

**PLANNING COMMISSION**  
**January 20, 2010**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, JANUARY 20, 2010, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Norman Slezak, Vice-Chairman
- Bill Martin, Member
- Davis Lamb, Member
- Anthony Herring, Member
- Carl Schmitt, Ex-Officio Member
- Bart Svoboda, Planning Director
- Shawn Leake, Zoning Officer
- Marsha Alley, Secretary

Mr. Slezak called the meeting to order. It was determined by consensus that the agenda be revised to make the determination of a quorum prior to the election of officers.

**DETERMINATION OF QUORUM**

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

**ELECTION OF OFFICERS/LIAISONS**

Mr. Slezak opened the floor for nominations.

Mr. Martin nominated Mr. Slezak for Chairman.

Mr. Lamb seconded the motion.

Norman Slezak was elected Chairman by a unanimous vote.

Mr. Lamb nominated Mr. Martin for Vice-Chairman.

Anthony Herring seconded the motion.

Bill Martin was elected Vice-Chairman by a unanimous vote.

Mr. Slezak took his seat as Chairman.

Mr. Slezak stated that liaisons need to be appointed for the Economic Development Authority (EDA) and the Town of Stanardsville.

Mr. Slezak stated that Mr. Martin currently serves as the liaison to the Town of Stanardsville and that he would be willing to continue to serve unless someone else would like the opportunity.

Mr. Martin was appointed as the Town of Stanardsville Liaison by a consensus vote.

Mr. Slezak added that Anthony Herring currently serves as the EDA Liaison and that Mr. Herring had expressed an interest in continuing to serve unless someone else would like the opportunity.

Mr. Herring was appointed as the EDA Liaison by a consensus vote.

It was also determined that Mr. Lamb and Mr. Slezak would be on the committee to perform site visits.

Mr. Slezak explained that the Greene County Record did not run the legal ads for the Comprehensive Plan Work Session so the session could not be held tonight. He added that the process would soon be coming to the public hearing portion in the near future.

## **PUBLIC HEARINGS**

Mr. Slezak explained that there would be three public hearings for rezoning requests tonight. He asked that those wishing to speak sign up on the sheet and limit their comments to three minutes.

**William L. Gentry, Trustee, Silas A. Reynolds Trust, requests a rezoning from B-1, Business, to B-3, Business, on approximately 3.09 acres located on Seminole Trail and identified on County Tax Maps as 60E-(A)-6B. (RZ#09-002)**

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

Mr. Svoboda reviewed the request noting the location of the site and the proposed uses for the property. He reminded the Commission that the Business Districts were recently revised to designate appropriate uses in the appropriate districts. He stated that staff recommends a rezoning to B-2 only due to the intensity of the uses allowed in B-3.

William Gentry, applicant, addressed the Commission. He stated that there have been businesses located upon that property for the past several years and that tenant has now moved. He explained that the new tenant would like to move his business from another location in Ruckersville to this property as it is a better location. He added that the recent revisions to the ordinance have changed the uses that are allowed on this property. He added that the application was made for B-3 zoning in order to accommodate the modular building sales.

The chairman opened the public hearing.

The following citizens addressed the Commission, each voicing various

concerns, such as, the clutter of this type of business at the entrance to the neighborhood, the effect on the property value, the possible businesses that may come when the proposed tenant is gone, the number of carports/sheds that would be on display, and the B-3 zoning district is inappropriate at a residential subdivision area:

- Gerald Moore
- Clark Yarbrough

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

Mr. Slezak reported the findings from the site visit. He stated that the property is located at the entrance to the subdivision.

Mr. Martin stated that he shared the same concerns as the two public comments that were made. He noted that the proposed use was florist, gift and carpet sales. He added that he did not want to penalize the business owner for the ordinance revision.

Mr. Gentry explained that the tenant had been in place prior to the application being submitted. He stated that they do want to be in compliance. He added that they would also be willing to provide a buffer.

Mr. Martin restated his concern regarding the B-3 zoning designation at this location, noting that B-2 may be more desirable.

There was discussion regarding the PUD zoning designation nearby.

Mr. Lamb stated that he also shared the concerns mentioned by the public and was not comfortable with a B-3 designation at this location.

Mr. Herring stated that he agreed with the staff recommendation to allow B-2 zoning due to the intensity of the B-3 designation. He added that the application does not mention modular building sales.

Mr. Slezak stated that his concern is that a B-3 use would be too heavy in proximity to a residential area and would not allow an unobstructed view even with a buffer area given the topography of the area.

Mr. Gentry presented an amended application that included a lined out B-3 uses document, which had been included in the Commission packet.

There was discussion regarding the proposal and the concerns relating to this request.

Mr. Martin made a motion to recommend approval of the rezoning request RZ#09-002 as a B-2 zoning designation, as the request for a B-3 zoning designation is not recommended in trying to follow the Greene County Zoning

Ordinance, specifically Article 1, whereby trying to facilitate the creation of a convenient, attractive, and harmonious community.

Mr. Herring seconded the motion.

The vote was taken.

AYE

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

NAY

The motion to recommend approval of RZ#09-002 as a B-2 zoning designation carried by a 4-0 vote.

**Lamm Properties, LLC/Preddy Gables, LLC/Rapidan Retail, LLC have filed a rezoning application to amend proffers approved on July 13, 2004 (RZ#04-152) for property zoned R-2, Residential and B-3, Business, containing approximately 95.9 acres total located in Ruckersville on Seminole Trail and Preddy Creek Road identified on County Tax Maps as 66-(A)-48, 51, 52, & 52B. (RZ#09-003)**

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

Mr. Svoboda reviewed the request noting the location of the site. He stated that the applicant is at a point to begin building some of the apartments allowed on the site and has requested this proffer amendment. He reviewed the proffers and the amended proffers and noted the changes.

