

**Town of Farmville Planning Commission
Meeting Minutes
Town Council Chambers, Farmville, VA
Monday, May 23, 2016**

Members Present: Sherry Honeycutt, Gerry Spates, Dan Dwyer, Abbey O'Connor, L. D. Phaup, Chuck Ross and John Miller

Staff Present: Gary Elder, Town Attorney and Cindy Morris, Town Planner

Chairperson Sherry Honeycutt called the meeting to order and welcomed guests at 9:05 AM

Approval of Minutes of April 12, 2016

On motion by Dan Dwyer, seconded by Chuck Ross and with all members voting "aye", the minutes of the April 12, 2016 meeting was approved.

Conditional Use Permit Application from Farmville Associates, LLC for a Proposed Apartment Complex between Wal-Mart and the Green's South Subdivision

Sherry Honeycutt reminded everyone that this is a request for a conditional use permit not a rezoning of the proposed property for the 120 unit apartment complex; the Planning Commission is ask to review any possible conditions. The Business B-4 zoning already allows for apartments with a conditional use permit.

Gerry Spates then provided the Planning Commission with information regarding the property. This property was rezoned on May 11, 1994 from R1 to B4 at the request of Willa Wood, Steve Wall and the Putney estate. The developer (Russell Harper) purchased the property from Steve Wall in 1999.

Gerry Spates stated that Don DeBerry, the traffic engineer that prepared the traffic study, worked for the City of Lynchburg for a number of years and upon retiring went to work for McCormick-Taylor. In addition he was the senior engineer and project manager for 9 years on over a billion dollars worth of construction projects in Florida and is well qualified to prepare the traffic study.

Mr. Spates stated that this is a dedicated and approved right-of-way (ROW) that goes onto the project area. He has checked with the City of Lynchburg and other localities on how they deal with ROW's like this one and found that the developer has been able to use the ROW. Mr. Spates noted that if everyone remembers we tried to move the entrance over to make it a further distance from the intersection and it meet with some opposition so we are back to the original deeded ROW.

For the last 4 years there have been 30 traffic accidents or 7.5 per year at the South Main/Milnwood intersection, which has the highest daily average traffic count of 21,000. The next highest accident intersection is South Main/Peery Drive 6.25 and then South Main/Clark Street. Traffic accidents at Main/Milnwood have decreased. Gerry Spates noted that the accident damage cost estimate is lower at Main/Milnwood (\$5,778) than at Main/Clark (\$9,000).

Sherry Honeycutt stated that the Planning Commission needs to discuss any possible conditions that the Planning Commission would recommend to Town Council on this project. She reminded that the property is zoned to allow apartments with a conditional use permit. She stated that since the joint public hearing, the proposed ingress/egress location has been moved from the one-acre parcel the Town purchased from Willa Wood, to the existing ROW near Benchmark Bank.

Gerry Spates stated that this project is a stand-alone project on 13 acres of property zoned business and they cannot go any further back. Council has already established that it is a residential R1 zone so they cannot take 5 acres they have purchased and add to property and build additional apartments. In order to add additional apartments onto adjacent land it would have to go through a complete public hearing in order to change it.

L.D. Phaup asked for clarification on conditions. Gerry Spates stated as an example there have been conditions placed on projects such a fence along a property line where it is adjacent to a residential area and require direct and low intensity lighting. Gerry said that he thinks the area along Cabell's Court (Green's South) there would be an 8 foot privacy fence installed with trees in addition to the 25' buffer zone required between a business zone and residential zone. He also stated that the commission needs to be careful that when recommending conditions on projects that there is consistency.

L.D. Phaup questioned if it has been determined that this entrance is not in question anymore and the 3-story apartments as proposed are going to be built then why would we consider placing conditions at this point. Gerry said that it is not the Planning Commission's or Council's decision whether or not apartments can be built because per the zoning ordinance, apartments are an allowed use. The Planning Commission can recommend conditions to Council and Council can accept or reject those conditions. L.D. asked if the Commission has any say as to the road location. Question was deferred to attorney Gary Elder. Gary stated that he understands there is a right of access from the property out Main Street. L.D. stated that when the property was sold, Steve Wall had one house where one car used this entrance/exit and now the developer is proposing 240 using this entrance/exit. L.D. also questioned if the decision has already been made then what was the validity of all of the citizens that come out to the public hearing in opposition to the development? L.D. questioned, all the Planning Commission is considering, concerning recommendations to Council for conditions on the project, are aesthetics? Gary stated that is correct. L.D. stated that the review of the proposed entrance location, all the discussion and public hearing was just a waste of time and everyone should have just been looking at the conditions. Gerry stated that the public hearing notice specified

conditional use permit. L.D. stated that he begs everybody's pardon because he did not understand the Planning Commission's charge until this morning.

