

# LANCASTER COUNTY PLANNING COMMISSION

## Minutes

February 21, 2013

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 David Jones, Chairman, Robert Smart, Tara Booth, David Chupp, Glenn Pinn and Thomas "Ty" Brent. Steve Sorensen was absent.

Also present were Butch Jenkins, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, Daniel Lukich and John Mann, Lancaster County Public Schools, Christina Hubbard, Lancaster County Chief of Emergency Services, Ronald Hudson and Timmy Self, Lancaster County Sheriff's Office Investigators, Jimmy Carter and others.

Mr. Jones asked if there were any corrections or additions to the minutes of the January 17, 2013 regular meeting.

Mr. Jones moved to approve the January 17, 2013 minutes as submitted. **VOTE: 6-0.**

### PUBLIC HEARING #1

#### **UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER THREE**

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

Mr. Gill stated that the issue was to review and update Chapter Three of the Comprehensive Plan as required by the Code of Virginia.

Mr. Gill stated that all of the changes requested at the previous Planning Commission meetings had been made. He added that on page 3-22, within the SAIF Water Wells consumer report, he could not find a citation for the language linking high nitrate levels with miscarriages. He stated that the Comprehensive Plan is supposed to be a general guide to the future development of the County and a private group's consumer report should not be included in a Comprehensive Plan. He stated that he deleted the consumer's report that covered pages 3-22 through 3-24, but that all of the factual information from the report had already been covered on pages 3-13 through 3-16.

The Commission agreed.

Mr. Gill stated that advertising had been conducted as required by law and to date, other than the discussion at prior Planning Commission meetings, there had been one email response in support of the revised Chapter Three.

Mr. Chupp referred to the second paragraph on page 3-10 and suggested that the wording “ and their proposed sizes” be taken out.

The Commission agreed.

Mr. Jones opened the floor for public comment.

There was no public comment.

Mr. Smart made a motion to forward the revised Chapter Three Update of the Comprehensive Plan to the Board of Supervisors recommending approval. **VOTE: 6-0.**

## **PUBLIC HEARING #2**

### **UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER FIVE**

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

Mr. Gill stated that the issue was to review and update Chapter Five of the Comprehensive Plan as required by the Code of Virginia.

Mr. Gill stated that all of the changes requested at the previous Planning Commission meetings had been made. He stated that advertising had been conducted as required by law and to date, other than the discussion at prior Planning Commission meetings, there had been one email in support of the revised Chapter Five.

Mr. Chupp referred to page 5-4 and stated that he thought the word “swimming” should be eliminated from the list of recreational uses at Belle Isle State Park. He stated that he had asked if swimming was allowed at the park and the answer was no.

The Commission agreed.

Mr. Jones opened the floor for public comment.

There was no public comment.

Mr. Brent made a motion to forward the revised Chapter Five Update of the Comprehensive Plan to the Board of Supervisors recommending approval. **VOTE: 6-0.**

### **PUBLIC HEARING #3**

#### **APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION – THE FAMILY MATERNITY CENTER OF THE NORTHERN NECK, INC., OWNER; AND CHESAPEAKE HOSPITAL CORPORATION, CONTRACT PURCHASER**

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

Mr. Gill stated that Chesapeake Hospital Corporation (parent company of Rappahannock General Hospital) had contracted to buy the former Family Maternity Center of the Northern Neck property consisting of 2.0318-acres located at 11540 Mary Ball Road (Tax Map #17-49C) and has submitted an application to rezone the property from A-2, Agricultural General to R-1, Residential General. He further stated that the sale of the property is contingent upon a successful rezoning.

Mr. Gill stated that the hospital would like for the building to be a medical office building short-term, with the possible long-term goal of a dialysis center at this location. He stated that the former maternity center operated in the A-2 district under Article 4-1-44 “Community Service Building”, as they were a non-profit organization and that particular use requires, by definition, its operation to be by a non-profit organization. He stated that the hospital, which is also non-profit, could accomplish its short-term goal under the same use, but its long-term goal of a dialysis center may involve the building being operated or sold to a firm that is not non-profit, which would then not be permitted in the A-2 district. He stated that, as a result, the hospital has chosen to plan for the long-term and seek a rezoning to R-1, Residential General.

Mr. Gill stated that the R-1 district was chosen because a hospital is a permitted use in that district with a special exception. He stated that any type of commercial zoning was discouraged, as there are no other commercial properties nearby. He stated that should the rezoning to R-1 be granted by the Board of Supervisors when they consider this request at their March 28<sup>th</sup> meeting, Chesapeake Hospital Corporation would also request the Special Exception for the permitted hospital use under Article 5-1-13 at that same Board meeting. He stated that the Planning Commission’s job is to consider the rezoning request only, since the Planning Commission does not consider Special Exception requests. He further stated that only the Board of Supervisors can consider Special Exception requests and can place whatever conditions deemed necessary when approving a Special Exception.

Mr. Gill stated that the rezoning request is considered reasonable and appropriate as there is an adjoining R-1 property and many other R-1 properties in the area, including one across Devils Bottom Road that has been improved with a church. He stated that this parcel was improved with a large office building with the associated compliant septic and parking facilities as well as a VDOT approved commercial entrance onto Mary Ball

Road, and that with such improvements, the parcel will, most likely, never be agricultural again.

Mr. Gill stated that adjoining property owners had been notified and advertising conducted as required by law and to date, there had been no response from the public.

Mr. Gill stated that Jimmy Carter was present to represent the hospital and there were two adjoining property owners present as well.

Mr. Jones asked Mr. Gill to clarify that a building such as a fast food restaurant could or could not go on that parcel with the new rezoning.

Mr. Gill stated that such a building could not go on that parcel after the rezoning. He stated that commercial zoning was discouraged as there are no commercial parcels nearby. He further stated that rezoning from A-2 to R-1 is essentially a lateral move, with there being some additional uses that are allowed in R-1 that are not allowed in A-2.

Mr. Smart stated that there are several items that he found favorable about the rezoning. He stated that there are other R-1 properties in the area and that it was doubtful that the parcel could ever be used again agriculturally. He stated that what is being proposed would be good for the community and it is centrally located in the county.

Mr. Smart stated that the sale of the property is contingent on the rezoning and in his opinion, it would be better for the building to be put to good use.

Mr. Chupp asked who owns the building at the present time.

Mr. Gill replied that the owner was the Family Maternity Center of the Northern Neck.

Mr. Chupp asked what that was.

Mr. Gill replied that it was a non-profit corporation that provided non-emergency maternity care to the public.

Mr. Chupp stated that he thought it was not a good practice to rezone without a specific purpose in mind. He stated that what may be a dialysis center today could be something else in ten years.

Mr. Gill stated that the Board of Supervisors could place conditions on special exceptions they grant.

Mr. Jones asked Mr. Gill to list the possible uses for the R-1 district.

Mr. Gill stated that R-1 uses were: Agriculture, but with a special exception for animal and poultry husbandry on a commercial basis; Single-family dwellings; Individual

manufactured homes with a permanent masonry foundation, undercarriage removed, a roof pitch of 3.25:12 or greater, a minimum of 24' in width, and declared as real property. Individual manufactured homes not meeting all these criteria, with a special exception; Two-family dwellings; Boardinghouse, with a special exception; Bed and breakfast, with a special exception; Private boat piers; Areas of basic seafood processing facilities, with a special exception; Churches and schools; Rest homes; Hospitals, with a special exception; Clubs and golf courses; Libraries; Cemeteries; Parks and playgrounds; A professional office, with a limit of one unit and four workers per lot, with a special exception; Home occupations, as defined; Offstreet parking as required by this ordinance; Accessory buildings; Public utility booster or relay stations, transformer substations, cellular and other public communication towers which extend higher than 35 feet above ground level, with a special exception. Distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, are permitted in this district; Windmills, with a special exception; Private boat ramps; County sanctioned public facility; Community pier; Pet cemeteries and pet crematoriums, with a special exception; Disposal of dredge spoil, with a special exception; Private heliports, with a special exception; and Temporary sales platform with the Zoning Administrator's approval.

