

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Monday, December 30, 2002.

Present: B. Wally Beauchamp, Chair
Donald O. Conaway, Vice Chair
Patrick G. Frere, Board Member
F. W. Jenkins, Board Member
Cundiff H. Simmons, Board Member
William H. Pennell, Jr., County Administrator

Others

Present: Jack Larson, Planning/Land Use; Joe Staton, Carter White and Robert Harper, Virginia Department of Transportation; Robb Huff, Rappahannock Record

Mr. Beauchamp called the meeting to order at 7:00 p.m.

PUBLIC INPUT

None

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Beauchamp said Mr. Staton has been recognized for Outstanding Leadership as Resident Engineer of Warsaw – Fredericksburg District of the Virginia Department of Transportation.

Mr. Beauchamp congratulated Mr. Staton on this honor and stated that the Lancaster County Board of Supervisors was extremely pleased to have him as Resident Engineer.

Route 3 Bridge - Mr. Staton stated the two small bridges just above the Courthouse on Route 3 have some scouring problems that are undermining the support structures. He said the Abernathy Construction Company, the same company that built the Route 600 bridge, won the bid to repair the bridges on Rt. 3. This is an \$80,000 project and will start within the next 30 – 45 days.

VSH750 and VSH 704 - Mr. Staton stated a letter was sent to the engineering department for a speed study request for Coppedge Farm Road and Rose Drive. Because of the office reorganization, the Director of Transportation Mobility has not been replaced, which is the reason for the delay.

VSH201 Lively - Mr. Staton stated the caution light on VSH 201 at the intersection of Route 3 in Lively could not be installed because VDOT will not pursue condemnation procedures to secure the right of way. He said he would meet with Mr. Jenkins a try to come up with another alternative.

Local Report - Mr. Harper stated they have 19 pieces of equipment and are ready for inclement weather. VDOT is current filling pot holes and working on drainage.

PUBLIC HEARINGS

1. RCV Seafood Corporation – Application for Special Exception – Mr. Larson stated the applicant was requesting a Special Exception to dispose of dredge spoils on property described as Tax Map #12-19. This property is at 198 Mulberry Creek Road near Morattico, VA and is in Voting District 1.

Mr. Larson said the property on which this activity would occur is zoned R-1, Residential General. Paragraph 5-1-30 of the Zoning Ordinance permits this activity on property so zoned with a special exception. All dredge spoils will be placed in an upland area. Adjoining property owners have been notified, and advertising has been conducted as required by law. To date, staff has received no input from adjoining property owners or other interested members of the public concerning this request.

Mr. Jenkins made a motion to grant approval for Special Exception for RCV Seafood Corporation.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

2. David and Cynthia Perusluha – Application for Change of Zoning District Classification – Mr. Larson stated the applicants wish to rezone property described as Tax Map #14A-4-19A from R-3, Residential Medium General to C-1, Commercial. This property is on Route 3, Mary Ball Road, in Lively, VA and is in Voting District 1.

Mr. Larson said the zoning of adjacent parcels is mixed and includes R-3, Residential Medium General, C-1, Commercial, and A-2, Agricultural General. Granting this request, given the commercial zoning of the parcel directly across Route 3, would leave overall zoning as consistent as it is presently. More to the point, this parcel is in close proximity to other parcels that are being used for commercial or nonresidential purposes. Further, any business growth in Lively would likely extend to this area. Adjoining property owners have been notified, and advertising has been conducted as required by law. To date, staff has received no input from adjoining property owners or other interested members of

the public concerning this consideration of the request. While there was also no input from interested members of the public when the Planning Commission heard this request, one adjoining property owner did express concern about future customers parking on Route 3. The applicants have prepared a plan for on-site parking.

Mr. Jenkins made a motion to grant approval of the Application for Change of Zoning District Classification for David and Cynthia Perusluha.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

3. Thomas B. Waters – Application for Change to Zoning District Classification – Mr. Larson stated the applicants were requesting to rezone property described as Tax Map #14A-4-31B from C-1, Commercial to R-1, Residential, General. This property is on Route 3, Mary Ball Road, in Lively, VA and is in Voting District 1.

