

LANCASTER COUNTY PLANNING COMMISSION

Minutes

February 20, 2014

The regularly scheduled meeting of the Lancaster County Planning Commission was called to order at 7:00 p.m. in the Board meeting room of the Lancaster County Administration Building, Lancaster, Virginia.

Present were Robert Smart, Vice Chairman, Tara Booth, David Chupp, Glenn Pinn and Ty Brent.

Also present were William R. Lee, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, Dr. Robert Westbrook, Sandy Spears, Jimmie Carter, Eileen Lawson, Jeffrey Haywood, Lloyd Hill, Gloria Lee, Elton Smith, Martha Dobyns, Terry McGregor, William Curry, Tytenesha Hendricks, Anne and Charlie Costello.

Mr. Smart welcomed William R. Lee as the new Board representative to the Planning Commission.

Mr. Smart asked if there were any corrections or additions to the minutes of the December 5, 2013 meeting.

Mrs. Booth moved to approve the December 5, 2013 minutes as submitted.

VOTE: 5-0.

PUBLIC HEARING #1

**APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION-G.
C. DAWSON ESTATE, OWNER; AND EILEEN H. LAWSON, CONTRACT
PURCHASER**

Mr. Smart asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was an Application for Change of Zoning District Classification from R-1, Residential, General to C-1, Commercial (Conditional) by G. C. Dawson Estate, owner; and Eileen H. Lawson, contract purchaser for a 0.405-acre parcel described as Tax Map #34-222. He stated that the property is located at 20521 Mary Ball Road in White Stone.

Mr. Gill stated that the contract purchaser wishes to restore or rebuild the existing structure on the site to house two separate offices and use the remaining property for a seasonal garden center, but cannot do so under the current R-1 zoning, and as a result, she

seeks to rezone the parcel to C-1, Commercial. He stated, that to help her request, she has also taken the list of permitted uses in C-1 and lined through the unwanted ones. He stated that the applicant has indicated that she will present a signed and notarized copy to the Board of Supervisors to formalize this conditional rezoning request. He stated that the sale of the property is contingent upon a successful rezoning.

Mr. Gill stated that the request is considered reasonable and appropriate, as nearby parcels have business or commercial uses and the parcel is adjacent to the former Wilson Trucking facility, which is an authorized non-conforming use on a R-1 parcel. He stated that it is also located within a half mile of two commercial properties: another C-1 property as well as the White Stone Family Practice Medical Office Building. He stated that last month, the White Stone Town Council approved the request for the parcel adjacent to the White Stone Family Practice Medical Office Building to be rezoned commercial to permit a car wash facility.

Mr. Gill stated that the Comprehensive Plan suggests that commercial activity be located in or near the towns and in or near traditional village areas and this parcel meets that criteria.

Mr. Gill stated that the parcel has an existing well and certification letter from the Health Department for a suitable drainfield as shown on the applicant's site plan sketch. He stated that the parking area shown on the site plan sketch also meets zoning ordinance requirements. He stated that the applicant will need VDOT approval for a low volume commercial entrance off of Route 3 and will have an engineered site plan prepared, but that final step will cost additional money and it would not be prudent for the applicant to expend that money if the first step of rezoning is not approved.

Mr. Gill stated that adjoining property owners have been notified and advertising conducted as required by law. He stated that to date, he has had seven phone calls in opposition. He stated that Ms. Lawson is present at the meeting to answer any questions.

Mr. Smart referred to the applicant's proffer and stated that it limited the uses to nine commercial applications.

Mr. Smart opened the public hearing.

Eileen Lawson, the contract purchaser, stated that she was a resident and homeowner in Middlesex County. She stated that her goal is to have a small business of her own. She stated that the parcel is in a quaint neighborhood and she was drawn to White Stone because of its charm. She stated that she was not planning on expanding the business. She stated that her proposed business would be beside another commercial building.

Mr. Smart stated that he had reviewed the application carefully and noted that the parcel was only 0.405 acres or about 17,600 square feet. He asked Ms. Lawson if she had the space available to do what she wanted to do.