Chuck Ross stated that his understanding is that the Planning Commission was analyzing one of the allowed uses, which are apartments in a B4 zone. Chuck said to address some of L.D.'s thoughts and that he is in agreement with L.D. regarding the public hearing comments at which a lot of people that he knows and respects came forward and spoke, but at the same time he is trying to do his civic duty as a Planning Commissioner. Chuck stated that he remembers three (3) main concerns that came out of the public hearing. One was light and noise issues for property owners adjacent to the property at Green's South. Chuck said that when one moves into a place that is adjacent to a B4 zone one cannot expect it to stay woods forever. Chuck state that while he has empathy for these homeowners he is not sure that is a reasonable argument. The second issue was lack of demand for apartments. As Dean of Longwood for 10 years and hiring a lot of people that need short term housing, he disagrees with those people. Also Chuck stated that the demand issue is irrelevant. If a developer invests \$20 million dollars in an apartments and no one comes, that is their problem not ours. The third concern is the traffic issue with people coming out. Chuck stated that after the public hearing he felt comfortable with where the entrance was located and the results of the traffic study and could recommend that to Council. Now with the driveway moved closer to the intersection he is not sure how anybody is going to be able to turn left out of the entrance/exit and suggested that a condition be a right-turn only out of the development. Logically he sees no way that would work where it is currently at now, without a right-turn only.

Dan Dwyer concurred with Chuck on all three points. There was an attempt to move the entrance further south on Main Street from the intersection to make it safer, but that has now changed and it is now proposed to be closer to the intersection and feels it would be less safe. Dan stated that he agrees with Chuck and that a condition to make it safer could be a right turn only out of the complex.

Sherry Honeycutt stated that she would write down some of the suggestions that were discussed and the commission could move forward.

John Miller stated that he thought the public hearing was not a waste of time and that he heard some poorly reasoned objections and some valid ones that were brought up. John asked Russell Harper to what degree would the 25' buffer have on alleviating some off the citizen concerns regarding lighting pollution and noise pollution towards Cabell's Court? Russell said that they have not yet designed that part of the project yet, but have envisioned a 25' undisturbed buffer and that they would control the design of the direction of the candles from the lighting as not to shine onto the adjacent subdivision.

Russell stated that he is confused on the access. Russell said had discussed moving the access to get it further away from the intersection and now that we are moving it back that is a problem. Dan stated that the Commission never discussed the original driveway access at all. Russell then

asked if he would feel comfortable with the project if the driveway was moved back to the location it was two weeks ago. Dan stated that he is not comfortable with either location.

Sherry then asked if it is possible to move it back to the second choice. Gerry said that would be a question for Council but he thought yes it could be. Gerry said the Town purchased the property. Sherry stated that that could be a recommendation to Council from the Planning Commission is to move it back. Gerry again cautioned the Planning Commission not to put restrictions on this property that would not be put on all projects. If a precedence is set to make right turn only on projects you will have to extend that to Willa Wood's property if it were to be developed commercially and on down Main Street. Chuck Ross stated that his concern was that this road would be coming out right in to the left turn lane into Tractor Supply and is not sure how someone could go downtown could possibly make a left turn out of the road there.

L.D. Phaup apologized to Mr. Harper, and stated that if this was a done-deal traffic wise, entrance wise and exit wise then there was no need to waste your money on a traffic study that in my opinion is not very detailed. L.D. stated that he had a misunderstanding on what the Commission's charge was and did not ask you to have this study done but that someone wasted your money. L.D. went on to state that there has been poor communication on this project.

