meeting were approved as submitted by a 4-0 vote.

### **OTHER PLANNING MATTERS**

There were no other Planning matters for discussion.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*, Secretary