Ms. Lawson replied that she wanted to sell seasonal flowers for about five to six weeks in the spring and five to six weeks in the fall. She stated that she also wanted to sell handcrafted items, such as birdhouses. She stated that the difference between her proposal and other garden centers is that she wants her business to look like a garden.

Mr. Smart asked about the possibility of manufacturing items.

Ms. Lawson replied that she had an idea to offer web design and mold making as well as resale of garden items. She stated that she needed to offer more than one item to make her business successful.

Mr. Chupp stated that Ms. Lawson had done a good job at providing the information for her proposal. He asked her if she planned to run the business herself.

Ms. Lawson replied that her plan was to work at her nursing job part-time while she gets the building ready and it would be two to three years before the garden center was fully opened.

Mr. Smart referred to the fencing and shrubs on the site plan and asked if that was for privacy.

Ms. Lawson replied that the fencing and shrubs would be partly for privacy and partly to make the area look like a garden.

Mr. Smart asked if Ms. Lawson planned on selling bulk mulch or gravel.

Ms. Lawson replied no.

Mr. Smart asked if Mr. Gill had received any opposition letters.

Mr. Gill stated that he had received phone calls only. He stated that he wanted to add that the Planning Commission's job was to consider if the parcel, given its location, was appropriate for C-1 zoning, not whether the potential garden center was an appropriate business for that location.

Mr. Smart stated that the parcel is located on a major road, within close proximity of other C-1 properties and close to White Stone.

Gloria Lee stated that she owned property two parcels down from the applicant's parcel. She stated that she was a member of Mount Vernon Baptist Church and her church was opposed to the rezoning. She stated that White Stone recently allowed another commercial rezoning and it seemed to her that it was having a domino effect. She stated that there are other properties within the town limits that Ms. Lawson could have her business. She stated that she had lived in the area all of her life and she wanted it to stay residential.

Lloyd Hill, a District 4 citizen and an adjacent property owner, stated that he was in opposition to the proposed C-1 rezoning. He stated that the black community did not desire to have their neighborhood turned into a commercial zone. He stated that if the proposed rezoning is not spot zoning, then it surely must be zone creeping. He stated that the Wilson Trucking building was built thirty years ago before the current zoning ordinances. He stated that the Wilson building is being used to justify the car wash that was approved by the White Stone Town Council. He stated that the Wilson building is also being used to justify the garden center application and it will go on and on.

Mr. Hill stated that an applicant would say whatever they needed to say as a proffer to get their desired zoning. He asked who would police the proffers after the zoning is granted. He further asked what would the consequences be for someone not following the proffer.

Mr. Smart stated that once a signed and notarized proffer is received, it becomes part of the official record for the rezoning. He stated that it then becomes the building and land use office's responsibility to enforce.

Charles Costello stated that he agreed with Mr. Hill. He stated that there are a lot of residential lots near the applicant's parcel and that should bear a significant weight on the rezoning decision. He stated that the Planning Commission has turned down rezonings when they have been close to residential areas. He stated that he thought this parcel should stay residential.

Tytenesha Hendricks stated that she lived on the parcel directly behind the applicant's parcel. She stated that Ms. Lawson had told her that the business was going to be a small insurance agency. She stated that she has children and was concerned about a business beside her with customers coming and going. She stated that it has been a residential area for as long as she can remember and it needs to stay that way.

William Curry stated that he lives close to the applicant's parcel. He stated that another commercial parcel in the area is not needed. He stated that he feels like he is being forced to leave the area and wanted the Planning Commission to really think about it. He asked if the existing building is too close to the road.

Mr. Gill replied that the existing structure was an authorized, non-conforming structure and could not be built that close to the road under today's zoning laws. He stated that because it was already there before the zoning laws, it can remain or be rebuilt in the same footprint.

Elton Smith stated that he owned property across the street from the applicant's parcel. He stated that traffic is a concern in that area if a business was to be opened there. He stated that he hoped the Commission would not recommend the rezoning to the Board of Supervisors.

Martha Dobyms stated that she lived on Irvington Road in White Stone and while this application does not affect her directly, she does not want to see businesses coming into a residential area.