Sherry reviewed what the Commission is currently considering for conditions on the project considering the current road ROW and the apartments on property that is currently zoned to allow apartments. Sherry stated that the Commission is charged with placing conditions on the property and reminded everyone to be mindful of any conflicts of interest with other projects but did say that there have been cases in the past where the Town placed left turn only/right turn only for restaurants.

Chuck said that he would move that if the location of the road is closest to Benchmark that it be right turn only, but if it is going to be where it was proposed at the public hearing he stated he would not put any restrictions on turning.

Dan Dwyer stated that each project should be looked at individually. This specific issue of the entrance/exit close proximity to an intersection may never come up again. He continued to say that had the road been further south closer to Wal-Mart then he would not have had a problem with it. Crossing three 3 lanes of traffic would be difficult for turning left. Dan stated that he is not sure of the time line for either the intersection improvements project or the apartment project, but he said it would be good to see the intersection project completed before the Town needs to make a decision on the apartment complex but realizes that this project is on our agenda today. Dan agreed with Chuck's sentiments about a right turn only and would hope that this would not reflect on every project moving forward.

Abbey O'Connor stated that she understood that the traffic situation is not optimal but added a right turn only would create more problems down the road and questioned where those drivers would turn around to head back to downtown.

L.D. Phaup stated that if he remembered correctly Russell Harper said to the Commission, if there was a condition placed on the project of right turn only he was not interested in proceeding with the apartment project. Russell agreed.

Chuck asked Gerry if he thinks it is possible to make a left turn out of the road at the new proposed location. Gerry responded that if you look at the road in its present condition the road is down in a hole and he thinks that the road will be built up and tied into Benchmark's property. Gerry noted that traffic has increased in part due to Longwood University's and Hampden Sydney's increased enrollment, and questioned whether they did traffic studies to see how their increased enrollment impacted the community. L.D. noted that Hampden Sydney does have traffic studies done and the College may have their say but may not have their way in the end. L.D. stated that for 30 years he used to say while at HSC that a mother expects her son to get a good education but the most important thing is that her son come home safe. Anyone that turns their back on safety is not planning. He stated we have to plan for the future and that is our charge on this Commission and it states that in the documents that were given to us. Gerry stated that he has been with the Town for 41 years and the Town provides very safe streets/roads for vehicles as well as sidewalks for pedestrians. The Town does the best job possible with the technology that is available. The traffic signals are maintained by the Town and Gerry stated they are probably the safest in the state.

Sherry asked if the timing of the light turning into Benchmark could be coordinated and assist with this project. Gerry agreed that that could be coordinated. Gerry noted that the intersection project may not begin until spring of next year and that there are things that can be done with the traffic signals to make the intersection safer such as a delay on the red cycle so that the intersection can stay red for an additional 2 seconds and prohibit a left turn coming out of Tractor Supply. Sherry suggested the stop line be placed further back from the light going north on Main, similar to what is currently at the post office. Gerry stated there are many options that can be looked into.

Sherry addressed a few items that arose at the public hearing:

- The noise from Cabell Court-there are some trees and it has been noted that there will be a fence and 25' buffer.
- The question of future phases which Will Allen addressed at the public hearing stating that there would not be any future phases.
- Student housing – which Will addressed at the public hearing that the housing would be open for anyone and that there may be students that live there.
- Adequate infrastructure – Gerry stated there is more than adequate capacity of water (2 million gallons) and sewer (1/2 million gallons) to serve this development.
- Devaluation of property – Sherry addressed this as a realtor stating that the area needs apartments. Because of the location of this project and being surrounded by trees it has

WalMart on one side and subdivision on the other side. The Green's South subdivision dead ends at the shopping center and Sherry stated that this has not devalued their property values and some of those houses abut the shopping center. L.D. pointed out that the shopping center was there prior to the houses in the subdivision being built. Both Sherry and Abbey pointed out that these people did not have to buy property there, it was their choice. Sherry stated that in her professional opinion she does not feel that their property would be devalued.

Sherry asked if anyone had anymore conditions to add and/or if anyone was ready to vote on this issue.

John Miller added that he would like to recommend that the developer take measures to reduce light and noise pollution through additional trees and diverting lighting away from houses. Gerry stated that he would recommend that an 8' privacy fence and landscaping along the side of the property that adjoins the residential area to be include in the recommended conditions.

