

PLANNING COMMISSION
September 15, 2004

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, SEPTEMBER 15, 2004, AT 7:30 pm IN THE COUNTY MEETING ROOM.

Those present were:

- Gary Lowe, Chairman
- Jim Davis, Member
- Mike Skeens, Member
- Brent Wilson, Member
- Mickey Cox, Ex-officio Member
- Catherine Clossin, Planning Director
- Marsha Alley, Secretary

The chairman called the meeting to order stating that there would be two public hearings this evening and that those who wished to speak must sign-up. He also reviewed the public hearing process for those who had not attended before.

PUBLIC HEARING: Tierney, LLC—Rezoning Request #04-156

Mr. Lowe read the request: Tierney, LLC has filed a rezoning application to amend proffers approved on January 29, 2002 (re-zoning file #01-137) for property rezoned from R-1 to B-3 on a 1.76 acre tract and for property rezoned from R-1 to B-3 on a 8.73 acre tract located in Ruckersville on Route 29 (Seminole Trail) identified on County Tax Maps as 66A-(A)-1 & 66A-(3)-C. (RZ#04-156)

Ms. Clossin reported that the original rezoning request was approved in December 2001. She stated that since the time of approval, the conceptual use of the property has changed, therefore, resulting in the need for proffer amendments. She added that the new conceptual use of the property includes a hotel, restaurant, and some retail. She noted that the hotel would assist in encouraging commercial development and promoting tourism to the area. She added that the project would be served by public water and public sewer. She explained that the proffer amendments are as follows:

- Waiver of sections 10-5 and 10-5-1 to permit any hotel constructed upon the property to exceed the height limitation therein set forth and be constructed up to 70 feet in height. Presently height limitations are 35 feet and in certain situations 45 feet.
- Proffer 1 has been deleted, as the original conceptual plan no longer applies.
- Proffer 2 has been deleted, as the original conceptual plan no longer applies.
- Proffer 4 was based on the old conceptual plan and has been replaced with Proffer 3 which specifically limits density of development to 150,000 square feet.
- Proffer 5 has been revised to be acceptable for building specifications for a brand new hotel chain building.
- Proffer 9 has been modified to require public water and sewer for the hotel.

Ms. Clossin gave a photographic presentation of the project including conceptual plans and maps. She noted that the landscape plan will be similar to the previously submitted

one. She stated that staff recommended approval of the request.

Don Russell addressed the Commission representing the applicant. He presented an enlarged version of the conceptual use plan. He stated that he has been working with staff on this project and was available to answer any questions.

The public hearing was opened.

Daniel Phillips addressed the Commission stating that he lives directly behind the proposed development. He read a scripture from Genesis 1:28-30 and explained that God has given us the earth and its beauty and that it is our job to care for it. He voiced concerns regarding:

- The buffer zone, noting that it should be larger due to the size and location of the project,
- The types of people who would frequent the hotel, and
- The increase in noise, lighting, and crime.

He asked how often a property can be rezoned. He stated that Greene County is facing a lot of new issues right now, adding that off-track betting is even being considered. He stated that Greene County should consider changing its name to Greed County.

Ann Donaldson addressed the Commission as a neighbor of the proposed project. She stated that she moved here from Boston, Massachusetts because of the beauty of the area. She added that she has lived in Lake Saponi since 1994 and is pleased with the nice neighborhood. She is concerned about the effect that the proposed project will have on this neighborhood given that the hotel is so close. She explained that there is a 40' right-of-way used by her and her neighbors and that they maintain this private road. She would like to see the size of the buffer zone be in addition to the width of the right-of-way in order to protect the existing wooded area.

Carl Schmitt, of the Stanardsville District, addressed the Commission. He stated that the County has come a long way in reviewing projects of this nature and suggested that the County get a commitment from the applicant to use low-impact development techniques for this project.

Lee Estes, of the Ruckersville District, addressed the Commission. He stated that he is concerned with the possible height of the building and its effect on the area. He added that the present water supply can only be stretched so far. He pointed out that any additional construction on Route 29 should be paid for by the developer alone. He noted that the hotel is a nice idea but that factors should be considered before approval.

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

Mr. Wilson asked, noting that vinyl is an option with Proffer #5, what type of exterior would be used.

Mr. Russell stated that vinyl siding is likely to be used, noting that Best Western is using vinyl siding in its current designs.