Mr. Jones stated that the parcel has very limited space left for future development.

Mr. Gill agreed and stated that it was also within the Highway Corridor Overlay District which also inhibits development because all improvements must be setback at least 150 feet from the centerline of Route 3.

Mr. Jones stated that it is a vacant building that is already there and he was glad to see someone trying to put it to good use, instead of seeing another convenience store or something similar to that.

Mr. Jenkins stated that having a building such as a dialysis center would be considered a benefit for an aging population. He stated that this issue still has to go in front of the Board of Supervisors.

Mr. Jones stated that "the camel's nose is already under the tent", in that, it is already a facility that can be a medical building under current zoning if operated by a non-profit organization.

Jimmy Carter, representing the hospital, stated that a dialysis center was one of many uses they are exploring for the building. He stated that they are trying to bring more health services to the community. He stated that they are trying to keep their options open in case a doctor or group, that is for profit, expresses an interest in having a practice in the building in the future. He stated that they did not want to go with commercial zoning there because it would be spot zoning. He stated that it would be a waste of a good building if it were not used as a medical building.

Mr. Jones opened the floor for public comment.

A District 2 citizen, who lives across the street from the building, stated that he would like to see something in the building, but was concerned about the special exception. He stated that he and his wife would like more information about the special exception and if the use of the building could change.

Mr. Smart stated that the Commission was charged with just the rezoning and when the Board of Supervisors entertains the special exception issue, they can craft the language as they wish and it is not in the purview for the Commission to talk about the special exception.

Mr. Jones asked what the building was considered at the present time.

Mr. Gill stated that it was a community service building. He stated that definition was: "A structure designed and operated by a non-profit organization for the providing of services to the community."

Mr. Jones stated that the uses would be the same either way and that the issue is just whether a profit or non-profit organization is running it. He further stated that any of those uses could happen today, so to worry about the uses, is useless.

Mr. Jenkins stated that his worry was the liberal interpretation of "hospital". He further stated that the only concern for the Commission was the rezoning and that the Board of Supervisors would have the special exception issue when it was brought in front of them.

Mr. Jones closed the floor for public comment.

Mrs. Booth stated that the maternity center idea was near and dear to the heart of many people in the community and to keep the building a medical facility is an awesome idea.

Mr. Brent stated that who better to have the building than the local hospital. He stated that the building is vacant and is already there.

Mr. Smart made a motion to forward the rezoning request of Tax Map #17-49C from A-2, Agricultural, General to R-1, Residential, General to the Board of Supervisors recommending approval. **VOTE: 5-0-1. Mr. Jones abstained from the vote.**

### **DISCUSSION ITEM #1**

### **UPDATE TO THE CAPITAL IMPROVEMENT BUDGET – FY 2014-2018**

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

Mr. Gill stated that the issue was the discussion of the FY 2014-2018 Capital Improvement Budget submitted in response to the budget call.

Mr. Gill stated that a capital improvement item is defined as “a real or personal property acquisition and/or improvement estimated to have a minimum cost of \$10,000 and a minimal useful life expectancy of five years.” He stated that Section 15.2-2239 of the Code of Virginia directs the local planning commission to prepare and submit annual capital improvement budgets to the Board of Supervisors. He stated that he had attached a summary cost sheet with supporting documentation of the Capital Improvement Budget for review by all Planning Commission members.

Mr. Gill stated that representatives from the departments submitting Capital Improvement Budget requests had been asked to attend the meeting to answer any questions and that to date, no other supporting documentation had been provided. He stated that staff believes that the Planning Commission’s review should not be targeted toward meeting a set dollar figure, but rather determining the necessity of requested items and then prioritizing those accordingly. He stated that it is hoped that scrutiny at the Planning Commission level will make resulting approval by the Board of Supervisors an easier process that will clearly identify the priority of requests. He stated that the Capital Improvement Budget would need to be docketed for public hearing once the review is complete.

Mr. Gill stated that all three departments that sent requests, the Department of Emergency Services, the School System, and the Sheriff’s Department, had representatives present.