Sherry addressed Russell Harper and said she remembered him saying that if the project was not going to work and be safe you would pull back. Russell agreed. Sherry then stated that banks/lending institutions also look at egress/ingress as well as to whether or not it would be feasible and would be another checkpoint for the project.

Sherry stated that the current conditions thus far are:

- Right turn only
- 8' privacy fence along the neighborhood border with vegetation/landscaping to cut sound.

Chuck Ross questioned if these would be suggestions to Council. He said his main concern is not just a safety factor but the inconvenience of a left turn and that it would be incredibly annoying for people. He likened the same frustration level as turning left onto South Main Street from Sheetz, but not at the light. Chuck stated he suggested right turn only as first thought but whatever ideas proposed to make it the most seamless traffic flow would be his proposal.

John Miller brought up that Chuck stated he would rather have the road come out onto South Main Street in the location other location further from the intersection and not recommend a right turn only. Sherry stated that currently the discussion is considering the original road location closest to Benchmark.

L.D. Phaup stated that he is very much in favor of Russell Harper's development efforts in town, whether he brings homes, apartments or a grocery store. He said his concern all along has been safety only. L.D. stated that the charge of the Commission is to promote a harmonious community. L. D. stated that Russell mentioned that if people were resistant to apartments that he might be in favor of building homes and that this would reduce congestion and these people that have built homes in the adjacent subdivisions would not feel jilted by having

apartments built next to them, their home which is probably their largest investment in their life. Also, part of the Commission's charge is to try and work things out and not try to fit a square peg in a round hole. Russell stated that they bought the property zoned B4 in 1999 and made a sizeable investment in the property and that he is not hearing opposition to the apartments. He stated that he has about 60 people that have expressed an interest in living in an apartment on this site. Russell stated that they have talked to many real estate professionals in Farmville and have 2 market studies completed and is hearing that the community does want apartments. Gerry pointed out that the B4 zone does not allow for single-family housing.

Russell Harper stated that the Town asked him to do the traffic study. Russell also expressed that his company has done a lot of studies and that they rely on the information from the studies as does their bank and tenants and he has not run into a planning commission that asked for a study, receives the study, does not like the results of the study and then opposes the study. L.D. Phaup added that he was apologizing for having made Russell have the traffic study completed when it was not necessary, but also pointed out that Russell would not have paid for a traffic study if it were not necessary. Gerry pointed out that L.D. requested that the study be completed and L.D. agreed because he felt the intersection's safety needed to be studied with regards to the entrance/exit.

L.D. does not believe the intersection is safe today and questioned the integrity of anyone who believes it is safe. Gerry asked if he was talking about integrity or engineering sound principles which the study was based on. L.D. stated that he asked many questions which he never got a response. Line of site says 390' we can change the road back and forth, but what does the line of site mean? Also, L.D. voiced his concern that the engineering study used 3 year old data and it was very vague and reminded him a letter he received from his grandmother at summer camp. L.D. stated that he had questions regarding the traffic study and had asked for follow up on those questions, but he never heard back from Gerry. L.D. reiterated that he has genuine concerns and to learn this morning that this is now not even an issue to be discussed because it is a done deal.

Sherry Honeycutt stated that this information, concerning the deeded access is new information that came about after the public hearing and that the owner (Farmville Associates LLC) is allowed to use this for ingress/egress by the developer. Gary Elder stated that his understanding is that the deed to Farmville Associates contains an unfettered/concrete right of ingress/egress (to the 10 acres parcel), but prefaced that he has not looked at the deed. This is a different issue than what is before the Planning Commission today. He stated that the developer needs deeded access in order to build their project.

Sherry stated that her understanding now is that Farmville Associates can use their existing access (not using the property the Town purchased from Willa Wood) and that the Planning Commission could consider placing conditions on the project.

John Miller stated that it looked obvious where the existing road was to this property and the Planning Commission was asking them if they would consider moving the access further south on Main Street.

Russell Harper stated that they bought the road access when they purchased the property from Steve Wall. Gerry contacted Russell about the retention pond for the Main/Milnwood intersection improvements with this project and looked at locating it on Russell's 50' ROW. The design of the intersection there was discussion about moving the road further south and placing the retention pond where the current driveway is because it is a lower spot. The water retention basin was the reason for moving the road.

