

**PLANNING COMMISSION  
SEPTEMBER 16, 2009**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, SEPTEMBER 16, 2009, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

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

Mr. Frydl called the meeting to order.

**DETERMINATION OF QUORUM**

Mr. Frydl took a roll call vote to determine a quorum.

He reminded the public that those who wished to speak need to sign up on the appropriate sheets and limit their comments to three minutes.

**PUBLIC HEARINGS**

**Wendell & Janice Lamb request a special use permit for a residential accessory structure greater than 768 square feet on a 4.64 acre tract which is zoned R-1, Residential, located on Spotswood Trail and identified on County Tax Maps as 37A-(17)-4. (SUP#09-004)**

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

Mr. Svoboda gave a brief presentation regarding the request and reviewed the information for the request. He explained that a residential accessory structure larger than 768 square feet on a vacant parcel requires a special use permit. He described the location and reviewed photos and maps relating to the request. He added that staff would recommend approval based on agency comments and conditions as follows:

- In order to preserve the residential character of the immediate community, the family picnic shelter shall not be used for commercial uses or public events.
- To ensure superior water quality and quantity, the existing vegetation along the stream shall be protected and restored to provide a 25 foot vegetated buffer on each side of the adjacent stream. Invasive

- vegetation may be removed if native vegetation is replanted in its place.
- To ensure superior water quality and quantity, there shall be no pipes discharging directly to the stream channel and all roof downspouts shall be disconnected and allowed to sheet flow to the stream channel.
  - To ensure that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof, a 20 foot screening yard adjacent to parcels 37A-(13)-15, 14, 13, and 12 shall be retained. The screening yard shall be in compliance with Article 19-6-2 of the Greene County Zoning Ordinance.
  - 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.
  - Prior to approval of zoning/building permit for the proposed structure, please provide a site “sketch” to indicate location of parking for the family picnic shelter.

Wendell Lamb, applicant, addressed the Commission stating that the purpose of the shelter would be for family gatherings as they have a large family. He noted that the swing sets that are currently there were placed there for his grandchildren who live close by. He stated that the site offers a nice spot for this type of gathering and that is why he is requesting the special use permit. He also described the parking area.

The Chairman opened the public hearing.

Donald Harper, adjoining property owner, voiced his concerns regarding lighting and hours of use. He added that the requested use is for family picnics but asked if it could be used otherwise, with the possibility of offensive noise, etc. He noted that if the land was sold, the next property owner could request other uses that would be considered commercial in that area. He pointed out that he does not object to the picnic shelter, but that he is concerned with items that would accompany that type of use, such as large crowds, lighting, noise, etc. He also asked for a clarification of the terms “native vegetation” and Article 19-6-2 of the Greene County Zoning Ordinance. He pointed out that it appears that part of the structure would be used for storage.

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

Mr. Slezak gave a brief report from his site visit. He noted that the covered area of the shelter is within the 768 sq. ft. and is allowed. He stated that the area is a nice area for this type of use. He noted that there is a stream present but that it is currently dry due to dry weather. He answered Mr. Lamb’s question stating that he did not notice any erosion during his visit.

Davis Lamb read and explained Article 19-6-2 and its reference to screening.

Mr. Svoboda explained that native vegetation would include plants, etc. that are native to Virginia and not transplanted from elsewhere.

Mr. Herring asked how often family picnics are held and what times they are held.

Wendell Lamb stated that it would likely be more used during nice weather. He added that he has children who live in the area and they would like to get together. He noted that the grandchildren could play there as well if it rained. He stated that he has no present consideration of having lights at the site.

Davis Lamb explained that if another person owned the property and wanted a garage or the like, they would have to return for the appropriate permits.

There was discussion regarding the possibility of loud music on site. Wendell Lamb stated that he does not like loud music and would not want that either.

There was also discussion regarding the use of the site by groups outside of family. Wendell Lamb stated that it is not his plans to allow that and that it would be only for family use.

There was discussion regarding the possible conditions as related to the request.

Mr. Frydl stated that the criteria in Article 16-2 would apply to this request.

Mr. Slezak made a motion to recommend approval of SUP#09-004 with the following conditions in accordance with Article 16-2:

- In order to preserve the residential character of the immediate community, the family picnic shelter shall not be used for commercial uses or public events.
- To ensure superior water quality and quantity, the existing vegetation along the stream shall be protected and restored to provide a 25 foot vegetated buffer on each side of the adjacent stream. Invasive vegetation may be removed if native vegetation is replanted in its place.
- To ensure superior water quality and quantity, there shall be no pipes discharging directly to the stream channel and all roof downspouts shall be disconnected and allowed to sheet flow to the stream channel.
- To ensure that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof, a 20 foot screening yard adjacent to parcels 37A-(13)-15, 14, 13, and 12 shall be retained. The screening yard shall be in compliance with Article 19-6-2 of the Greene County Zoning Ordinance.

- 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.
- Prior to approval of zoning/building permit for the proposed structure, please provide a site “sketch” to indicate location of parking for the family picnic shelter.

Mr. Slezak stated that this request falls under the purview of Article 22 of the Zoning Ordinance which allows accessory structures greater than 768 square feet by special use permit for R-1 zoning districts.

Mr. Herring seconded the motion.

The vote was taken.

AYE

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

NAY

The motion to recommend approval of SUP#09-004 with conditions carried by a 5-0 vote.

**Greene County Zoning Ordinance Revision: Revise Article 14-Sign Regulations and all applicable references. (OR#09-004)**

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

Mr. Svoboda gave a brief report regarding the request and specific language, noting that many are “housekeeping” items to be clarified. The revision includes the following:

- Included clarification on what triggered a sign permit under 14-2.
- Included a graphic to clarify the determination of the sign height under 14-2-3.
- Included temporary signs in the requirement matrix under 14-2-8.
- Wordsmith and clarified requirements for a Shopping Center/ Multi-tenant sign under 14-2-9.
- Included multi-frontage lots in 14-2-10.
- Included residence sign under exempt signs 14-4.
- Included Electronic Message Center, Advertising Vehicles and Billboards under prohibited signs 14-5.

- Provided regulation regarding violation notice, civil enforcement and civil penalties. This is in contrast to the criminal penalties that are provided in the current zoning ordinance 14-10.

The Chairman opened the public hearing.

The following citizens addressed the Commission, each sharing various comments/concerns, such as support for a nice job on the ordinance, clarification for signs on road boundaries and sign height:

- Larry Miller
- Andrea Wilkinson

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

There was discussion regarding vehicles used as a sign for advertising purposes only. There was also discussion regarding civil penalties, the quantity of signs in a specific time period, and prohibited signs including the electronic message center. There was also a brief discussion regarding the need to include the prohibition of free-standing signs in the definitions. There was a review of the reasonable time allowed for the removal of a sign. There was discussion as to whether the county attorney had reviewed the revisions. Mr. Svoboda explained that the county attorney would conduct his review upon receipt of the Board of Supervisors packet.

Mr. Martin asked Mr. Svoboda if Mr. Miller's comments regarding sign height could be addressed or if he was comfortable with the revisions regarding Mr. Miller's suggestions.

Mr. Svoboda stated that he understood Mr. Miller's comments and suggestions but added that often the site, utilities, etc. play into the most suitable height in accordance with the ordinance. He added that he would keep an open mind in regard to the suggestions.

Mr. Martin made a motion to recommend approval of OR#09-004 as presented by staff.

Mr. Lamb seconded the motion.

The vote was taken.

AYE

Mr. Herring

Mr. Lamb

Mr. Slezak

Mr. Martin

Mr. Frydl

NAY

The motion to recommend approval of OR#09-004 carried by a 5-0 vote.

**Greene County Zoning Ordinance Revision: Include Article 21A, regulations regarding Wind Turbines, and revise all applicable references. (OR#09-005)**

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

Mr. Svoboda gave a brief report regarding the request and reviewed the proposed language which included requirements, review process, setbacks, and definitions. He explained that this would be a new section in the Zoning Ordinance recognized as Article 21A with revisions to all applicable references. He stated that two letters were recently received and placed at the Commission seats tonight. He added that many inquires have been received regarding the use of wind turbines for energy and have been instructed by the Board of Supervisors to address this topic in the ordinance, excluding wind energy systems as a by-right use even as a public utility.

The Chairman opened the public hearing.

The following citizens addressed the Commission, each sharing various comments/concerns, such as a great idea for area out west, negative impact on the viewscape, the noise, glad to look for energy options, small amount of return for the community, ridge tops are appropriate uses but Flattop Mountain is in C-1, Conservation district, as a community with non-conforming lot sizes, need to be stringent in restrictions, suggest excluding C-1, Conservation areas or restrict to 8 acres or more in C-1, source of backup energy or emergency situations, many types of towers, some roof mounted systems, suggest "Small" be added to the Article title, explain the return to the power grid, lightning strikes, consider overhead utility lines, setbacks, a regional effort would be a good idea, :

- Duncan Pickett
- Eric Seaborg
- Ellen Dudley
- Larry Miller (Distributed information regarding Wisconsin's policy and other information.)
- Steve Kneipp

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

There was discussion regarding the specific restrictions on site locations for wind turbines, the definition of "micro-wind system" and the applicability, the possibility of prohibiting the systems in the Flattop Mountain community, and recognition of the need to address the topic in the ordinance. There was also discussion regarding the economic feasibility of such an endeavor and the role of homeowner's associations in situations such as this.

Mr. Herring pointed out that the ordinance revision is addressing the residential

systems, not commercial systems.

There was discussion regarding FAA requirements for lights on towers.

Mr. Frydl stated that any restrictions, conditions, etc. on the use are provided for in the State Enabling Act in the Code of Virginia, 15.2-2. He added that he is comfortable with the language, given the special use permit requirement.

There was discussion regarding motion options.

Mr. Lamb made a motion to recommend approval of OR#09-005 as presented.

Mr. Herring seconded the motion.

The vote was taken.

AYE

Mr. Herring

Mr. Lamb

Mr. Slezak

Mr. Martin

Mr. Frydl

NAY

The motion to recommend approval of OR#09-005 carried by a 5-0 vote.

### **OLD/NEW BUSINESS**

Mr. Svoboda explained that the Commission packets will now be distributed on Flash drives with only staff reports being printed in hard copy.

Mr. Svoboda reminded the Commission about the Joint Work Session with the Board of Supervisors on October 13<sup>th</sup> at 6:00 pm.

Mr. Svoboda stated that the October 21<sup>st</sup> meeting would include a work session which would begin at 6:30 pm. He added that there are no public hearings scheduled for that meeting.

There was discussion as to the next TJPDC meeting on October 1<sup>st</sup>.

Mrs. Golon informed the Commission that staff will be attending the VAZO conference and will provide an update upon return.

### **APPROVAL OF MINUTES**

The minutes for the August 19, 2009 work session and meeting were approved as submitted by a 4-0 vote with Mr. Lamb abstaining.

## **OTHER PLANNING MATTERS**

There was discussion regarding the maps presented by Mr. Wanner and the possible Future Land Use and Growth area designations. It was decided that each Commissioner comment to staff as to their opinion of growth area changes as proposed by October 1<sup>st</sup>.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Secretary