Mr. Larson said the property has most recently been used as a medical clinic. Mr. Waters has purchased it and wishes to occupy it as his residence. As can be seen from the attached tax map representation, residential properties do adjoin. He said the adjoining property owners have been notified, and advertising has been conducted as required by law. To date, staff has received no input from adjoining property owners or other interested members of the public concerning this consideration of the request. There was also no input from interested members of the public when the Planning Commission heard this request.

Mr. Jenkins made a motion to grant approval for the Application for Change to Zoning District Classification from C-1 to R-1 for Thomas B. Waters.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

CONSENSUS DOCKET

Motion was made by Mr. Jenkins to approve the Consensus Docket and recommendations as follows:

A. Minutes for November 25, 2002

Recommendation: Approve the minutes.

B. Windmill Point Properties, L.L.C. – Request for Change of Zoning District Classification and Application for Special Exception - Continuation

Recommendation: Continued to January 30, 2002 Meeting

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of December 2002 Salaries and Invoice Listings

Motion was made by Mr. Simmons to approve the Salaries for December 2002 in the amount of \$128,582.94 and Invoice Listings for December 2002 in the amount of \$296,761.71.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

2. Courthouse Landing – Subdivision Application, Final Plat – Mr. Larson stated that the Board of Supervisors gave preliminary plat approval to this subdivision on October 31, 2002. The property being subdivided is in Voting District 2.

Mr. Larson said the applicants has provided the board with the “Developer’s Proffer for Courthouse Landing Subdivision” which is titled “Developer’s Agreement to Conditions for Courthouse Landing.” The applicants also provided the board with the quitclaim deed for Avis Road and the deed of gift for Parcel A as well as the restrictive covenants and a plat showing 14 lots. On advice of the county attorney the quitclaim deed for Avis Trail should not be recorded until the road is ready to be brought into the secondary road system. Rather, title should reside with the developer, F & J Holding, LLC. It is sufficient that the developer be able to transfer fee simple title at when the road is brought into the secondary road system. Another reason for not accepting title at this time, improvements required by VDOT may take the road out of the easement currently platted for the road, requiring a new description of property to be transferred.

Mr. Conaway made a motion to grant approval the Subdivision Application, Final Plat for Courthouse Landing.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F. W. Jenkins	Aye
	Cundiff Simmons	Aye

Mr. Frere arrived.

3. Manufactured Housing Legislation – Mr. Pennell stated he received information from Mr. James Campbell, Executive Director, Virginia Association of Counties,

informing the Board of Supervisors that legislation will be introduced in the 2002 session of the Virginia General Assembly to require individual manufactured homes be permitted “by right” in at least one residential zoning district.

Mr. Pennell would like the Board of Supervisors’ opinion on this matter and provide him with the appropriate direction.

Mr. Simmons made a motion to direct the County Administrator to officially send a letter to Lancaster County’s legislative delegation opposing any legislation that would deny localities the authority to make land use decisions in their counties, cities and towns.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Nay
	F. W. Jenkins	Aye
	Patrick G. Frere	Abstain
	Cundiff Simmons	Aye

Mr. Conaway said in his opinion his vote was specifically on the individual manufactured homes legislation.

4. Amend Boundary of the Northern Neck Enterprise Zone in Westmoreland County
– Mr. Pennell stated he received a letter from Jerry Davis, Executive Director, Northern Neck Planning District Commission asking the Lancaster County Board of Supervisors to consider approving an amended boundary for the Northern Neck Enterprise Zone in Westmoreland County. In his letter he said Westmoreland County has requested their Enterprise Zone boundary be amended to add a 240 acre non-contiguous area.

Mr. Jenkins made a motion to adopt the resolution to Amend Boundary of the Northern Neck Enterprise Zone in Westmoreland County.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F. W. Jenkins	Aye
	Patrick G. Frere	Aye
	Cundiff Simmons	Aye

BOARD REPORTS

None

COUNTY ADMINISTRATOR REPORT

None

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn to Thursday, January 2, 2003 at 6:00 p.m. Organizational Meeting.

VOTE:	B. Wally Beauchamp	Aye
	Donald O. Conaway	Aye
	F. W. Jenkins	Aye
	Patrick G. Frere	Aye
	Cundiff Simmons	Aye