

**GREENE COUNTY PLANNING COMMISSION
NOVEMBER 16, 2022**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, NOVEMBER 16, 2022 AT 6:00 PM HYBRID IN-PERSON WITH REMOTE VIA TELEPHONE AND ELECTRONIC MEANS.

Members present: Ron Williams, Chairman
John McCloskey, Member
Angela Hawkins, Member
Mark Kelpé, Member

Staff present: Jim Frydl, Planning Director & Zoning Administrator
Stephanie Golon, Deputy Planning Director
Earl Keys, Zoning Officer

NOTICE

The Planning Commission meeting was held in-person/hybrid with remote via telephone and electronic means, viewed by the link below or Zoom:

The meeting may be viewed at the following link **** Granicus
http://gcva.granicus.com/ViewPublisher.php?view_id=1

To attend the meeting by telephone, please dial the number below and follow the instructions when prompted. To comment during the public hearing, follow the instructions below to “raise your hand”. Your connection will be unmuted and you will be able to make your comment. Please clearly state your name for the record.

To “raise your hand” by telephone connection: push *9 on your touch-tone phone.

To “raise your hand” by video connection: click on “participants” at the bottom of your screen. A list of all participants will appear. Click on the “raise your hand” button located below the list of names.

The Planning Commission will begin the meeting at 6:00 p.m. Dial-in
number: US Toll-free 1-888-475-4499
Or: US Toll-free 1-877-853-5257

Meeting ID: 836 7802 1393

You can use this link to connect to the live video:

<https://us02web.zoom.us/j/83678021393?pwd=QXRiQkRES3FvenVldklPd1FBZm0wUT09>

Meeting ID: 836 7802 1393

Passcode: 216240

CALL TO ORDER

The Chairman called the meeting to order

DETERMINATION OF QUORUM

Each Commissioner stated their name to establish a quorum.

Ms. Hawkins
Mr. Kelpé
Mr. Williams

There was a quorum with three Commissioners present.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mr. Williams stated they would start the meeting with the Pledge of Allegiance and a moment of silence.

COMPREHENSIVE PLAN WORK SESSION

Transportation chapter

The commission recommended adding the US RT 29 shared use path from the recent corridor study, and they requested that the graphs in this chapter be made larger and easier to read. There was also a discussion about the current transportation studies and updating data from those studies.

They discussed public transit and the statistics involving transit.

There was a conversation about functional classification and the level of service for roadways. Alternative intersection recommendations for US RT 29 such as r-cuts were discussed as well.

Mr. Williams stated that for the record, Mr. McCloskey joined the meeting, making four commissioners present for.

PUBLIC HEARINGS

Dean Family, LLC requests a rezone from A-1, (Agricultural) to B-3, (Business Highway and High Intensity) on TMP number 60C-(A)-34. The parcel is approximately 8.84 acres and is located at 8587 & 8591 Seminole Trail in Ruckersville. The Greene County Future Land Use Map designates this parcel as a "Mixed Use Village Center ". (RZ#22-004)

Mr. Frydl advised the commission that this request fits the goals of the comprehensive plan, he stated that this parcel is located between two parcels that are zoned B-3. Mr. Frydl reviewed the aerial, google earth, and zoning maps. Ms. Hawkins and Mr. Frydl discussed the parcel west of the parcel in the application. Mr. Frydl stated that the parcel is in the R-2 zone and backs up to Hords Hill Road and the Greene County Youth Center. He then presented the future land use map that shows this parcel as a mixed-use village center. There was a discussion about this parcel and about a request from 2008 to be a PUD. Mr. Frydl advised the commission that that request was denied by the Board of Supervisors.

Mr. Frydl reminded the commission that B-3 zoning is inclusive of the B-1 and B-2 zoning district uses. He stated that B-3 has its list of by-right uses, however, all of the by-right uses in B-1 and B-2 are also by-right in B-3 zoning.

Mr. Frydl stated that there are no impacts that would cause the applicant to offer any proffers. He advised the commission that the parcel is served by public water and private sewer, and the parcel currently has access to route 29 south. Mr. Frydl stated that VDOT has indicated the proposed commercial entrance will comply

with accessibility regulations. Mr. Frydl stated during the site plan process the applicant will have to meet all of the site plan requirements through all of the agencies. Mr. Frydl advised the commission that with the current zoning of this parcel it could be developed as a single-family dwelling development (five lots), requiring additional infrastructure and cost to the community.

Mr. Frydl stated that the applicant was there if the commission had any questions for him.

Mr. Williams inquired which lot owner would be responsible for the buffer that is required between B-3 and R-2. Mr. Frydl stated that would be the responsibility of the B-3 zoning owner.

Mr. Williams opened the public hearing.

Mr. Frydl stated that there is no one online for public comment, and there was no one there in person to speak.

Mr. Williams closed the public hearing.

Mr. Williams read an email that Mr. Traber sent as he was unable to attend this planning commission meeting. Mr. Traber voiced his concern in the email regarding rezoning from A-1 to the highest intensity B-3. He stated that he was concerned about all of the by-right uses that the parcel would be open to if the proposed HVAC contractor does not decide to move forward.

Mr. Frydl reiterated that this request fits the comprehensive plan, and keeps high intensity out of the rural area, as this parcel is in the growth area.

Mr. McCloskey made the motion in accordance with the Greene County Zoning Ordinance, public necessity, convenience, general welfare, and good zoning practice, he moved to recommend approval of RZ#22-004, rezoning 8.84 acres parcel identified as TMP 60C-(A)-34 located on Seminole Trail from a zoning designation from A-1 (Agricultural) to B-3 (Business) as submitted.

Ms. Hawkins seconded.

Mr. McCloskey – Aye
Mr. Kelp – Aye
Ms. Hawkins – Aye
Mr. Williams – Aye

With a roll call vote of 4-0, RZ#22-004 was recommended for approval.

The Greene County Board of Supervisors requests an ordinance revision of the Greene County Zoning Ordinance, Article 16-25 tourist lodging, to include regulations regarding short-term rental registry and enforcement. OR#22-003

Mr. Frydl explained that the Board of Supervisors approved a resolution requesting the Planning Commission hold a public hearing and make a recommendation regarding the creation of a Greene County short-term rental registry. He stated that the Greene County Zoning Ordinance must be amended to include the requirement of the short-term rental registry. The zoning amendment will reference the Greene County Code of Ordinances section that includes the registry. They also asked the Planning Commission to hold a public hearing so that the public can weigh in as well.

Mr. Frydl reviewed the tourist lodging section of the zoning ordinance and explained that tourist lodging is by-right with five rooms or fewer in A-1 (Agricultural) and C-1 (Conservation) zoning districts, special use permits are available for more than five guests, more than four events per year, and more than one dwelling or structure used for tourist lodging per parcel also in A-1 and C-1 districts. Tourist lodging is no longer allowed at all in any other zoning districts in Greene County.

Mr. Frydl stated that Mrs. Kim Tate (Commissioner of Revenue for Greene County) is in attendance. Mr. Frydl then explained that Mrs. Tate is in charge of taking business licenses in Greene County. If she obtains a business license for tourist lodging she will let the zoning office know and send the citizen to complete a tourist lodging application. if the citizen comes to the planning and zoning office first we send them to the

Commissioner of Revenue's office for a business license.

Mr. Frydl explained the process of getting a tourist lodging application, then being sent to the Commissioner of Revenue for a business license, and what the fees are for both.

Mr. Frydl stated that the Town of Stanardsville's zoning ordinance is different from the County zoning ordinance regarding short-term rentals.

Ms. Hawkins, Mr. Kelpé, and Mr. Frydl discussed why the Board of Supervisors asked that this request be reviewed. Mr. Frydl stated that the short-term rental registry has been in the Code of Virginia for a short while. Mr. Frydl advised the commission that the State decided because this type of business is relatively new and a part of the internet economy there should be a law written for this type of business to give counties additional authority. He stated that the Code has made it different than other businesses. The short-term rental registry per state code gives the Board of Supervisors the ability to revoke a short-term rental if they do not pay taxes or follow the laws. Mr. Frydl advised the commission that the zoning ordinance does not have any clause that would allow that at this time. Mr. Frydl explained that tourist lodging in A-1 and C-1 districts is by-right and other than the three restrictions there are no other qualifications that have to be met. The Greene County Zoning Ordinance provides no authority to enforce tax laws.

Mr. Williams asked if the taxes for tourist lodging go to the state or the county. Mrs. Tate stated that the Temporary Occupancy Taxes (TOT) come to the county. Mrs. Tate stated that as of October 1st going forward the internet companies such as Airbnb and VRBO if asked, are required to give the name and address of the property owner for which they are paying the TOT tax.

Mr. McCloskey inquired if the tourist lodging approval stays with the property even if the land owner moves out. Mr. Frydl stated it does, however, the new owner would still have to get a business license and register.

Mr. Williams asked if the registry could or would be made public. Mr. Frydl stated the document would be a public document. However, the Board of Supervisors would decide if it were to be listed online or just be available upon request.

Mrs. Golon stated that FOIA law dictates whether or not it is to be made public.

Mr. Frydl reviewed the few sentences that are proposed to go into the Greene County Zoning Ordinance in chapter 16-25-2 Tourist lodging and chapter 22 Definitions under tourist lodging. The addition was written by the county attorney and is as follows:

Per Greene County Ordinance xxxx all owners and/or operators of short-term rentals shall register the property with the Zoning Administrator. The registration shall be renewed annually. The registration shall list the name, address, and contact information of the owner/operator. Any property not properly registered with the County is in violation of the zoning ordinance and subject to the penalties in Ordinance XXXX.

Mr. Williams stated that the state code allows a county to utilize this portion of the state code, but the locality can choose not to utilize it.

Mr. Williams again read the email from Mr. Traber regarding this public hearing. He asked if people with tourist lodging file for a business license annually in Greene County why can't we use the business license data for the registry? He stated this effort seems duplicative and adds another level of complication. Mr. Kelpé stated the reason for the registry is a business license is issued to the person, however, it does not show each parcel that the business license offers for short-term rental.

Mr. Yost addressed the commission explaining to them that he was recently advised that as of October 1st that the state code will mandate that all short-term rental companies disclose the name and address of the citizen for which they are paying TOT tax. Mr. Yost stated that this was not known when the Board of Supervisors asked the Planning Commission to have this discussion. He stated that we now have a new tool that we did not have before. Mr. Yost recommended to the Planning Commission, that this be deferred until we see if the new law would eliminate the need for a registry.

Mr. Kelpé made the motion in accordance with the Greene County Zoning Ordinance, public necessity,

convenience, general welfare, and good zoning practice, he moved to recommend approval of ordinance revision OR#22-003 as submitted.

Mr. McCloskey seconded.

Mr. McCloskey – Aye
Mr. Kelp – Aye
Ms. Hawkins – Aye
Mr. Williams – Aye

With a roll call vote of 4-0, OR#22-003 was recommended for approval as submitted.

OLD/NEW BUSINESS

Mrs. Golon asked the planning commissioners if they would like to utilize laptops during their meetings. They all agreed.

Mrs. Golon advised the planning commission that as of now the 2022 aerials are available on Greene County GIS.

MINUTES

Mr. Hawkins made the motion to approve the minutes

Mr. McCloskey seconded

Mr. McCloskey – Aye
Ms. Hawkins – Aye
Mr. Kelp – Aye
Mr. Williams – Aye

October 19, 2022, minutes were approved 4-0

OTHER PLANNING MATTERS

Ruckersville Advisory Committee – No meeting in November

Town of Stanardsville – Mr. Frydl advised the planning commission that the urban agriculture ordinance revision was approved at the November meeting. Mr. McCloskey stated that the group that is maintaining the bump-outs in the town is looking for volunteers to help with upkeep. The Council got approval to ask if they can get some students or clubs to help. Mr. McCloskey stated that there was a plan to winterize Greene Commons, so they could use it year-round. They received a generous donation that the town is going to match to be able to winterize.

Next Month's Agenda – Southern Development, requests a rezone from SR to PUD. Mr. Esh's requests a Special Use Permit for a bakery in his home.

ADJOURNMENT

Respectfully submitted,
Cristy Snead,
Secretary



Planning Commission, Chairman