Gerry reminded L.D. that he wanted Russell to move the road and come out a different way. L.D. agreed and though it would be nice to move the road in the interest of safety. He went on to say that coming out of the exiting driveway, as Steve Wall did, is not in the best interest of an apartment complex, speaking from a common sense standpoint, when the Town is already dealing with the busiest intersection and hundreds of thousand on dollars to make it safer it would be foolish to add something that is going to make it more dangerous.

Sherry stated if there are no more questions, comments asked if anyone was interested in making motion.

John Miller motioned to recommend to Council to approve CUP (with ingress/egress using currently owned deed right of way by the developer, closest to Benchmark bank) for the 120 apartment complex with the following conditions; right turn only, 8' privacy fence along the neighborhood borderline (Cabell's Court) with vegetative landscaping to reduce sound. John stated that he would qualify that by what Chuck said earlier; unless there is another way to feasible way to mitigate the safety issue (other than the right-turn only). Chuck clarified that if the road has to be in that location (closest to Benchmark Bank) that Council review all appropriate safety measures, but that the right turn only seemed to be a common sense idea. Dan Dwyer stated that the Planning Commission should be doing the research to make a recommendation to Council. Dan stated if we are going to leave it open-ended he would have to agree to the right turn only and is not in favor of leaving the issue undefined. L.D. stated that Russell Harper had already stated that if there is a right turn only he would not go forward with the project and we are wasting our time. Russell again asked L.D. if he was question the integrity of the engineer that prepared the report. L.D. said the letter (engineering report) reminded him of a letter he received from his grandmother at summer camp. John Miller then read a portion of the second letter (dated May 19, 2016) received by the engineer regarding the existing driveway (owned by Russell Harper).

"it is my professional opinion that.....driveway connection depicted in the general location of the existing driveway on the enclosed drawing will operate efficiently.....our analysis show the proposed access functions at an acceptable level of service. Should future development connect through this location, a needs analysis.....may be

necessary.....the driveway location itself would still not be likely to cause an operational problem.....In this location the proposed impacts are not anticipated to be significant."

John noted that his gut is telling him one thing but that he has to defer to the engineer with the P.E. after his name. John stated that he feels he should go with the engineer's opinion as he reported in his letter because it would be problematic if we recommend a right turn only. Dan stated then that would disregard the well thought out citizen comments that were made at the public hearing about their concerns with the driveway that was furthest from the intersection not the currently driveway. Dan stated it would not be right to ignore those people's concerns that drive the roads daily and live here. Sherry stated that we have John's motion on the floor (right turn only and the privacy fence) and we need a second. John then stated he would like to back off that right turn only and let's re-think the best way to do it if a right turn only but if Council will agree to move it down the road (further away from the intersection). Dan stated that he would like to discuss other options other than a right turn only. L.D. stated again that everyone's time is being wasted to look at a right turn only because Russell is not interested in moving forward with the project if it is right turn only and we don't need to recommend right turn only. However, Sherry stated that the Planning Commission makes their recommendation to the Town Council and Council, using the same information that the Planning Commission received, Council can accept, reject or make a different decision. L.D. asked Russell if he agreed with Sherry's statement that if the Planning Commission were to recommend a right turn only it doesn't really matter what you think. Town Council will react when the recommendation is presented to them. Russell stated that's fine. Receiving no second, the motion failed.

Chuck stated that what he thinks John and him are saying is that when this comes before the Town Council that they look at all appropriate safety measures including a right turn only.

Dan Dwyer asked Russell are you willing to explore other options (if not a right turn only). Russell agreed. Russell stated that he has a study from a well experienced engineer that says it works and asked Dan if he has shared this study with his constituents or is there something else he would like to see? Dan noted that this study just came out on May 19th after the public hearing. Russell asked for a list of the people Dan has been talking to and if he could meet with his constituents. Russell stated that there has been a lot of misinformation circulating around Town about the project. Russell stated that he would like to meet with the same people Dan has been talking to eliminate any misunderstandings. Dan stated that that was what the public hearing was all about and Russell's representative was there and that a meeting would just be a rehash. However, Dan was in agreement to have Russell meet with his constituents, but suggested that they would need to have that meeting before the Planning Commission votes on any recommendations today.

