

# **LANCASTER COUNTY PLANNING COMMISSION**

## **Minutes**

**April 17, 2008**

The regularly scheduled meeting of the Lancaster County Planning Commission was called to order at 7:00 p.m. in the General District Courtroom of the Lancaster County Courthouse, Lancaster, Virginia.

Present were David Jones, Tara Booth, Steve Sorensen, Robert Smart, Reverend Rodney Waller and Glenn Pinn, Jr.

Also present were Butch Jenkins, Board of Supervisors Representative, Starke Jett, Northern Neck News, Charles Costello and Kendall Acors.

Mr. Jones asked if there were any corrections or additions to the minutes of the March 20, 2008 regular meeting.

Mr. Jones moved to approve the March 20, 2008 minutes as submitted. Seconded by Mrs. Booth. VOTE: 5-0.

## **PUBLIC HEARING**

### **APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION- LLEWELLYN D. BARNES**

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

Mr. Gill stated that the issue was to take public comment on the Application for Change of Zoning District Classification from R-1, Residential, General to C-1, Commercial by Llewellyn D. Barnes for 0.956 acres described as Tax Map #15-92. This property (the old post office building) is located on VSH 3 (Mary Ball Road) in Lancaster, Virginia.

Mr. Gill said that this property has a history of commercial use, but was not zoned as such when the zoning ordinance took effect in 1975. Since then, the building has housed a variety of private and government offices and retail sales shops. The structure has six available rooms, but currently has only two retail shops operating under a Special Exception granted for the space occupied by the previous Lancaster Pawn Shop. Different uses would require additional Special Exception consideration that could

become costly at \$100 per application, as well as time consuming, as each would require its own public hearing at the Board of Supervisors level. In addition, the applicant has noted reluctance on the part of prospective renters to locate their businesses in a building zoned R-1, Residential General. As a result, the applicant has concluded that a one-time rezoning to C-1, Commercial would be the best approach to alleviating his problems. To help his request, he has also taken the list of permitted uses in C-1 and lined through the unwanted ones. He has indicated that he will present a signed copy to the Board of Supervisors to make this a conditional rezoning.

This request is considered reasonable and appropriate given the property's history of commercial use and its location in the Lancaster Courthouse village area. There are also C-1 properties with a convenience store, gas station and restaurant adjacent to this location.

Adjoining property owners have been notified and advertising conducted as required by law. To date, there have been two inquiries from the public, both in support of this rezoning. Staff recommends favorable consideration.

Mr. Jones asked Mr. Barnes if it was his intent to have the property conditionally rezoned.

Mr. Barnes stated yes.

Mr. Jones asked if anyone had questions for Mr. Gill. Then he opened the floor for public comment.

There was no public comment.

Mrs. Booth stated that two of the items listed on the code sheet had question marks beside them. The first referred to machinery sales and service, which Mr. Barnes stated should have been crossed out. The second referred to major recreational equipment in accordance with Article 19 of this ordinance, which Mr. Barnes stated he wanted to keep.

Mr. Jones asked if there were any other questions from the Commission.

Mr. Jones made a motion to forward this issue to the Board of Supervisors for approval.

Mr. Jenkins stated that everything needed to be in writing concerning the conditional rezoning before it is presented to the Board of Supervisors.

Mr. Jones amended his motion to state that the issue be forwarded to the Board of Supervisors for approval as a conditional rezoning. Seconded by Mrs. Booth. VOTE: 6-0.

## CONSIDERATION ITEMS

### **TO DETERMINE IF “WINDMILLS, WITH A SPECIAL EXCEPTION” SHOULD BE A PERMITTED USE IN THE A-1 AND A-2 ZONING DISTRICTS**

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

Mr. Gill stated that a determination needed to be made if “Windmills, with a Special Exception”, should be added as a permitted use in the A-1, Agricultural Limited and A-2, Agricultural General Zoning Districts.

Mr. Gill stated the Planning/Land Use Office has had two requests from different landowners inquiring about the placement of windmills on their agriculturally zoned property. The Lancaster County Zoning Ordinance does not specifically allow windmills in either agricultural district, but does allow “Windmills, with a special exception” in the R-1, Residential General district. This obviously must have been an oversight when the Zoning Ordinance was enacted in 1975, as it would seem that a windmill is a better fit for an agricultural district than a residential district. Broad interpretation of the permitted uses in the agricultural districts could possibly allow windmills, but because windmills are specifically listed as a permitted use in R-1, they should also be specifically listed in A-1 and A-2.

Given the current concern for alternative energy sources and our county’s favorable coastal location for constant winds capable of powering a windmill, this could become a common request in the future. The requests to date have been for single windmills exceeding 35 feet in height to generate electrical power for individual needs. Any excess power created is sold back to the power company. Special exception consideration is deemed necessary to have control over controversial issues such as height or how large a potential “wind farm” could be.

Also, Article 1 of the Zoning Ordinance does not define windmill. A definition should be included. To date, the only example of a zoning definition found thus far is: WIND TURBINE - A wind-powered machine used to generate electricity.

Mr. Jones asked Mr. Gill about the definition of a windmill.

Mr. Gill stated that he had looked at ordinances from other counties and said the only definition found thus far was for wind turbine, not windmill.

Mr. Jones stated that the county should have specific definitions for the ordinance.