Dr. Lukich, Lancaster County School Superintendent, stated that Mr. John Mann was present to explain the items being requested by the school system, concentrating on FY 2014.

Mr. Mann stated that the first item was a request for the primary school. He stated that they would like to put in a glass wall partition to serve as a visitor enclosure to serve as a security measure. He stated that he would also like to have keyless entry cards and minimize the number of keys. He stated that the entry cards would record who went in and what time. He stated that they are also requesting a gate at the bus loop entrance behind the school, because they don’t want private vehicles back there when the students are loading or unloading.

Mr. Jenkins asked what types of unauthorized vehicles are going behind the school.

Mr. Mann replied mainly new parents or grandparents who are not familiar with the pick-up and drop-off protocol.

Mr. Mann stated that for the middle school, their requests are to add more cameras to the surveillance system, add a remote visitor access system, install a wireless

card reader entry system for staff and add an additional set of entrance/fire doors on the 4<sup>th</sup> grade hall.

Mr. Mann stated that for the high school, their requests are a remote visitor access system with a camera/recorder, installation of four wireless card reader entry systems for staff at the primary entrance doors and to upgrade the video surveillance system and replace and/or add cameras.

Mr. Mann stated that there has been some water damage to the gym floor at the high school and their insurance will pay for half of the floor's replacement. He stated that their request of the county is for the other half of the expense. He stated that the gym floor is original to the building and to avoid having a difference in the height and look of the new floor versus the old floor, they are asking to be able to replace the entire floor at one time.

Mr. Jones asked how large the damaged section of the gym floor was.

Mr. Mann replied that there were three sections of ten by ten flooring that were damaged.

Mr. Jones stated that the price seemed expensive.

Mr. Mann stated that he received the estimate from Walker's Floor Service, a local company.

Mr. Mann stated that Lancaster High School has the largest gym in the Northern Neck.

Mr. Jones asked if the square footage of the gym floor was roughly ten thousand square feet.

Mr. Gill replied that if you include the floor under the bleachers, it probably is around ten thousand square feet.

Mr. Jones stated that that came to twenty-seven dollars a square foot, which he considered pricey.

Mr. Mann stated that that estimate also included the removal and disposal of the old flooring materials. He stated that they could also get other estimates, but had wanted to give the job to a local business.

Dr. Lukich stated that they anticipated using the high school building for a long time, so he thought that the full replacement of the gym floor would be a worthwhile investment.

Mr. Chupp asked again if they really wanted to do the whole floor or would they be happy with just half of the floor.

Mr. Mann replied that if just half the floor were done, then it would only last about eight years, since it would have to be sanded down to match the existing floor. He stated that each time the floor is sanded, it takes more off of the surface.

Mr. Jones stated that the figure of \$270,000 seemed very expensive to him. He stated that he was involved with the gym floor at the Northern Neck YMCA building and doesn't remember it being that expensive.

Mr. Mann stated that their next request was the voice over IP solution that would increase the efficiency of community communication with the staff. He stated that \$81,000 of the total cost would be reimbursable through the e-rate system.

Mr. Smart asked if the voice over IP solution had to be done all at once, because there could not be a mixed system.

Mr. Mann stated that that was correct.

Mr. Smart asked if it would be done during the summer months.

Mr. Mann replied yes.

Mr. Mann stated that the final budget item was the replacement of the eight HVAC units in the middle school.

Dr. Lukich stated that the school budget request for the capital improvement budget was reviewed and approved by the school board at their last meeting.

Mr. Brent asked if there would be mandates from the state concerning school security in light of the recent school shootings in other areas.

Dr. Lukich replied that there is talk of security mandates, but probably no funding.

Christina Hubbard, Lancaster County Chief of Emergency Services, stated that she had two requests for the Capital Improvement Budget for the upcoming year. The first request is for two cardiac monitor/defibrillators. She stated that there is only one cardiac monitor that is in working order and one is needed for each ambulance, which creates a need for two more. She stated that she is able to get a grant that will take care of fifty percent of the cost, leaving a balance of \$29,000 approximately.

Mr. Jenkins asked if the one cardiac monitor she was speaking of was the one that was sent to be repaired.