There was discussion regarding some of the proffer items, such as, the walking trail and the tennis courts.

Mr. Svoboda stated that the project is fitting with the Comprehensive Plan.

Steve Jones, Fried Companies, addressed the Commission. He gave a history of the parcel and the property. He stated that in his dealing with the apartment developer, it was suggested not to build the tennis courts. He spoke with Mr. Svoboda and it was determined that the tennis courts were proffered and had to be built. After much thought, Mr. Jones stated that they found that it may be possible to build the tennis courts at the county park and fulfill their proffer obligation. He added that all three-bedroom apartments have been removed in return for removing the formula calculations in the current proffers. He added that it would be a user-friendly development. He presented a sketch showing where the walking trail would be noting that it appeared to be a trail to nowhere, which is why they suggest removing the trail.

The chairman opened the public hearing.

The following citizens addressed the Commission, each voicing various concerns, such as, agreement that the tennis court would be more beneficial at the park, the keeping of the walking trail would be beneficial to the county residents as well, the removal of the timing tie-in, and assuring that the amounts proffered for the tennis courts would be enough:

- Terry Lilly
- Andrea Wilkinson
- Larry Miller

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

Mr. Slezak reported that findings of the site visit.

Mr. Lamb pointed out that the tennis court proposal amount was for approximately \$20,000 and was only good for thirty days. He added that he agrees that the walking trail would be beneficial.

There was discussion regarding the construction timeline, start and finish dates, and phasing.

Mr. Herring stated his agreement with the revisions with the keeping of the walking trail as well.

Mr. Martin agreed with the proposal but voiced his support of including the walking trail.

There was discussion as to the available options for tonight's decision in order to avoid the negotiations of proffers.

Mr. Slezak stated that he was concerned that the proffered money would be received and then not be allocated to the appropriate department or use.

Mr. Svoboda explained that the money would be a proffer and would fall under the proffer guidelines listed in the Code of Virginia, requiring that the monies be used only for the use that they are proffered for.

There was discussion regarding the keeping or exclusion of the walking trail with no timeline for its construction. Mr. Jones stated that they would be willing to modify proffer #5 to include the walking trail but could not guarantee the timeline in which it would be constructed.

Mr. Martin made a motion to recommend approval of the proffer amendment RZ#09-003 with the acceptance of the submitted proffer amendments with the removal of item #5 as offered by the applicant.

Mr. Herring seconded the motion.

The vote was taken.

AYE

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

NAY

The motion to recommend approval of RZ#09-003 with a modification carried by a 4-0 vote.

**Sheetz, Inc./Ronald & Mary Lamm request a rezoning from B-2, Business, to B-3, Business, on approximately 1.50 total acres located on Seminole Trail and identified on County Tax Maps as 66-(A)-9, a portion of 10, and a portion of 12. (RZ#09-004)**

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

Mr. Svoboda reviewed the request and the concept plan for the site. He added that there are no proffers with this application as there is a plat pending approval for right-of-way dedications under review with Virginia Department of Transportation (VDOT). He added that there is also a site development plan under review by staff.

There was discussion regarding the readiness of this proposal to move forward given that there are so many aspects under review. Mr. Svoboda stated that it could move forward if the Commission saw fit as the reviews are underway.

Connor Crook, attorney representing the applicant, addressed the Commission. He stated that he and his team are available to answer any questions. He added that all aspects are under review and that they have tried to keep everything on track in order to keep moving forward.

The chairman opened the public hearing

The following citizens addressed the Commission, each voicing various concerns, such as, the modification of the left turn access into Sheetz off of Route 607, traffic safety, the cost and who will bear it, clarification of the language, and the area defined by B-3 zoning:

- Terry Lilly
- Andrea Wilkinson
- Joan Seale

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

Mr. Slezak reported the findings from the site visit. He reviewed the concept plan and stated that the number of gas pumps would increase.

Mr. Herring asked if the applicant could rebut the citizen concerns.

Steven Augustine, representing the applicant, addressed the Commission. He stated that the access from Route 607 would be necessary for the site. He added that they would prefer to build a transition lane to allow that left turn with fewer incidents, noting that there are some dedication issues that may prevent that.

Mr. Lamb stated that according to their comments, VDOT would be willing to assist in the cost of the improvements but only after designated dedications are made. He added that the site would be providing interconnectivity and that has been desired.

There was discussion regarding traffic and the increase in the number of pumps.

Mr. Martin reviewed the need for the B-3 zoning for the use as a convenience store. He reviewed the citizen concerns as well.

Mr. Slezak agreed with the concerns for traffic safety as well. He added that his concern in making a decision tonight was that VDOT has not weighed in at this time with their comments.

There was discussion regarding motion options relating to conditions.

Mr. Herring made a motion to recommend denial of rezoning request RZ#09-004 due to the following:

- Interconnectivity and other traffic issues have not been sufficiently addressed.

Mr. Lamb seconded the motion.

The vote was taken.

AYE

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

NAY

The motion to recommend denial of RZ#09-004 carried by a 4-0 vote.

### **OLD/NEW BUSINESS**

Mr. Svoboda stated that it is being discussed to have the County Planning Commission function as the Town Planning Commission as soon as requirements and details are worked out. He added that he will keep everyone posted as to when this will go into affect.

Mr. Svoboda stated that he is hopeful that a new member will be appointed to the

Commission by March.

Mr. Svoboda reminded the Commission that there will be a Transportation chapter Work Session at 6:00 pm prior to the meeting in February adding that there will be several cases for review at that meeting.

### **APPROVAL OF MINUTES**

The minutes for the December 16, 2009 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