Mr. Wilson asked for clarification of Proffer #9.

Mr. Russell explained that Proffer #9 requires that any hotel on the property be served by public water and sewer.

Mr. Wilson asked where the entrance would be located.

Mr. Russell demonstrated on the conceptual plan that the entrance to the project would be directly at the existing crossover on Route 29.

Mr. Wilson asked what the buffer zone would consist of.

Mr. Russell stated that the developer plans to maintain as many of the tall trees as possible.

Mr. Wilson asked how tall the trees are.

Mr. Russell stated that he was unsure and deferred to Mr. Phillips.

Mr. Phillips stated that it would be tough to throw a baseball over the trees.

Mr. Wilson asked if the fire departments could serve a building of this height.

Ms. Clossin stated that the fire department has a truck that can reach 70 ft. high.

Mr. Lowe asked if that would be the new truck at the Ruckersville station.

Ms. Clossin stated that it is.

Mr. Wilson asked how this project would affect property values in the area.

Mr. Russell stated that he could not be certain but explained that the proposed hotel is to be a Best Western Embassy Inn & Suites which is a high-end hotel. He assured the Commission that the clientele would not be transients.

Mr. Wilson asked how large the project would be.

Mr. Russell stated that the total square footage for all buildings at build-out would be 132,000 square feet. He added that the hotel would be 55' tall maximum at the roof peak, noting that the proposed hotel is to have three floors.

Mr. Wilson asked if lighting would be addressed during the site development plan review phase.

Mr. Lowe stated that it would but added that he would like to know more about the lighting plan.

Mr. Skeens asked if the planned three stories would change and if the 55' in height would be the maximum.

Mr. Russell stated that the hotel will be no taller than that.

Mr. Skeens asked if air-conditioning units will be located on the roof.

Mr. Russell stated that the units will not be placed on the roof, adding that they are usually within each suite.

Mr. Skeens asked how large the buffer zone will be.

Mr. Russell stated that the buffer zone will be an average of 30' adding that the developer will not be developing as much space as shown on the original plan.

Mr. Skeens asked how many water hook-ups would be purchased.

Mr. Russell stated that EDU's have not been purchased at this time because the policy for pre-purchasing has not been approved. He added that they have met with Herb White to discuss the needs for this project.

There was discussion on the EDU's for the proposed project.

Mr. Davis asked how the buffer zone will be determined and maintained.

Mr. Russell stated that the developer plans to maintain as much of the existing trees, etc. in the rear of the property and screen other areas as well as maintain some open space.

Mr. Davis noted that noise was mentioned as a concern and asked whether Best Western has a policy regarding parties at the hotel.

Mr. Russell stated that the developer anticipates hiring a highly respected manager from Northern Virginia who has a lot of experience and expects most of the clients to be associated with the National Ground Intelligence Center (NGIC).

Mr. Davis asked if road construction will be needed.

Mr. Russell stated that road construction is addressed in the proffers in that the developer must heed VDOT requirements.

Mr. Davis asked if low-impact development techniques could be used in the project.

Mr. Russell stated that they are willing to address that and work with the county in that regard.

Mr. Davis asked what types of lights are planned for the area.

Mr. Russell stated that low-profile lights would be used in order to keep the lighting on the property and not into the sky.

Mr. Lowe stated that he shared concerns about the buffer zone. He added that the buffer zone was monitored at the previous rezoning and it appears that the area is being compromised on the current conceptual plan.

There was discussion about the buffer zone, its location and characteristics, and its affect on the nearby 50' right-of-way, Kiernan Lane.

It was determined that the buffer zone would be an average of 30' from the edge of the existing right-of-way, which would allow the 30' buffer in addition to the 25' from the edge of the right-of-way to the center of the right-of-way.

Mr. Wilson asked about the height of the lights in comparison to the height of the building.

Mr. Russell stated that the light poles are a maximum of 15' high.

Mr. Wilson made a motion to recommend approval of RZ#04-156 with the acceptance of the submitted proffers.

Mr. Davis seconded the motion.

The vote was taken.

AYE

Mr. Wilson
Mr. Skeens
Mr. Davis
Mr. Lowe

NAY

The motion carried by a unanimous vote.

PUBLIC HEARING: Ordinance Revisions—#04-015

Mr. Lowe stated that the request is to revise the Greene County Zoning Ordinance Articles 2, 3, 4, 5, 6, 6A, 7, 8, 10, 11, 12, 14, 15, 16, 17, 19, and 22 and the Greene County Subdivision Ordinance Sections 5-3 and 5-5. He asked Ms. Clossin for a report.

Ms. Clossin stated that the ordinance revisions are technical amendments to fine-tune and update the current zoning ordinance so that it conforms to the recently approved Comprehensive Plan. She added that many of the revisions are simply “housekeeping” changes to assure consistency within the ordinance. She reviewed the revisions as follows:

- Allow public facilities, schools and recreation by right in certain districts.
- Allow telecommunications in certain districts subject to restrictions in the existing Article 21.
- Clarify definitions of corner lots.
- Allow temporary fireworks in certain districts subject to specific restrictions.
- Allows overhang of certain covered porches, balconies, chimneys, eaves, etc., no more than four (4) feet into a required yard so long as no such feature is located closer than six (6) feet to any lot line.
- Defines home occupations and allows them by Special Use Permit in certain districts.
- Allows the Board of Supervisors to reduce the percentage of common open space when considering other amenities and the nature of the PUD.
- Defines parking spaces including required sizes.
- Provides that, unless waived as part of the approval of an overall development plan, PUD commercial uses shall conform to standards of the B-1, B-2 and B-3 zoning districts.
- Allows mulch production facilities in certain districts by Special Use Permit.
- Clarifies language with regard to granting of a Certificate of Occupancy.
- Clarifies language with regard to mobile or manufactured homes, where they are allowed and their use for medical emergency housing and removes the requirement for their registration with the Zoning Administrator.
- Provides requirements for loading areas and handicapped parking spaces.
- Provides standards for parking lot landscaping.
- Provides restrictions on the sale and display of fireworks.
- Provides standards for home occupations.
- Specifies requirements for frontage and lot width measurements.
- Clarifies language with regard to approval of a site development plan.
- Clarifies the status of nonconforming lots.
- Specifies conditions to be imposed by the Board of Supervisors in granting a Special Use Permit.
- Provides criteria and procedure for granting of an administrative variance.

- Removes fire lanes and hydrant systems from site plan requirements and makes hydrant locations subject to ISO standards and subject to approval by the Building Official.
- Specifies where and when fire lanes are to be provided.
- Provides definitions for circus, cul-de-sac, farm building, farm winery, flea market, group home, replaces definitions for home business and home occupation with home occupation, Class A and home occupation, Class B, provides definitions for livestock, mulch production facility, preliminary plat, story, story above grade plane, private right-of-way, and travel trailer.
- Revises and expands on sign regulations.
- Provides for lighting regulations.

Ms. Clossin also reviewed two other revisions involving Sections 4-4-3 regarding cul-de-sacs and 22-3 defining “accessory use or structure”. She added that staff recommended approval of the request.

The public hearing was opened.

Carl Schmitt addressed the Commission stating that commenting on these revisions was like trying to comment on a new version of the Bible. He added that he applauded the effort of the Planning Department but noted that it is extremely hard to understand why the changes are being made. He added that several of the revisions do not seem appropriate, such as:

- Allowing Public Utilities, transmission lines, gas lines, transmission towers, etc. as a by-right use in the zoning districts.
- Contradictions between Sections 13-3 and 16-5
- Lack of a definition for “emergency use” which is referred to in Section 16-5
- The need to incorporate “low-impact development techniques” in Section 16-4, and
- The discrepancy in acreage regarding camping facilities in Section 22-17.

Richard Herring addressed the Commission. He stated that he agreed with Mr. Schmitt and was confused by some of the revisions as well. He urged the Commission to please read and understand the revisions before approval. He noted that “travel trailer” needs clarification in the definitions. He added that the sign regulations and the home occupations portions also are confusing.

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

Mr. Davis asked what the intent of allowing public utilities by-right would be.

Ms. Clossin stated that public utilities are presumably reviewed through referendum and the process would be a repeated review.

Mr. Davis asked if communication towers would fall into that category.

Ms. Clossin stated that it would not, noting that cellular towers are restrictively regulated by Article 21 of the zoning ordinance.

Mr. Skeens agreed that there seemed to be confusion regarding the travel trailer revision.

Ms. Clossin stated that Jesse Hurt had been involved in many of the revisions and had defined "travel trailer" based on his experience.