Mrs. Hubbard stated that that was the one that needed new leads and the repair can be done in-house.

Mrs. Hubbard stated that her department is also currently borrowing another cardiac monitor, but that is only on a temporary basis.

Mr. Gill asked what the life expectancy of the cardiac monitor was.

Mrs. Hubbard replied that she thought five to ten years and they do have trade-in value.

Mrs. Hubbard stated that her second request is for a basic life support response vehicle at a cost of approximately \$60,000. She stated that this vehicle would be a replacement for the 2003 Ford Explorer, that has 133,000 miles and is experiencing mechanical problems. She stated that whenever the newer vehicle has to have service or is out of service, the older vehicle must fill in for it, because there must be an emergency services unit available twenty-four seven.

Mr. Jenkins asked if either of the two volunteer rescue squads had vehicles with the same life support capabilities as the County's vehicles.

Mrs. Hubbard replied their ambulances do have the same capabilities, if they have the personnel on board, but most of the time they do not.

Mr. Jenkins suggested that if one of the ALS vehicles was in the shop getting an oil change, couldn't Mrs. Hubbard have one of the County's paid staff available and work out a deal with one of the volunteer organizations to have access to one of their ambulances for that time period.

Mrs. Hubbard stated that that was a creative solution that she could explore.

Mr. Jenkins stated that he would rather give \$60,000 to help prop those two volunteer organizations up to do more for the County than go out and buy another County vehicle. He encouraged Mrs. Hubbard to ask the local squads. He stated that she was only talking about a short period of time, a couple of times a year.

Mrs. Hubbard stated that she had not thought of it, but would ask them.

Ronald Hudson with the Sheriff's Department stated that their request was to replace their 1998 crime scene van with a used ambulance type vehicle for approximately \$57,000. He stated that their current van is too small, outdated and needs work. He stated that they couldn't carry all of the required equipment on their current van. He stated that there are other command units that can cost over \$200,000, but they wanted to be prudent and economical.

Mr. Jones asked how long this vehicle would last them, if it already had mileage.

Mr. Self replied fifteen years.

Mr. Jones stated that he thought it was very admirable that they were asking for a used vehicle versus a new vehicle.

Mr. Hudson stated that he thought that they would be making fools of themselves and the County by asking for a new vehicle. He further stated that this vehicle would not have a lot of mileage put on it.

Mr. Self stated that the vehicle would also have its own lighting, which would eliminate the need to ask the fire departments to bring their trucks out for lighting crime scenes at night.

Mr. Jones asked about the possibility of an escrow account on some of the Capital Improvement budget items that they know will be coming up in the future.

Mr. Jenkins stated that that was a classic public conundrum, that is, if you were running a private business, you could put revenue aside for future expenses. He stated that the county's revenue comes from the taxpayers and what is set aside for one department may end up being used for another department in the future.

Mrs. Booth asked if the \$58,000 to repair the old jail and clerk's office was still relevant, since it had been a proposed budget item for a long time.

Mr. Jenkins stated that it is probably not an accurate amount, but he thought their restoration was valuable to the County as historic buildings and that the County had a responsibility to preserve them. He stated that historic buildings need special attention when being restored.

Mr. Jones stated that the Commission would prioritize the budget items and that issue would come back at next month's meeting as a consideration item.

## **DISCUSSION ITEM #2**

### **UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER SIX**

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

Mr. Gill stated that the issue was the review of Chapter Six of the Comprehensive Plan, which deals with Public Facilities, Infrastructure and Services. He stated that Chapter Six was reviewed very briefly at the October 2012 meeting and that the changes that were suggested then have been made.

Mr. Jones suggested that this issue be held over to next month's Planning Commission meeting.

The Commission agreed.

### **DISCUSSION ITEM #3**

#### **INTERNET POLE SPECIAL EXCEPTION STUDY**

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

Mr. Gill stated that the Board of Supervisors has requested that the Planning Commission review and make recommendations regarding our regulation of the internet data poles/antennae that have become commonplace throughout the Northern Neck to help broaden the availability of high speed internet access. He stated that these data poles/antennae are usually between 80-100 feet in total height and they usually combine a 50-60 feet telephone pole with a 20-30 feet straight stick antennae on top. He stated that there is usually a 2-3 mile radius around these poles where adjoining residents can get higher speed internet if they choose to subscribe with the internet provider who erected the pole.