Mr. Chupp stated he wanted to compliment the neighbors for taking their time and testifying before the Commission. He stated that he agreed with their reasoning and that they are “on target.” He stated that he thought that it was an example of spot zoning and that there was not another commercial property within a half mile of the applicant’s parcel. He stated that he did not know why the Planning Commission was considering it or why staff feels like it is consistent with the zoning in the area.

Mr. Brent stated that the zoning laws are in place to protect properties and property values. He stated that the ordinances are a saving grace to prevent things like this from happening. He stated that he agreed with Mr. Chupp.

Mr. Smart stated that he liked to see businesses come into the community, but he was not deaf to the sentiments expressed by the citizens in the area. He stated that he would like to hear from the other Commission members and then they could decide to forward it to the Board of Supervisors with a recommendation of approval or denial, give no recommendation or table the issue until next month’s meeting.

Mrs. Booth stated that she applauded the neighbors for coming out and sharing their wishes with the Commission. She stated that while the business sounds like a good idea, she thinks that the business should be closer to the Town of White Stone.

Mr. Pinn stated that he is all for business and believes Ms. Lawson is sincere in what she said she is going to do, and if it were not for the opposition, he would be in favor of the rezoning. He stated that, because of the opposition, the Commission should oppose the rezoning.

Mr. Chupp stated that he was sympathetic to the applicant and that it took courage to propose her plans. He stated that the parcel that she has chosen is too far removed from other commercial properties. He stated that which ever way the vote went, he hoped she wasn’t discouraged.

Ms. Lawson stated that she appreciated the comment. She stated that when she checked how far the parcel was from other commercial properties, she found that it was 0.3 miles from the White Stone Family Practice, 0.2 miles from the proposed car wash location and next door to the Wilson Trucking building. She stated that, with that information, she felt that another C-1 parcel would fit. She stated that she did not want people to be opposed, but wanted something that was pleasing to the community.

Mr. Chupp stated that it was a confusing situation because of the Wilson Trucking building.

Mr. Smart closed the public hearing.

Mr. Smart asked if the Commission wanted to give the two absent members a chance to hear the rezoning application.

Mr. Chupp stated that he did not think so.

Mr. Chupp made a motion to forward the Application for Change of Zoning District Classification-G. C. Dawson Estate, owner; and Eileen H. Lawson, contract purchaser to the Board of Supervisors with a recommendation of denial. **VOTE: 5-0.**

DISCUSSION ITEM # 1

UPDATE TO THE CAPITAL IMPROVEMENT BUDGET – FY 2015-2019

Mr. Gill stated that each year the Planning Commission reviews the Capital Improvement Budget and makes recommendations to the Board of Supervisors. He stated that there are five departments requesting items this year. He stated that those five are the school system, Sheriff's office, County Administration, Emergency Services Department and the Mary Ball Washington Museum. He stated that the Commission members had been given a summary of all of the requests.

Mr. Gill stated that representatives from each department would be available to answer questions from the Commission. He stated that his recommendation would be to concentrate on 2015, as the later years would be reviewed again each successive year.

Mr. Smart stated that he had noted there were ten items for fiscal year 2015 and he hoped that those ten items could be prioritized this evening.

Mr. Gill stated that, as in years past, the Planning Commission would go over these budget items in February and March and then conduct a public hearing in April so that the recommendations can be sent to the Board of Supervisors prior to their budget adoption in June.

Mr. Smart invited the representatives from the school system to present their items.

Sandy Spears, interim School Superintendent, stated that the first priority was to have a room renovated for their Special Education students. She stated that they need a larger room with handicapped shower and bathroom facilities. She stated that at the present time, the students have to travel around the building to get to the nearest bathroom. She stated that the room could also serve emergency management when the building is used as a shelter. She stated that the project would be approximately \$30,000.

Mr. Lee asked if she had already contacted some contractors for that figure.

Ms. Spears replied yes.

Mr. Smart stated that the school district had taken some heat for not handling special education according to the laws of Virginia. He stated that the proposed project would help the school district come into compliance.

Ms. Spears stated that was correct. She further stated that the students needed life skills and the renovations proposed would give them the ability to teach those skills.

Ms. Spears stated that the second item was for a school security grant. She stated that the maximum amount of the grant is \$100,000. She stated that they thought it was more reasonable that they were to receive \$25,000 and they have to have matching funds in order to qualify for the grant.

Mr. Lee asked what was the deadline to apply for the grant.

Ms. Spears stated that she did not have the deadline date yet.

Mr. Brent asked if the grant was for items such as cameras or personnel.

Ms. Spears replied that the grant is for anything to make the schools safer.

Mr. Smart asked if the grant could also be tied to our composite index.

Ms. Spears replied that it could be.

Ms. Spears stated that a facility needs to be provided for preschool students. She stated that they have an increased number of preschoolers and they need to be able to house those students. She stated that their proposal is a 24' x 60' double classroom at approximately \$75,000.

Mr. Brent asked about the location.

Ms. Spears replied the location would be the Lancaster Primary School.

Mr. Chupp asked if it would be a trailer.

Ms. Spears replied yes.

Mr. Brent asked if that figure included hook-ups, set ups and everything.

Ms. Spears replied yes.

Dr. Westbrook, the School Board Chairman, stated that they are in a dilemma of sorts. He stated that it is common knowledge that the public library is going to move into the bowling alley building. He stated that the library building would be wonderful for the

schools to have, but that they were not there tonight to ask for the County to purchase the library building. He stated that they are asking for the County to consider their request for a preschool building because they need the space, however, once the library building is available, that would be a wonderful addition to the school.

Mrs. Booth referred to the \$75,000 price tag and the option to lease and stated that if the library building becomes a probability, it may be in the best interest to lease until the building becomes available.

Dr. Westbrook agreed. He stated that the set-up alone for the building is \$14,000 and they are caught between the immediate need and a possible building in the future.

Mr. Smart asked Jimmie Carter for his input.

Mr. Carter stated he had been in contact with Dr. Westbrook and Ms. Spears. He stated that he had talked to the library “powers to be” and they have a desire to sell the building to the County for the school system. He said it would be an ideal location for the alternative school.

Ms. Spears referred to school buses and stated that the Department of Education recommends the replacement of buses every 15 years. She stated that bus maintenance costs increase dramatically at approximately 13 years. She stated that they have a replacement schedule of one bus per year. She stated that if one is not purchased this year, then hopefully two are purchased next year to keep the cycle going.

Mr. Smart stated that he had spoken with Mr. Spence at the school bus garage and the school system has 23 buses and 22 are on the road everyday, so there can only be one bus down at a time. He stated that they had arrived at a figure that one and a half buses needed to be purchased every year to keep the fleet operational. He stated that he thought everyone agreed that the Capital Improvement Budget was the place to put the bus request because the buses’ purchase price is over \$10,000 and they last over 5 years. He stated if they do not stick to the schedule of one bus, one year and two buses, the following year, then the schedule is not going to work.

Ms. Spears stated that the expense for two buses is \$178,000.

Ms. Spears stated that the fifth item for the schools was the HVAC system at the Lancaster Middle School. She stated that the units have a typical life span of twenty years and the schools’ units are twenty-five years old. She stated that they are inefficient and the temperatures are hard to control. She stated that expense would be \$80,000.

Mr. Brent asked how many phases of the HVAC system had been completed.

Mr. Gill replied that three phases had been done. He stated that there are two more phases in the schedule.

Terry McGregor, Chief of Lancaster County Emergency Services, stated that his department is requesting the replacement of the 2003 Ford Explorer that was purchased when the paid rescue services were initially started. He stated that the vehicle would require future substantial maintenance and the vehicle does not meet the needs of emergency services. He stated that it does not have the towing power or capacity to respond to hazardous material situations and other emergency situations. He stated that, at the present time, the vehicle has approximately 139,000 miles.

Chief McGregor stated that the replacement vehicle was previously requested by Mrs. Hubbard last year and approved by the Planning Commission, but not the Board of Supervisors. He stated that he had modified the request from 2014 and it is about \$20,000 cheaper than the original request. He stated that the need still exists for another vehicle. He stated that this is the only capital expense request for 2015.

Mr. Lee asked how much maintenance had been done on the 2003 Explorer since last year.

Chief McGregor stated that he did not have exact figures, but the vehicle did have to have tires and brakes replaced this year. He stated that at the present time, the four-wheel drive is not functioning and a mechanic has stated that something is wrong with the transfer case and the minimum charge would be \$825. He stated that he would go over the records and get a figure for maintenance and repairs to Mr. Gill.

Sergeant Jeffrey Haywood of the Lancaster County Sheriff's Office stated that he had some materials for the Commission on the request for the radio console. He stated that the current model was installed in 2001. He stated that they use the console for fire and rescue communications and communications with the state police. He stated that because of the console's age, it is becoming obsolete and it was hard to obtain parts.

Sergeant Haywood stated that the original request was made in 2011, but denied.

Sergeant Haywood stated that the new console would be a computer and would give the dispatchers more room to work. He stated that it could be integrated with the telephone system and it can be used for paging, generating reports, logging of dispatch operations, monitoring multiple channels and many more features. He stated that the cost would be \$85,000.

Mr. Brent asked how the console request would work with other recently purchased items, such as the recorder.

Sergeant Haywood replied that the recorder, phones and jail doors would be operated separately, but will integrate with the phone system. He stated that the radio console is extremely essential to everyday operations.

Mr. Brent asked if it controlled the 911 system that citizens use.

Sergeant Haywood replied no, but the console is used to dispatch the services needed once a 911 call comes in.

Mr. Gill stated that in 2011, the requested amount was \$79,280, so it has increased.

Mr. Smart asked if they were maintaining two consoles at the present time.

Sergeant Haywood replied yes and they have been told by technicians that parts would have to be obtained through e-bay or a similar site.

Sergeant Haywood stated that their second request was for a new roof on the Sheriff's Office administrative building. He stated that they had obtained a quote for \$25,000. He stated that, to the best of his knowledge, he believes the current roof was installed in 1985. He stated that the current roof does not have any ridge vents or drip edges. He stated that there are no leaks yet, but the roof does have dips in it. He stated that the air handlers are located in the attic and potential leaks could cause damage to them.

Mr. Smart asked Mr. Pinn, who is in the roofing business, if the quote looked reasonable to him.

Mr. Pinn asked Sergeant Haywood if the roof was flat.

Sergeant Haywood replied that it was an A-roof.

Mr. Pinn indicated that he thought the quote was high for 68 squares of shingles.

Mrs. Booth asked how many quotes had been obtained.

Sergeant Haywood replied that they would obtain more quotes if the request was granted.

Mr. Gill referred to the County Administration Building and stated that bids had been obtained for the renovation work last October. He stated that the two bids that were received exceeded the County's small purchase policy. He stated that Mr. Pleva, County Administrator, has approached the Board of Supervisors about increasing the small purchase policy amount, but it has not been done to date. As a result, the request appears on the Capital Improvement Budget.

Mr. Gill stated that he would be happy to answer any questions on the renovation work, but stated that it is pretty evident what has happened in the building due to the old roof leaking. He stated that the roof was replaced in 2013.

Mr. Brent asked if local contractors had bid the work.

Mr. Gill replied yes.

Mr. Lee stated that something to keep in mind is that the citizens of Lancaster County walk through those halls everyday and it is an eyesore.

Mr. Smart stated that the administrative building is an historical building and is still very useful.

Mr. Smart stated that no one was present to discuss the repair of the old jail and clerk's office. He stated that it had been discussed over the years and because of the historical value of the building, special techniques to restore it would have to be used.

Mrs. Booth referred to the preschool building request and asked if that building was purchased, could it be moved to another location in the future.

Dr. Westbrook replied yes, as far as he knew.

Mrs. Booth stated that her hope is that the primary school is not in the long-term school plan and wanted to know about the possibility of the preschool building being moved to another facility.

Dr. Westbrook stated that was his hope as well.

Mr. Gill asked about a time frame for the current library building becoming available.

Dr. Westbrook replied 18 months.

Mr. Lee stated that a time frame for renovations to the building would have to be considered as well.

Mr. Smart asked about prioritizing the budget items.

Mrs. Booth suggested that since they received additional input tonight, they should think about the items and prioritize them for the next meeting.

The consensus of the Commission was to prioritize at home and bring back their suggestions to the next meeting.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The February 20, 2014 regular meeting of the Lancaster County Planning Commission was adjourned at 8:30 p.m.