Mr. Jenkins stated that he thought research would need to be done as far as sizes of windmills and wind turbines.

Mr. Gill stated that the two windmills that were presented to him had 24 feet wingspans and were above 35 feet tall. He added that there could be noise issues as well.

Mr. Jones said that he thought that the definition should include specific requirements of a windmill and wind farm.

Mr. Smart added that he knew a lot of research was being done on windmills and the energy they produce and cited Europe's use of windmills.

Mr. Gill stated that he had read a report that the east coast of Virginia was a favorable location for windmills.

Mr. Jones added that he thought it was a good idea to consider. Another consideration would be how many windmills constitute a wind farm.

Mr. Jenkins said he thought there should be a difference between a windmill and a wind turbine.

Mr. Jones stated that he thought detailed definitions addressing these issues should be brought back to the Commission for consideration before being docketed for public hearing.

## **DISCUSSION ITEMS**

### **Workforce Housing/Conservation Subdivision Ordinances**

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

Mr. Gill stated that the March 20, 2008 Planning Commission meeting provided some good discussion and insight on several issues related to workforce housing and conservation subdivision. He had gathered information on three questions that were asked.

- 1) The regional study on workforce housing, coordinated by a local citizens' group and funded partially through a Dupont grant, is in its infancy. A consultant will be decided on this month, so the study and its results are several months away.
- 2) King and Queen County recently adopted a Rural Residential Cluster ordinance, but it does not specifically attempt to create workforce housing.
- 3) Developments currently under way that could possibly be viable for providing workforce housing include:
  - A subdivision outside Kilmarnock, adjacent to the PGA, with 17 lots sized around 20,000 square feet
  - A planned development within the Town of Kilmarnock with 40 proposed lots intended for workforce housing with lot sizes around 8,000 square feet

- Recent news coverage has heightened the awareness of this issue as our office has received several inquiries from owners within the PGA contemplating options allowed under R-1 or possible rezonings to R-3.

Since the repeal of the old R-2 District on May 26, 2005, Planning Commission members have been provided with and reviewed many cluster development/multi-family ordinances, and none have surfaced as a perfect model for Lancaster County. Rather than continue that pattern of putting forth multiple ordinances for review by the Commission, the intent would be to provide only a single, crafted ordinance dealing with inland, multi-family housing at the next meeting. That would be followed closely by a revision to Section 5-26 of our Subdivision Ordinance to address conservation subdivision in the agricultural and residential districts.

Mr. Gill passed out a memo he had just received from the members of the Tartan in Weems concerning growth in the County since the repeal of the R-2 ordinance.

Mr. Jones talked about the specifics of workforce housing. He stated that his concern still was that if a home sells for much less than the fair market value for a workforce-housing sale, how could it be stopped from gaining in value and then being priced out of the workforce housing range when it is sold again.

Mr. Jenkins stated that he thought that square footage could keep it in the workforce housing range. The houses would be considered “starter homes.”

Mr. Jones stated that a house that is built for profit by a developer is not going to be in the workforce housing price range. He thought there might be a problem with people trying to make money off of workforce housing and thought there would need to be a checks and balances system in place.

Mr. Smart stated that it was brought up during the workforce-housing workshop in March that the city of Virginia Beach regulates the workforce-housing program with a large staff and that is not possible in Lancaster County.

Mrs. Booth asked Mr. Gill about the specifics of the 40 proposed lots in Kilmarnock that is intended for workforce housing, in particular, how they plan to protect the workforce housing price range.

Mr. Gill stated that the developer had not determined that process, and indicated that maintaining affordability was the most difficult obstacle at the present time.

Mr. Jones stated that he thought a formula for the value of a regular home and the value of a workforce housing home could be worked out. He added that he thought the best place to start was the ordinance.

Mr. Smart stated that he thought it would be interesting to see how the subdivision in Kilmarnock does. He added that people in real estate could help with the workforce housing study.

A citizen asked if the study covered four counties.

Mr. Gill stated that it was a regional study for the entire Northern Neck.

Mr. Jones asked Mr. Gill if he would have more on the workforce-housing ordinance for next month's meeting.

Mr. Gill said that he would.

### **OTHER BUSINESS**

Mr. Jones said that under "other business" at next month's meeting, elections will be held.

Mr. Jenkins suggested that the commission vote to adopt the Board of Supervisor's practice of not needing a second on a motion for a vote. Mr. Jones said that could be on the agenda for next month.

Mr. Jones asked if there was any more business.

Mr. Smart referred to the headlines of last week's Rappahannock Record that spoke about the county's water usage and the groundwater supply.

A citizen said that the county could have a scenario where a big company could come in and, because of their water requirements, have a negative impact on the water supply.

Mr. Gill stated that he would be attending a groundwater management meeting in May and one of the topics to be discussed is the possibility of creating a groundwater management region for the Northern Neck. He added that he had attended a SAIF water meeting in Northumberland County earlier in the month and that the speaker stated that while the water supply in the Northern Neck was sufficient at the present time, there was not an infinite supply. The speaker also stated that more "test wells" were needed in the Northern Neck to monitor the groundwater levels.

Mr. Jones asked if anyone had any further business.

### **ADJOURNMENT**

The April 17, 2008 regular meeting of the Lancaster County Planning Commission was adjourned at 8:00 p.m.