

PLANNING COMMISSION
February 17, 2010

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, FEBRUARY 17, 2010, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

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

Mr. Slezak called the meeting to order.

DETERMINATION OF QUORUM

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

PUBLIC HEARINGS

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

Barbara McNamara & Nancy Tardiff request to have 128.91 acres, identified on County Tax Maps as 46-(A)-45, 45A, and 45 B which are zoned A-1, Agriculture, and located on Dyke Road and Bacon Hollow Road, removed from the St. George Agricultural and Forestal District (AFD). (AFD#09-001)

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

Mr. Svoboda explained that the AFD program is up for renewal but the applicant preferred to be removed prior to the renewal of the program due to some timing issues relating to the property. He reviewed the request using a powerpoint presentation while describing the property and maps. He added that staff does not have an issue with the removal of this property at this time.

Margaret Ramsey addressed the Commission on behalf of the applicant. She stated that the applicants inherited the property from their father upon his death and had no knowledge of the property being in the AFD so did not know that they could have it removed with no issue in 2006. She added that a portion of the property is under contract to be sold which is how the AFD issue was discovered. She noted that the applicants had intended to close in November of 2009 which is why they would prefer to remove the property now instead of waiting for the

August renewal dates.

The chairman opened the public hearing.

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

Mr. Slezak reported the findings from the site visit.

Mr. Herring stated that he had no issue with removal now or in August.

Mr. Martin asked some technical questions of Mr. Svoboda regarding the removal of property from the AFD during the time period, roll back taxes, the setting of precedents, and the agency meetings.

Mr. Svoboda explained that other properties had been removed within the period in the past, that roll back taxes are in relation to Land Use taxation not AFD, and that reviews are held by the AFD, PC, and the BOS.

There was discussion regarding the applicants wish to be removed prior to the August dates. It was also mentioned that the property was in the AFD for over 25 years. It was noted that the heirs were unaware of the AFD participation and had therefore missed the removal request deadline.

Mr. Herring made a motion to recommend approval of the applicants request AFD#09-001.

Mr. Martin seconded the motion adding that the request is a good and reasonable cause.

Mr. Herring restated the motion to recommend approval of the applicants request AFD#09-001 due to the reasonable request of the applicant.

The vote was taken.

AYE

Mr. Herring

Mr. Martin

Mr. Slezak

NAY

The motion to recommend approval of AFD#09-001 carried by a 3-0 vote.

Cedar Grove Church of the Brethren requests a special use permit for a church on an approximately 1.00 acre tract which is zoned A-1, Agriculture, located on Cedar Grove Road and identified on County Tax Maps as 65C-(A)-7. (SUP#09-005)

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

Mr. Svoboda reviewed the request noting the location of the site. He described the property and its improvements. He explained the non-conforming ordinance which affects the church. He added that the church would need a Special Use Permit to bring the church into compliance and make the wanted improvements. There was discussion regarding the proposed conditions listed in the staff report.

Marsha Canada addressed the Commission on behalf of the Cedar Grove Church. She gave a history of the church. She stated that they would like to build a covered breezeway between the church and social hall. She noted that there would be no increase in impacts.

The chairman opened the public hearing.

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

Mr. Slezak reported the findings of the site visit.

Mr. Martin stated that the description was clear and that he had no further questions.

Mr. Herring agreed with Mr. Martin.

Mr. Martin made a motion to recommend approval of special use permit application SUP#09-005 with the following conditions:

- Building Code, Health Department, and Zoning requirements shall be met.
- A site plan shall be submitted and approved for this application.
- Outdoor lighting is limited and includes the use of timer and/or motion-detection fixtures. Any new 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.

Mr. Herring seconded the motion.

The vote was taken.

AYE

Mr. Herring
Mr. Martin
Mr. Slezak

NAY

The motion to recommend approval of SUP#09-005 carried by a 3-0 vote.

Janet Call requests an amendment to a special use permit (SUP#04-720) for a bed and breakfast on a 28.737 acre tract which is zoned A-1, Agriculture, located on Touchstone Lane and identified on County Tax Maps as 47-(A)-70. (SUP#09-006)

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

Mr. Svoboda reviewed the request noting that it is a request to amend conditions to an existing special use permit. He added that the applicant would like to increase the number of guests from 50 to 150. He noted that the Comprehensive Plan supports the tourism aspect of this request. He noted that agency comments are included in the information packet. He added that there was a submission regarding this request that was just received today. He noted that the information was made available to each Commissioner just prior to tonight's meeting. He reviewed the maps and photos of the property.

Janet Call addressed the Commission. She stated that she was surprised that the need to increase was present. She added that she had not intended to hold weddings but people tended to find them as opposed to her looking for the events. She noted that they have no intention of being just a wedding place as they tend to be more work. She added that she does not attend bridal shows or advertise in wedding magazines, noting that the weddings are a more natural setting at their site.

There was discussion regarding how weddings are prepared for in regard to tents for receptions, etc. or the use of the barn.

The chairman opened the public hearing

The following citizens addressed the Commission, each voicing various concerns, such as, the alleged violation of the current special use permit conditions, traffic volume and traffic safety concerns, road capacity and durability, noise pollution such as loud music, etc., alcohol related concerns, hours of operation, the possibility of limiting the number of events allowed, the parking of vehicles, the use of the barn for receptions, the protection of the agricultural nature of neighborhood, the alleged Roach's River property line dispute and the alleged cutting of trees and trails on the neighbor's property, a request for the revocation of the current special use permit, an increase in tourism revenue with events of this nature, a notation that nature is not being destroyed and that property lines are in litigation, a notation that the road is owned by Ms. Janson and is not maintained, the support of small business and tourism, the reminder that the applicant is trying to abide by current conditions and is environmentally minded and that the if noise is an issue it will be controlled, a request that neighbors be respected, and the notation that intentions are one thing but actions are another, and a request for overall denial :

- Sue Janson
- Gary Evans
- Mark Meyer
- Jody Weber
- Chuck Swinney
- Alvin Chapman

- Tom Call
- Deborah Hart
- Jill Meyer

Mr. Slezak reminded the public that the Commission could not make determinations regarding property lines, zoning violations, tree cuttings, and things of that nature.

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

Mr. Slezak reported the findings of the site visit.

Mr. Herring asked how the number of people would be enforced.

Mr. Svoboda stated that someone may have to attend the event or rely on assistance from the Sheriff's Department.

Mr. Herring stated that he would support smart tourism.

There was discussion regarding whether there was a road maintenance agreement for Touchstone Lane and its owners. There was also discussion regarding parking for the number of attendees and the space for parking.

Mr. Martin agreed that he supports the Comprehensive Plan and tourism but noted that he is also in support of smart growth. He added that he likes to see the revenue that is generated by small businesses but that the citizens must also be heard. He noted that at this point, he would not support approval of the request, but would be agreeable to revising the conditions in order to try to be supportive of approval.

Mr. Slezak stated his concern for those in the area who must deal with the noise pollution, and other things of that nature. He added that the property is beautiful.

There was discussion regarding the possibility of revising the conditions in order to find a more agreeable option for the neighbors in the area. It was determined that the conditions could be revised.

Mr. Martin made a motion to recommend approval of special use permit SUP#09-006 with the following conditions (with changes to the current conditions shown in red):

1. As part of the site plan review process, site issues that include the Health Department's septic/drainfield and bed and breakfast regulations are met as stated in the Health Department comments,
2. The entrance from Chapman Road is improved to a condition agreeable with VDOT.
3. Touchstone Lane is improved with gravel to cover the width of the existing

road.

4. Outdoor lighting is limited and includes the use of timer and/or motion-detection fixtures. **Any new 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.**
5. As part of the site plan review, parking shall be located on the west side of the existing residence.
6. The bed and breakfast shall be limited to a maximum of six (6) bedrooms **and one (1) cabin.**
7. The Roach River along with a fifty (50') buffer located on the northern boundary of the property shall be maintained in its current state, used only for natural purposes.
8. Outdoor activities are restricted to **50** people or less.
9. **Outdoor events shall be limited to 9 a.m. to 11 p.m.**
10. **Amend current site plan to indicate additional features and structures as required by Article 19 of the Zoning Ordinance.**

Mr. Herring seconded the motion.

The vote was taken.

AYE

Mr. Herring
Mr. Martin
Mr. Slezak

NAY

The motion to recommend approval of SUP#09-006 with conditions carried by a 3-0 vote.

OLD/NEW BUSINESS

There was no Old/New Business for discussion.

APPROVAL OF MINUTES

The minutes for the January 20, 2010 meeting were approved as submitted by a 3-0 vote.

OTHER PLANNING MATTERS

Mr. Svoboda informed the Commission that there will be a request for a special use permit for an outdoor recreational facility at the March meeting in addition to the public hearing for the Comprehensive Plan.

There was discussion regarding the progression of the Comprehensive Plan.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary