

PLANNING COMMISSION
July 17, 2019

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, July 17, 2019, AT 6:30 PM IN THE COUNTY MEETING ROOM.

Members present: Jay Willer, Chairman
 William Saunders, III, Vice-Chairman
 John McCloskey, Member
 Ron Williams, Member
 Steve Kruskamp, Member

Staff present: Dale Herring, Ex-Officio Member
 Stephanie Golon, Planning Director
 Shawn Leake, Zoning Official
 Cristy Snead, Secretary

CALL TO ORDER

The Chairman called the meeting to order.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mr. Willer led the group in the Pledge of Allegiance and a Moment of Silence

DETERMINATION OF QUORUM

Each Commissioner stated their name to establish a quorum. All five Commissioners were present.

PUBLIC HEARING # 1

Jamie Shiflett for Francis Shiflett (Owner)/Legacy Church (Tenant) request a special use permit for meeting place for clubs, fraternal and civic organizations as listed in Article 4-1-2.15 on a 2.41acre tract that is zoned A-1, (Agriculture), located at 14865 Spotswood Trail and identified on County Tax Maps as 60C-(A)-6. The Greene County Comprehensive Plan, Future Land Use Map designates this parcel as "Mixed-Use Village Center". (SUP#19-004)

Mrs. Golon addressed the Commission and provided a description of the property. She stated the applicant is requesting to renew their special use permit. Mrs. Golon reminded the Commissioners that the current special use permit expires in 2020. There were several maps of the property that she presented to the Commission.

Mrs. Golon advised the Commission that staff recommended approval of the special use permit with the only condition of the use remaining in the existing two-story structure.

Mr. McCloskey asked Mrs. Golon what would make the zoning change for this parcel?

Mrs. Golon stated the owner of the property would need to apply for a rezoning.

Mr. Willer asked the applicant if she wanted to speak.

Applicant

The representative from Legacy Church stated they would be using the property for more than three years as long as the property owner does not sell the property.

Mr. Willer asked for a motion.

Mr. Williams made a motion; in accordance with the Greene County Zoning Ordinance, public necessity, convenience, general welfare, and good zoning practice I move to recommend approval of special use permit application SUP#19-004 for meeting places for clubs, fraternal, and civic organizations with the following condition(s):

1. The special use permit is limited to the existing two-story structure (14865 Spotswood Trail) located on TMP 60C-(A)-6.

Mr. Kruskamp seconded the motion

Mr. Willer took a roll call vote from his left starting with Mr. Kruskamp

Mr. Kruskamp – Aye
Mr. McCloskey – Aye
Mr. Saunders – Aye
Mr. Williams – Aye
Mr. Willer – Aye

With a roll call vote of 5-0 SUP#19-004 has been approved.

PUBLIC HEARING # 2

Matt and Jaime Snow request a special use permit to allow twenty ducks and fifteen chickens as listed in Article 5-1-2.15 and defined in Article 5-11 on the 0.46-acre tract that is zoned R-1, (Residential), located at 15 John Boulevard, Ruckersville and identified on County Tax Maps as 65C-(1)-50. The Greene County Comprehensive Plan, Future Land Use Map designates this parcel as "Rural Area". (SUP#19-006)

Mrs. Golon reminded the Commission that an ordinance revision occurred in 2016 to allow a certain density of domestic laying hens. It was also stated that in that amendment that if a landowner wished to have more than what the zoning ordinance in the R-1 (Residential) provided they could request a special use permit.

Mrs. Golon showed the plat, Google aerial, and two zoning maps. It was explained to the Commission that they may recommend or impose upon a special use permit conditions that are deemed necessary to address impacts on public health, safety or welfare and to be consistent with the comprehensive plan.

Mrs. Golon stated the request was sent to the Health Department, and to the Agricultural Extension Agent. The Health Department did not have issues with this request because there are no wells in this subdivision. The Agricultural Extension Agent contacted the Virginia Department of Agriculture and Consumer Services and spoke to a Poultry Veterinarian, Dr. Jessica Walters. Dr. Walters gave several National Chicken Council Standard

recommendations and her opinion of some issues that may arise.

Mrs. Golon showed the pictures that Mr. and Mrs. Snow provided of the chickens, ducks and their chicken coop.

Applicant

Mrs. Snow explained the information in her justification letter to the Commission. Mrs. Snow advised the Commission that she and her husband have changed the location of the chicken coop to meet setbacks as requested by the Zoning Officer, and she showed a new plat with the current location of the chicken coop and pen.

Mrs. Snow explained that they have relocated most of the male ducks into another pen to alleviate some of the noise the ducks were making.

Mr. Snow explained to the Commission that he is a disabled veteran and having the chickens and ducks help him. He also explained how they are using chickens and ducks to teach their children.

Mr. Willer opened the public hearing.

Mrs. Donna Ryan stated that she is the complainant because the ducks are loud, noisy animals. Mrs. Ryan said that her son was mowing her lawn and he told her that he would not mow her lawn anymore if there continued to be duck feathers in the yard. Mrs. Ryan stated because of these ducks there is an impact on her life. Mrs. Ryan also stated that the ducks make her very anxious.

Mrs. Ryan stated that she spoke to Mrs. Snow, and asked her if they are planning on running a business. Mrs. Ryan said that Mrs. Snow indicated that they were going to sell fertilized eggs.

Mrs. Ryan stated that when she moved to the neighborhood, she made sure that it was in a residential zone because it is her retirement home.

Mr. Willer closed the public hearing.

Mr. Willer stated for the record that they received a letter in support of the application from Mr. Kentry Snow, a neighbor of Mr. and Mrs. Snow, who was unable to attend the meeting.

Mrs. Snow stated that the neighbor Kentry Snow is not a relative.

Mr. Kruskamp stated that he made a site visit and spoke to four neighbors. He stated that he asked the neighbors very specific questions in reference to smell, noise, and feathers. Mr. Kruskamp said that there were no complaints at that time. Mr. Kruskamp stated that he was in the area for approximately forty-five minutes, and he said he did not hear anything.

Mr. Saunders stated that he has a concern that if this special use permit is approved, it will affect the surrounding properties.

Mrs. Snow explained to the Commission that there was a property that was adjoining to hers and it was for sale recently and it sold in two months. She indicated that the new owner of the property did not even realize the chicken and ducks were there and when he did, he wasn't

upset at all.

Mrs. Snow also stated that she wanted to address the egg selling business. She stated that there were only two batches sold and it was over two months ago. Mrs. Snow stated that they now donate the eggs.

Mr. Willer stated the selling of the eggs is not an issue for the Planning Commission.

Mr. McCloskey said that he was on the Planning Commission when they originally amended this ordinance. He stated that initially, they were only going to allow citizens in R-1 Residential district be permitted three egg-laying hens. He then stated that one of the Commissioners at the time said that Tractor Supply only sells chickens five at a time, Mr. McCloskey said and now we are up to allowing six. Mr. McCloskey stated that he believes that it is an impact on other surrounding properties and that special use permits should not impact other surrounding properties.

Mr. Willer explained what the current ordinance stated and reviewed the density of chickens on different parcels according to the acreage in R-1 (Residential) zoning district.

Mr. Willer thanked Mr. Snow for his service to our country, and for him to come forward to the Planning Commission with his diagnosis of P.T.S.D.

Mr. Saunders stated that he is torn because he understands what the applicant is going through, as he has a family member with P.T.S.D. However, Mr. Saunders said the Planning Commission is constrained to the purpose and use of R-1 (Residential). He stated if they could find their way to compromise within the ordinance, that would be one thing but the ordinance is clear.

Mr. Kruskamp stated he is in agreement that the rules are the rules, however, he wanted to know if there was a creative solution that the Planning Commission could come up with so that if this is denied, it will not cause the immediate removal of this family's pets.

A discussion took place between the Planning Commission members regarding what could possibly be done to help this from being another traumatic event by removing all of this family's pets.

Mr. Willer noted that because the Planning Commission only makes a recommendation to the Board, nothing would have to happen tomorrow.

Mrs. Golon explained to the Commission that in the zoning ordinance, there is a provision that states the Zoning Administrator or his designee may establish a reasonable time period for the correction of the violation.

Mr. Willer reminded the Planning Commission that they are a recommending body to the Board.

The Commission and Mrs. Golon discussed conditions that the applicant can choose to offer to mitigate impacts.

Mr. Williams stated that this request's density is over six times the amount that is allowed in the ordinance. Mr. Williams also thanked Mr. Snow for his service and for him explaining his

struggles with P.T.S.D. and how this is helpful. He stated this is really a quality versus quantity kind of discussion. All of the positives of having the birds will still be there with the quantity of six laying hens when is in compliance with the ordinance. It is still good and instructional for the children. The animals may still provide availability of egg and some therapeutic benefit.

Mr. Kruskamp requested clarification on Article 5 in reference to the definition of fowl.

Mrs. Golon advised Mr. Kruskamp that the Zoning Administrator determined that the only thing that is allowed by right are the domestic laying hens and raising ducks requires a special use permit.

The Commission discussed among themselves the size of the parcel and the density of the chickens and ducks.

Mr. Willer asked Mr. Snow about the sanitation and what they do with the animal waste.

Mr. Snow answered Mr. Willer by stating that the waste is used for fertilizer in the garden. However, he stated about sixty to seventy percent of the waste gets washed into his yard.

Mr. and Mrs. Snow stated that they would rather relocate ten ducks then getting rid of the animals. Mr. Snow then stated that they do have options for them. He indicated a friend has land that could take the ducks and the children can go see them.

Mrs. Golon stated this is not a rezoning request, we are unable to have proffers in a special use permit. She said you are able to have conditions, and they have to be very specific to an impact.

Mr. Saunders stated that they could vote to defer and let the applicants come up with a revised plan.

Mr. Kruskamp stated that he likes Mr. Saunders recommendation of deferring this and letting the applicants come up with an updated number of chickens and ducks.

Mrs. Donna Ryan raised her hand to speak again and Mr. Willer permitted her to speak.

Mrs. Ryan stated the noise is the worse part. It appears to be caused by the male ducks.

Mr. Willer asked Mrs. Ryan if the male ducks were gone would this help?

Mrs. Ryan said she believes having twenty ducks is too many.

Mr. Willer stated that the Commission has a few options. To say no, to amend the numbers and gender of birds, to defer so that the Snow's can come back with a different number or say yes to their proposal.

Mrs. Snow asked the Commission several "what if" questions about the number of ducks and in what area it may be acceptable to have the male ducks.

Mr. Saunders said we need to vote on what has been presented to the Commission or we need to defer this request and let Mr. and Mrs. Snow amend their request.

Mr. Williams stated the property rights of the adjoining property owners need to be taken into consideration. He then said to eliminate noise to only have female birds, and as chickens keep the number of ducks to six. He then stated that having only female birds may eliminate the noise. He also suggested only having six ducks.

Mrs. Golon advised the Commission if they did choose to defer this request to defer it to a specific date of August 21, 2019.

Mr. Saunders made a motion to defer this request to August 21, 2019, in order for the applicant to revise their plan based on discussion the Commission had during the Public Hearing.

Mr. Kruskamp seconded the motion

Mr. Willer started a roll call vote to his right.

Mr. Williams – Aye
Mr. Saunders – Aye
Mr. McCloskey – Aye
Mr. Kruskamp – Aye
Mr. Willer – Aye

With a vote of 5-0, this request was deferred to August 21, 2019, Planning Commission meeting.

APPROVAL OF MINUTES

Mr. Willer requested a few corrections be made by next month's meeting on the May 15, 2019 minutes. These minutes were deferred until August 21, 2019.

With a roll call vote 4-0 (Mr. Kruskamp abstained as he was absent) the minutes from May 15, 2019, were deferred for corrections until the August 21, 2019, Planning Commission meeting.

OTHER BUSINESS

Mrs. Golon advised the Planning Commission there will be a rezone and special use permit hearing at the next meeting. The applicant is requesting one hundred and twenty apartments for active seniors on two parcels Seminole Trail southbound approximately a quarter-mile from the Albemarle county line. Meteoric Ventures, LLC is requesting a rezone of an approximate 6.71 acres from R-1 (Residential) to R-2, (Residential) to accommodate apartments. Located on Seminole Trail southbound a quarter of a mile from the Greene County/Albemarle County line and identified on county Tax Maps as 66-(A)-53A & 66-(A)-53C. The Future Land Use Map designates this parcel as Mixed Use Residential. (RZ#19-001)


Meteoric Ventures, LLC is requesting a special use permit to accommodate 120 apartments as listed in Article 6-1-2.4 of the Greene County Zoning Ordinance on approximately 6.71 acres pending a rezone from R-1 (Residential) to R-2, (Residential). Located on Seminole Trail southbound a quarter of a mile from the Greene County/Albemarle County line and identified on county Tax Maps as 66-(A)-53A & 66-(A)-53C. The Future Land Use Map designates this parcel as Mixed Use Residential. (SUP#19-007)

ADJOURNMENT

The meeting was adjourned.

Respectfully submitted,

Cristy Snead
Secretary



Planning Commission, Chairman

8.21.2019

Date