Mr. Gill stated that the zoning ordinance is consistent in requiring a special exception permit for anything exceeding 35 feet in height, so these poles have had to get the special exception approved by the Board of Supervisors prior to erecting them. He stated that that special exception process involves a public hearing and a fee. He stated that the fee was \$400 until December 2010, when the Board reduced the fee for this particular special exception to \$200, which basically covers the cost of the required advertising that must be done for the public hearing. He stated that the Board did not want the fee to be so burdensome that it discouraged the poles, but wanted to cover the expense of the required advertising. He stated that since November 2007, there have been 20 requests for these poles with 1 request being withdrawn prior to going to public hearing, while the other 19 have been approved with virtually no objection.

Mr. Gill stated that he had contacted Northumberland, Richmond, Westmoreland, Mathews and Middlesex counties regarding how these poles are handled in their counties. He stated that Northumberland used to require a special exception permit for the internet poles since they did not have a specific listing, so they put them under Public Utilities as Lancaster does. He stated that in 2007, Northumberland modified their language to the following: 1) Allow by right in all districts - installation of single pole high-speed internet antennas less than 100 feet in total height and 2) Require a \$150 conditional use permit in most districts for high-speed internet antennas requiring a height greater than 100 feet or constructed with multiple supports.

Mr. Gill stated that Mathews has a 120 feet height limit for by-right placement, but requires a \$25 zoning permit and a \$25 electrical permit and requires a conditional use permit that costs \$200 if exceeding 120 feet.

Mr. Gill stated that Westmoreland requires a special exception permit that costs \$600 for all poles and has a 125 feet height limit.

Mr. Gill stated that Richmond County does not require anything at the current time.

Mr. Gill stated that Middlesex County had not responded to date.

Mr. Gill stated that information is still being gathered, so a recommendation does not need to be made to the Board of Supervisors from this initial discussion. He stated that some possible options to consider are:

- 1) Leave as is. The \$200 fee covers the advertising costs and the public hearing allows adjoining property owners to object, if they choose, to the 100 feet pole going in beside them. The internet service provider will recoup the \$200 from potential additional subscribers.
- 2) Make this a “no-fee” special exception similar to our single-wide individual manufactured home special exception. This allows adjoining property owners to object, if they choose, to the 100 feet pole going in beside them, but does not burden the applicant with a fee. The County would still pay the advertising costs.
- 3) Allow by-right similar to Northumberland. Adjoining property owners would not have the opportunity to voice objection to the 100 feet pole going in beside them.
- 4) Other options.

Mr. Jones asked what time constraints did the Board have for the internet pole study.

Mr. Jenkins stated that there was not a rush for the information from the Commission.

Mr. Jenkins stated that he did not see why someone would be against a well-placed data communications pole.

Mr. Jones agreed, as long as it is well placed. He stated that he thought neighbors should be notified because he would want to be.

Mr. Chupp stated that he thought the neighbors should have a right to protest it.

Mr. Smart stated that he thought that the County should keep the \$200 fee and limit the height of the poles to 125 feet, so that they would not require a light by Federal Aviation Regulations.

Mr. Brent stated that he thought there should be a hearing for each proposed pole, so that neighbors could voice their concerns.

Mr. Chupp stated that he gets a lot of questions concerning when the County will get high speed internet in rural areas. He asked if the Planning Commission could do anything on this subject.

Mr. Jenkins stated that the County has been working on this with the Northern Neck Planning District Commission for a long time. He stated that they have quarterly meetings that are open to the public. He stated that there are small concentrations of need and then larger areas where there isn't, and at the present time, the only way to get the service to the outlying areas is via fiber optic cable that is placed underground and that is very expensive.

#### **OTHER BUSINESS**

There was no other business.

#### **ADJOURNMENT**

The February 21, 2013 regular meeting of the Lancaster County Planning Commission was adjourned at 8:45 p.m.