

**PLANNING COMMISSION**  
**January 21, 2009**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, JANUARY 21, 2009, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

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

Davis Lamb called the meeting to order. He asked that those who wished to speak sign up on the appropriate sheets.

**ELECTION OF OFFICERS**

Davis Lamb stated that he would not be able to serve another term as Chairman and thanked the Commission, staff, and the public for all their help during his term. He opened the floor for nominations.

Anthony Herring nominated Jim Frydl for Chairman.

Bill Martin seconded the motion.

Jim Frydl was elected Chairman by a unanimous vote.

Davis Lamb nominated Norman Slezak for Vice-Chairman.

Anthony Herring seconded the motion.

Norman Slezak was elected Vice-Chairman by a unanimous vote.

Mr. Frydl took his seat as Chairman.

The Chairman took a roll call to establish a quorum.

## **PUBLIC HEARINGS**

**Jerry, Kathryn, & Steven Worley request a rezoning from A-1, Agriculture, to B-3, Business, on approximately 2.66 acres located on Fredericksburg Road/Spotswood Trail and identified on County Tax Maps as 38-(A)-127. (RZ#08-005)**

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

Mr. Svoboda reviewed the staff report and gave a presentation regarding the request. He reviewed maps, photos, etc. He stated that the request would be for an unspecified B-3 use located on Route 33 West and Route 609. He added that agency comments had been included in packet information and that VDOT has requested specific Institute of Traffic Engineers (ITE) trip generation numbers that would allow the proper consideration on whether a Traffic Impact Analysis (TIA) under Chapter 527 is required. He noted that proffers were submitted, dated November 10, 2008

Jerry Worley addressed the Commission. He stated that the property was purchased as an investment, adding that he does not know what type of business would go there. He described the property as having beautiful mountain views. He noted that he would like to see the property bring in revenue to the county. He added that he would likely develop the site himself adding that he would like to see a restaurant there.

The Chairman opened the public hearing.

The following citizens addressed the Commission voicing their comments and concerns regarding the uncertainty of the type of development that would be located at the site, traffic impacts and safety, maintaining the rural atmosphere of the area, and the history of the property and its ownership:

- Troy Buttner
- Pam Buttner
- Tracy Dean

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

Norman Slezak gave a site visit report stating that the property is flat and that a home is presently being rented on the property. He added that there is a limited line of site on Fredericksburg Road.

There was discussion regarding the site distance issue. Mr. Worley explained that VDOT offered some possibilities for shaving the hill or moving the entrance from Fredericksburg Road to Spotswood Trail.

There was discussion regarding impact analysis for the site, Future Land Use

Map designation for that area, and nearby zoning district designations. There was discussion regarding the VDOT 527 study requirements. Mr. Martin added that there are many issues that have not been addressed at this time.

Mr. Slezak asked how many residences would be allowed by-right at this site.

Mr. Svoboda stated that one single-family residence would be allowed, noting that there is a residence in existence at this time.

There was discussion regarding the view, lighting for the site, development near the residences, and the consideration of less intense business uses.

Mr. Lamb asked for clarification on the proffers.

Mr. Worley stated that there are other uses that could be proffered out in addition to those that are listed but added that he had listed those in order to submit the application.

Mr. Svoboda reviewed the business setbacks for the parcel and other site information.

Mr. Herring agreed that there are a lot of unanswered questions at this point.

Mr. Frydl explained that there are requirements to be met in order to grant a rezoning request and that these items have not been addressed.

Mr. Worley requested that the request be deferred for six (6) months to allow time to address the issues and answer questions.

Mr. Herring made a motion to accept the applicant's request for deferral for RZ#08-005 for six (6) months.

Mr. Lamb seconded the motion.

The vote was taken.

AYE

Mr. Martin  
Mr. Slezak  
Mr. Frydl  
Mr. Lamb  
Mr. Herring

NAY

The motion to accept the applicant's request for deferral for RZ#08-005 for six (6) months carried by a unanimous vote.

**Bobbie Eddins and Philip and Donna Thacker request a rezoning from R-1, residential, to B-3, Business, on approximately 19.97 acres located on Seminole Trail and identified on County Tax Maps as 65-(A)-47 & 48 and 65-(11)-1 & 2. (RZ#08-006)**

Mr. Frydl read the request and asked Mr. Svoboda for a staff report.

Mr. Svoboda gave a presentation regarding the site and reviewed maps, concept plans, and photos. He stated that the request is for a mixed office/retail development located on Route 29 south. He added that agency comments were included in packet. He noted that comments from VDOT were recently received and that the Chapter 527 review began on November 25, 2008, but that staff has not received recommendations at this time. He stated that proffers were submitted, dated November 19, 2008.

Mr. Slezak gave a site visit report for the site. He stated that there are hills at the northernmost entrance that make it difficult to see traffic on Route 29. He added that the parcel is hilly, and has a spring fed stream on site.

Michael Barnes addressed the Commission representing the property owners. He stated that the concept plan shows the county line as used by Albemarle County. He added that the portion of property in Albemarle County would not be a part of the rezoning site. He explained that the parcel is hilly but noted that the area of interest could be leveled to serve the development. He added that the site had been previously timbered and a stream buffer has been proffered. He stated that site distance is being addressed in the proffers while working with VDOT during the site development plan review phase of the project. He explained that the applicants are willing to proffer out more uses upon discussion and concern without reducing flexibility of use. He added that they are also proffering the use of LID practices and a bus stop. He apologized that the VDOT comments were late but added that the language was being discussed and approved by VDOT.

The Chairman opened the public hearing.

The following citizens addressed the Commission voicing their comments and concerns regarding the possibility of a connector road at Lake Saponi Drive, a traffic signal for long-term planning, the elimination of a crossover, the site being an ideal location for development along highway as the slope, stream, etc. are located to the rear of the property, and the mention that the county line has been disputed for years:

- Andrea Wilkinson
- Bob Burkholder

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

Mr. Herring asked how fifty percent was determined regarding the facades.

Mr. Barnes stated that the percentage was taken from the Deerfield rezoning as it seemed to be a reasonable standard.

Mr. Herring asked how community would be defined in reference to the design guidelines, the architecture, and the construction material.

Mr. Barnes stated that the features would be in line with those referred to in the Deerfield rezoning and also the Tierney project out-parcels.

Mr. Lamb noted that some uses had been proffered out while other equally intense uses were not.

Mr. Barnes stated that some of the uses would be appropriate for the area but noted that screening options and architectural review would be addressed during site development plan review.

There was more discussion regarding turn lanes, inter-parcel connections, architecture, facades, park-like setting for employees and visitors, and uses to include professional offices.

Mr. Martin suggested that the County proceed carefully regarding the disputed county line. While there was discussion that Albemarle County's determination of where the border stood was favorable to Greene County, Mr. Frydl agreed that this aspect should be clarified before moving forward. (edit as submitted by Bill Martin, 2/18/09)

Mr. Martin expressed concern over traffic safety on the area between the intersection of Rt. 29 and 607 and the County Line. In particular, the area from the Holly Hill residential community through the Lake Saponi Rd. area to the County Line were getting increasingly dangerous due to increased business activity, increased median breaks, and increased through traffic on an area where there was poor visibility due to the rolling hills. The proposed Greene's Edge development would exacerbate the safety of both citizens and those traveling through this area if not handled properly by VDOT. Mr. Barnes and Mr. Svoboda mentioned that VDOT would accommodate safety concerns on Rt. 29, including re-shaping the grade of some of the hills, if necessary, to improve visibility. (edit as submitted by Bill Martin, 2/18/09)

Mr. Frydl pointed out that the proffers address stormwater management and noted that the county has a stormwater management plan. He added that he would like to see approval from Albemarle County in regard to the county line.

Mr. Martin made a motion to approve rezoning request RZ#08-006 with the acceptance of the submitted proffers dated January 9, 2009 received January 14,

2009.

Mr. Herring seconded the motion.

The vote was taken.

AYE

Mr. Herring  
Mr. Lamb  
Mr. Martin  
Mr. Slezak  
Mr. Frydl

NAY

The motion to approve rezoning request RZ#08-006 with the acceptance of the submitted proffers dated January 9, 2009 received January 14, 2009 carried by a unanimous vote.

**Greene County Zoning Ordinance Revision—Revise Industrial (Limited), M-1, and Industrial (General), M-2, zoning districts and all applicable references (OR#08-006)**

Mr. Frydl read the request and asked Mr. Svoboda for a staff report.

Mr. Svoboda stated that the revision was generated by staff as a result of questions from the public. He noted that there is an inconsistency in the ordinance in the carry over of uses from related Articles. He added that the by-right uses in M-1 would be by-right uses in M-2 and that uses by Special Use Permit (SUP) in M-1 would be uses by Special Use Permit (SUP) in M-2. He stated that this revision would offer clarity.

The Chairman opened the public hearing.

James Henshaw addressed the Commission voicing his disagreement with the proposal. He stated that his concern is that the property values would decrease as a result of being near the intense M-1 and M-2 districts. He added that he is the administrator of the Lucy Irene Detamore estate which is a subdivision adjoining an Industrial district and that the lots there are valued lower than the subdivision just down the road from it. He noted that M-1 and M-2 designations are political decisions. He asked that the Commission defer the request for more input or deny it altogether.

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

Mr. Martin stated that he failed to see the issue raised by Mr. Henshaw, adding that he did not see anything nefarious with the proposal. He asked that Mr. Henshaw clarify his position.

Mr. Henshaw restated his concern and disagreement with the proposal.

There was discussion clarifying that the revision would bring the Industrial Districts language in line with the C-1/A-1, Residential, and Business Districts language as to their inclusions of less intense uses.

Mr. Herring made a motion to approve ordinance revision request OR#08-006 as written.

Mr. Slezak seconded the motion.

The vote was taken.

AYE

Mr. Martin  
Mr. Slezak  
Mr. Lamb  
Mr. Herring  
Mr. Frydl

NAY

The motion to approve ordinance revision request OR#08-006 carried by a unanimous vote.

**OLD/NEW BUSINESS**

**Greene County Zoning Ordinance Revision—Revise “Equine Uses” in the A-1, Agriculture zoning districts and all applicable references (OR#08-005)**

Mr. Svoboda gave a brief overview and reviewed the condensed language.

Don Sutton, applicant, stated that he was available for questions.

There was discussion regarding the clarification that a run-in and a stable are not the same thing and the suggestion that the county attorney review the language prior to the Board of Supervisors meeting.

Mr. Svoboda stated that the county attorney would review the application upon receiving his packet for the Board meeting. He noted that the county attorney had been involved in this process but was not clear if he had received this exact version, although he was confident in the ability of staff to write enforceable language.

There was discussion regarding the clarification of the definitions and language as proposed.

Mr. Martin stated that the revision would apply county wide and may have unintended consequences. He added that he also has animal welfare concerns.

Mr. Svoboda stated that the Animal Control office would deal with animal welfare issues.

Mr. Slezak stated that he would feel more comfortable having the county attorney comment on the language since it would affect the public.

Mr. Svoboda stated that the county attorney receives a packet and will comment to the Board of Supervisors.

Mr. Slezak requested that the county attorney review the language as he is very concerned from that standpoint.

Mr. Svoboda stated that a request could be made to have comments prior to the Board packets being sent out.

Mr. Frydl stated that this language would allow a vehicle to address these issues and bring the county in line with surrounding counties as well.

Prior to the motion, Mr. Slezak asked Mr. Svoboda if he would ensure that there was legal review for the language.

Mr. Svoboda agreed.

Mr. Herring stated that Mr. Svoboda had just mentioned that and clarified that the motion could be made contingent upon the county attorney's review prior to the Board meeting.

There was discussion regarding legal review.

Mr. Slezak made a motion to approve ordinance revision request OR#08-005 as written subject to comments from the County Attorney regarding any legal issues.

Mr. Lamb seconded the motion.

The vote was taken.

AYE

Mr. Martin  
Mr. Slezak  
Mr. Lamb  
Mr. Herring  
Mr. Frydl

NAY

The motion to approve ordinance revision request OR#08-005 carried by an unanimous vote.

There was a five-minute recess.

### **APPROVAL OF MINUTES**

The minutes for the December 17, 2008 meeting and work session were approved as submitted by a 5-0 vote.

### **OTHER PLANNING MATTERS**

#### **Hunnicut Property, LLC—Planning Commission Appeal #08-005**

Mr. Svoboda reviewed the applicants request for an extension. The applicant is requesting an extension for preliminary plat approval for SDV#07-085, Hunnicutt Property, LLC. He added that the preliminary plan was approved on April 16, 2008 by the Planning Commission. He noted that under the Greene County Zoning Ordinance, the preliminary expires after a year, April 16, 2009. He explained that approval of this request would provide an extension of the deadline for the submittal of a final plat for three (3) years. He stated that the three (3) year extension would begin upon the Planning Commission's approval of the above mentioned request.

Ken Lawson addressed the Commission. He stated that the current financial and real estate climate do not lend themselves to development. He requested an extension for three (3) years as in King's Court, Creekside, and Oxford Hills.

There was discussion on time limits for extensions, the possibilities of proffers that could be affected, and the number of extensions that are allowed.

Mr. Lamb made a motion to approve Planning Commission Appeal #08-005 requesting a three (3) year extension for the Hunnicutt property.

Mr. Slezak seconded the motion.

The vote was taken.

#### AYE

Mr. Martin  
Mr. Slezak  
Mr. Lamb  
Mr. Herring  
Mr. Frydl

#### NAY

The motion to approve Planning Commission Appeal request #08-005 carried by

a unanimous vote.

Mr. Slezak asked that several items be addressed prior to the review of the Business Districts.

### **Planning Commission By-laws**

Mr. Slezak stated that the signed by-laws are not the version that was approved at the November meeting. He pointed out that the conflict of interest language and the reference to majority vote language was not included and asked that the bylaws be amended to include this language.

Mr. Svoboda stated that as far as staff understands, the by-laws that were signed are the by-laws that were approved.

Mr. Lamb made a motion to amend the Planning Commission By-laws to include the conflict of interest and the majority vote language.

Mr. Martin seconded the motion.

The vote was taken.

#### AYE

Mr. Herring  
Mr. Lamb  
Mr. Martin  
Mr. Slezak  
Mr. Frydl

#### NAY

The motion to amend the Planning Commission By-laws carried by a unanimous vote.

### **Memo to the Board of Supervisors**

Mr. Slezak asked for clarification on some of the items listed in the memo.

There was discussion regarding the Comprehensive Plan review representation from the Planning Commission, Proffer Policy review, and the Water Study.

### **Business Districts**

After a brief review of the packet information, it was decided that discussion for the business districts will be held at the next Planning Commission meeting in February.

Mr. Svoboda reminded the Commission that Mr. Slezak has provided a packet of

educational information for each member. He received this information at a meeting that he recently attended and has found it helpful.

Mr. Slezak reported that the recent proffer amendment request was passed at the Board of Supervisors level after the developer increased the proffer amount. He added that the Commission appears to be in sync with the Board.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Secretary