L.D. stated that now all the Planning Commission is looking at a stop light there, because the developer is not interested in a right turn only. If the Town Council is not happy with the current ROW the only choice is to put in stop light. Chuck stated that he would not agree with that because it is hard to visual the issue not being able to see the new intersection. Gerry said

he would get VDOT to look at it to see if putting in delays or other devices could work with existing light to control traffic flow.

Dan Dwyer asked if it was still a viable option to move the entrance to the proposed entrance (one-acre property purchased from Willa Wood). Gerry stated that that is up to Council. Gerry stated that the Town purchased the property from Willa Wood and there is no deed restriction on the property. Gerry said that would be an issue to take up with the previous owner who evidently got upset about shifting the road through that one-acre the Town purchased from her. Dan inquired if there has been communication with the Willa Wood regarding the property. Gerry said that he wrote Willa Wood a letter basically telling her that the road was moved back to the developer's ROW. L.D. said that Ms. Wood will be really confused if the road is moved again. Gerry said that this is something that Council needs to address first and get direction on which way to go, but legally there is no deed restriction. Dan asked if the letter Gerry wrote Ms. Wood restrict the use. Gerry said that letter just stated that the road was moved back, because that was just one of the options that was looked at for the entrance.

Abbey O'Connor stated that her background has been doing research. We have data and information from experts and we need to look at that information. She said she cannot decide where would be the best place to put the road, but that the traffic reports have belayed her fears that there would be any problems. She added that if this was going to be an apartment complex where the tenants cannot get in and out of the complex that would hurt Russell Harper in terms of being able to lease the apartments. She also stated that Mr. Harper is not going into this blindly (he has completed studies) and that he is an experienced and seasoned developer. Abbey said that she has to trust the experts.

Sherry asked if there were any other comments before the vote. Sherry stated that as a realtor in the past she has had real estate dealings with Mr. Harper but that she has had no involvement with this project. Also she has conferred with the Town's attorney and there is no conflict of interest for her in this matter and she can vote on this project. Abbey O'Connor also stated that her maiden name is Harper and that she is not related to Russell Harper.

Dan Dwyer requested clarification on the proposed entrance, whether Ms. Wood was under the impression now that that the road will not be placed on the one-acre property the Town purchased from her. Gerry responded, "Yes," according to somebody that evidently contacted her and got her all upset, he moved the road. Gerry added that the option is still on the table and if Council's decides they want move the road back, the Town has very legal right to move it. Dan requested clarification on the letter Gerry sent Ms. Wood, and if the letter referenced the fact that the road would not go across the acre purchased from Ms. Wood. Gerry responded that that was correct. Dan said then it is a mute point to go back to the proposed entrance (through the one-acre parcel Town purchased from Willa Wood) and questioned why that should be included in the motion. Gerry stated that there is always a possibility that money talks. Dan stated that he does not care for that. Gerry said Ms. Wood may accept some compensation to move the road/entrance back.

Chuck Ross made the motion and Abbey O'Connor seconded to recommend to Council to consider moving the ingress/egress road back to the location at the time of the public hearing, (which is on the one-acre parcel the Town purchased from Willa Wood) or if the road remains within the existing right-of-way access to the property (closest to Benchmark Bank), recommend that Council look at all possible measures to alleviate safety issues with the intersection and in addition recommends to include an 8' privacy fence along Cabell's Court, including vegetation/landscaping to reduce sound. With a roll call vote the motioned carried with Gerry Spates, Chuck Ross, Abbey O'Connor, Sherry Honeycutt and John Miller voting "aye" and L.D. Phaup and Dan Dwyer voting "nay."

Conditional Use Permit Application from Eric Arthur, Jr. to Convert a Single-Family Dwelling into a Duplex at 308 Cedar Avenue

A motion was made by John Miller, seconded by Abbey O'Connor, and with a roll call vote Gerry Spates, Chuck Ross, Abbey O'Connor, Sherry Honeycutt, L.D. Phaup, John Miller and Dan Dwyer voted "aye", to recommend that Town Council approve the conditional use permit for Eric Arthur, Jr. to convert a single-family dwelling into a duplex at 308 Cedar Avenue.

The meeting adjourned at 10:10 AM.

Sherry Honeycutt, Chairperson

Gerald J. Spates, Secretary