Mr. Skeens asked why there is an acreage discrepancy in the R-1 zoning district regarding single-wide manufactured homes.

Ms. Clossin stated that this larger acreage requirement is due to the denser development usually found in the R-1 zoning district.

Mr. Skeens stated that he was overwhelmed by the revisions, adding that it is a lot there to review.

Mr. Wilson asked if the height regulations and the fire department serviceability had been considered in each district.

Ms. Clossin stated that they had not been addressed during this revision process.

Mr. Wilson asked if the height of telecommunications in R-1 has been addressed.

Ms. Clossin stated that it has not been reviewed at this time.

Mr. Wilson asked about signs for home occupations including signs on vehicles.

Ms. Clossin stated that signs are addressed in the body of the ordinance rather than the definitions. She noted that advertising on a vehicle has not been addressed.

Mr. Wilson asked if yard sales had been addressed.

Ms. Clossin stated that she would like to address yard sales in the future, noting that there are several perpetual yard sales in the county.

Mr. Wilson asked how firework stands would be affected.

Ms. Clossin stated that the revisions would formalize their permitting and regulation.

Mr. Wilson agreed that the acreage limit on the camping facility did not seem appropriate. He asked what the justification would be.

Ms. Clossin reminded the Commission that Mr. Hurt had assisted with the revisions and suggested the limit. She added that she would research the justification further.

Mr. Lowe asked if the sign ordinance referred to the sign measurements or the sign area.

Ms. Clossin explained that it refers to sign measurements. She stated that there are many signs in the county and this revision would result in smaller and fewer signs, noting that there would be a chart for each zoning district.

Mr. Lowe referred to the public utilities by-right revision. He noted that they are not always reviewed by referendum.

Ms. Clossin stated that the by-right use would only apply to public utilities for non-profit organizations.

Mr. Lowe stated that there is a lot of information to review and a lot of effort went into compiling the information. He suggested holding a workshop to review the revisions prior to making a decision.

There was discussion on holding a workshop.

Mr. Wilson made a motion to defer OR#04-015.

Mr. Davis seconded the motion.

The vote was taken.

AYE

Mr. Wilson
Mr. Skeens
Mr. Davis
Mr. Lowe

NAY

The motion carried by a unanimous vote.

Mr. Lowe suggested Wednesday, October 6, 2004 as a workshop date and asked Ms. Clossin to invite the Board of Supervisors as well as Mr. Hurt and Mr. Svoboda. He also suggested making the public aware of the date.

Mr. Davis thanked Ms. Clossin for the tremendous effort on the ordinance revisions.

OLD/NEW BUSINESS

Ms. Clossin stated that the Capital Improvements Plan is likely to come to the Planning

Commission in November. She added that she placed copies of the proposed residential districts for Nelson County at each seat for the Commission's review.

Mr. Wilson asked if the Planning Commission could meet in Executive Session before each meeting.

This possibility was discussed.

It was determined that the Commission would meet at 7:00 pm prior to the next meeting for Executive Session.

Mr. Davis asked if the Board of Supervisors meeting minutes were available.

Ms. Clossin stated that the approved minutes can be found online rather quickly at the county web site which is www.gcva.us.

APPROVAL OF MINUTES

The minutes of the August 18, 2004 meeting were unanimously approved as submitted.

OTHER PLANNING MATTERS

Mr. Lowe stated that the Comprehensive Plan has been approved. He asked where the Commission needed to move from here.

Ms. Clossin stated that the zoning ordinance needs to be brought into compliance with the Comprehensive Plan.

Mr. Lowe asked Mr. Cox if the Board of Supervisors wanted anything in particular from the Commission at this time.

Mr. Cox stated that they had not discussed anything at this time.

Mr. Lowe asked if the Commission should address a letter to the Board of Supervisors to find out what the Commission should be working on.

Mr. Cox stated that a letter would be appropriate.

Ms. Clossin stated that she is still working on the Capital Improvements Plan.

Mr. Lowe suggested that he and Ms. Clossin get together and draft a letter to the Board of Supervisors.

Mr. Cox stated that the Chairman, Steve Catalano, could give some direction.

Mr. Lowe informed the Commission that Mr. Schmitt had made a CD available to them regarding information on low-impact development practices.

Mr. Schmitt stated that the CD is a PowerPoint presentation which is used as an educational tool.

Mr. Lowe suggested that it be viewed at the next Planning Commission meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary