



TOWN OF GORDONSVILLE PLANNING COMMISSION MEETING

MINUTES

Wednesday, July 25, 2012

6:00 p.m.

Council Chambers

The Town of Gordonsville Planning Commission met in regular session in the Town Hall Council Chambers. Members present were: Chairman Ron Higgins, Vice-Chair Brenda Watkins and Commission members James Bradley, Greg Dorazio and Tim Ferguson. Staff present was Town Planner/Commission Secretary Deborah Kendall.

CALL TO ORDER

Chairman Higgins called the meeting to order at 6:00 p.m. and stated that there was a quorum present to conduct business.

ADOPTION OF THE AGENDA

Vice-Chair Watkins made a motion, seconded by Commissioner Bradley, to adopt the agenda as presented. The motion carried by unanimous vote.

CONSIDERATION OF MINUTES OF THE JUNE 25, 2012 PLANNING COMMISSION MEETING.

Commissioner Bradley noted one change to the minutes. Under *Comprehensive Plan Work Session*, the last sentence should be corrected to read, "By consensus, the Commission approved the plan goal section on ~~Housing~~ *Parks, Recreation and Open Space* with changes as noted." Vice-Chair Watkins made a motion, seconded by Commissioner Bradley, to approve the minutes as corrected. The motion carried by unanimous vote.

PUBLIC HEARING

RZ2012-01: Consideration of Bruce L. Yauger, Vestry, LLC, request to rezone property located at 314 N. Main Street from R-1 Residential to B-1 General Business.

Chairman Higgins announced the rezoning public hearing and explained how the hearing would proceed. He then asked the Town Planner to brief the Commission on the application and the staff report.

The Town Planner reviewed her staff report for the Commission and the public.

There being no questions regarding the staff report, Chairman Higgins asked the applicant to appear before the Commission to explain his request.

Bruce Yauger of 215 Duke Street, Gordonsville, VA briefly explained to the Planning Commission his motivation for requesting a rezoning of the Gordonsville Christian Church property located at 314 N. Main Street for use as a repertory theater and music venue, and described the types of events expected to be held on site if the rezoning is successful. He also stated he has a signed agreement with the Gordonsville Volunteer Fire Company for use of their parking lot as overflow parking during certain events, which, along with the area behind the church, will provide enough parking for the use of the property.

Chairman Higgins opened the public hearing and asked for the first speaker to come forward.

Robert Sharp, 505 S. Main Street and trustee of the Gordonsville Christian Church, appeared before the Commission and expressed concern about the responsibility of the church in the use of the property if it is rezoned but then not sold to the applicant. He stated that the letter of permission provided for the applicant to pursue the rezoning was only applicable through the Planning Commission public hearing portion of the process and that the church did not give permission for Mr. Yauger to proceed beyond that level without their further permission.

Chairman Higgins explained to Mr. Sharp that the church's letter of permission provided to the town states that the church grants "permission for the application of a zoning change..." to the applicant, and that the process of reviewing a requested zoning change includes both the public hearing before the Planning Commission and Town Council. Mr. Sharp then stated his disagreement and stated he wants to withdraw the church's permission for Mr. Yauger to proceed further with the application. He stated that the church does not want to be held responsible for the use of the property or the proffers accepted as part of the rezoning application if the request to rezone is approved by Council.

In response to Chairman Higgins' request, the Town Planner explained that the town code requires a property owner to sign any proffer statement submitted as part of a rezoning application. Mr. Sharp stated the church has not been given enough notice to respond to the issues raised in conjunction with the rezoning of the property. Chairman Higgins further explained that the church on the subject property is presently considered a non-conforming use. To rezone the property to B-1 General Business would bring the use of the property into conformance with the town's Land Development Ordinance because a church is a permitted use in the B-1 zoning district.

Will Faulconer, 401 N. Main Street, appeared before the Planning Commission and stated that the proposed rezoning and use of the property would be a good use of the property and would help the town.

Chris Colby, 202 Weaver Street, appeared before the Commission and clarified he was speaking as a citizen of the town and not as a member of the town's Board of Zoning Appeals. He stated the proposed use would be a benefit to the town and noted that rezoning the property to B-2 Restricted Business would also be appropriate and that there are properties in the next block to the north of the subject site that are currently zoned B-2.

Theo Van Groll, 102 Market Street, appeared before the Commission and clarified he was speaking as a citizen of the town and not as a member of the town's Board of Architectural Review. He questioned why a special use permit could not be issued for the property in lieu of rezoning the site. Chairman Higgins explained that the town's Land Development Ordinance does not list the requested uses as uses permitted by conditional use in the R-1 Residential zoning district, the current zoning of the property. Mr. Van Groll stated the proposed use sounds exciting but he is concerned that the business will fail and then the property is left with a B-1 zoning classification.

Ann Schwind, 312 N. Main Street, appeared before the Commission and stated she is concerned about what will happen to the property if it is rezoned but the proposed use is not successful. She also stated that there is very little parking along Main Street for residents, less so for patrons of an event at the church. She stated that she does not want to see a retail use located on the property.

Commissioner Ferguson asked Ms. Schwind about noise coming from the church when it was used as a church and whether she is concerned about noise from the proposed use. She responded that noise from the church when it was in use was not a problem and she is not concerned about noise from the property under the proposed use.

Pam Black, 102 Market Street, appeared before the Commission and stated that the proposed use of the property is a very good idea and she wants to encourage it to happen. She stated that the applicant's connection to the place, to the town and to the town's citizens is clear and the use as proposed would be a genuine investment in the town. She stated that if the proposed rezoning does not work out, she would like to see this use occur elsewhere in town.

Chairman Higgins asked whether any comment letters had been submitted. The Town Planner noted that one letter had been received from adjoining property owner Charles Jaeger and had been provided for the Commission's consideration. Chairman Higgins acknowledged the Commission's receipt of the letter and summarized Mr. Jaeger's opposition to the rezoning request.

There being no other speakers for or against the application, Chairman Higgins closed the public hearing.

The Commission discussed the rezoning request. Commissioner Ferguson stated the proposed use is a good idea but he is concerned that there are no other properties zoned for business in the vicinity of the subject property and to rezone it would be spot zoning. Commissioner Dorazio stated he felt rezoning the subject property to B-1 would bring the use of the property into conformity with the zoning ordinance and would not be considered spot zoning because the uses of some of the surrounding properties are not strictly residential. In response to a concern raised by Ms. Schwind, Commissioner Dorazio noted that a retail use could not be located on the property if the rezoning is approved because retail uses had been proffered out by the applicant.

Vice-Chair Watkins stated that Mr. Sharp as a trustee of the church property had previously stated to the Commission that the church was withdrawing its permission for the applicant to proceed. Mr. Sharp clarified that they had not yet withdrawn their permission but the church does not want to get caught with a property that is zoned B-1. He further stated that the church would like to see the property used as proposed. He continued by stating that if the church and the applicant are unable to reach an agreement for the purchase of the property before this matter goes to Council, then the church will withdraw its permission for the applicant to continue at that time. Commissioner

Dorazio further questioned Mr. Sharp with regard to the concerns of the church. Mr. Sharp stated the church does not want to get caught with having to adhere to proffers on the property.

Mr. Yauger stated that his partner in the application had yet to see the property and he agrees with the concerns of the church. Chairman Higgins reiterated that the application will not go forward to Town Council until the proffers have been worked out between the applicant and the church.

Chairman Higgins clarified that the proposed rezoning request would result in a zoning of the property that is more conforming to its current use and he is not concerned about spot zoning. He also stated that the site is self-limiting in that both the size of the property and the structure on site will limit the scope of activity that can occur on site if the rezoning is approved. In addition, proffers have been made to limit the use of the property, making it more compatible with surrounding uses.

In response to a question raised by Commissioner Bradley, Chairman Higgins stated that proffers are an agreement with the governing body and have to be signed by the property owner before a rezoning application goes to Town Council.

Commissioner Dorazio made a motion, seconded by Commissioner Bradley, to recommend to Town Council the **approval** of the request from Bruce L. Yauger, Vestry, LLC, applicant/agent for the owner, Gordonsville Christian Church, to rezone the property located at 314 North Main Street from R-1 Residential to B-1 General Business for the following reasons:

- a. Citizens have commented the use as proposed would be of benefit to the town; and
- b. provided that the applicant and the property owner work out their agreement regarding the property; and
- c. the requested rezoning and proposed use are consistent with surrounding land uses, and are supported by the Town's Comprehensive Plan objective of maintaining "*the local character and identity of the community*" and the plan goal of encouraging controlled development of business throughout the Town.

Commissioner Ferguson requested that the motion be amended to further state that the rezoning of the property will bring the zoning of the property into conformance with its use. Both Commissioner Dorazio and Commissioner Bradley agreed to the amendment to the motion.

Roll call:	Commissioner Dorazio	Aye
	Commissioner Ferguson	Aye
	Commissioner Bradley	Aye
	Vice-Chair Watkins	Aye
	Chairman Higgins	Aye
	The vote was unanimous.	

Chairman Higgins briefly explained the next steps to be taken in the process and thanked everyone for their participation in the public hearing.

The Commission took a 10 minute recess.

NEW BUSINESS

None.

UNFINISHED BUSINESS

Comprehensive Plan Work Session

The Town Planner stated she would like to draft future land use designations for the Commission to consider and have them develop a future land use map at their August meeting. The Commission agreed with that strategy. They also discussed how or whether to incorporate into the town's future land use plan those areas outside of the town that were once considered as areas to be boundary adjusted into the town. By consensus the Commission agreed there should be a general discussion of desired land uses for future town expansion but actually designating future land uses for those areas may occur in a future amendment to the comprehensive plan as needed and as applicable. Commissioner Dorazio asked whether Orange County shows a future land use for the area around town. The Town Planner noted that the county's comprehensive plan future land use map shows the area around town as a growth area; the Commission agreed this should be mirrored in the town's plan.

The Commission further discussed future land use mapping for the comprehensive plan in relation to future rezoning applications.

The Town Planner reported to the Commission that in order to more clearly link plan objectives and tasks for implementation, she will be reformatting some of the plan goal sections they have already reviewed and will be providing those sections for their review in the next few months. The Town Planner also reported that she has asked VDOT for their assistance in developing a technical information section for the town's transportation section of the comprehensive plan.

TOWN PLANNER/CLERK REPORT

There were no comments or questions regarding the report.

At the request of Chairman Higgins, Commissioner Dorazio introduced himself to the Commission. The Commission also briefly discussed the timing of the rezoning application heard earlier in the evening and the requirements for Council to take action.

ADJOURNMENT

There being no other business to come before the Commission, Commissioner Ferguson made a motion, seconded by Vice-Chair Watkins, to adjourn the meeting. The vote was unanimous and Chairman Higgins adjourned the meeting at 7:42 p.m.

Deborah S. Kendall, AICP, Secretary