

LANCASTER COUNTY PLANNING COMMISSION

Minutes

May 15, 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 Vice-Chairman Don McCann, Tara Booth, Steve Sorensen, and Robert Smart.

Also present were Butch Jenkins, Board of Supervisors Representative, Don Gill, Planning/Land Use Director and Audrey Thomasson, Rappahannock Record.

Mr. McCann asked if there were any corrections or additions to the minutes of the April 17, 2008 regular meeting.

Mr. McCann moved to approve the April 17, 2008 minutes as submitted. Seconded by Mrs. Booth. VOTE: 4-0.

PUBLIC HEARING

**APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION-
LEIDY CLARK, SR.**

Mr. McCann 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 Leidy Clark, Sr. for a 1.0 acre parcel described as Tax Map #34-71. This property is located on VSH 200 (Chesapeake Drive) near White Stone, Virginia.

Mr. Gill said that the applicant wishes to use this location for office space that will have more than one unit and/or four workers, which is not allowed in the R-1, Residential General District. As a result, the applicant has concluded that a one-time rezoning to C-1, Commercial would be the best approach to alleviating his problem. To help his request, he has also taken the list of permitted uses in C-1 and lined through the unwanted uses (see attached copy). 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 location. It is surrounded by C-1 properties and is in very close proximity to the Town of White Stone corporate limits.

Adjoining property owners have been notified and advertising conducted as required by law. To date, there has been no input from the public. Staff recommends favorable consideration.

Mr. McCann asked if there were any questions or comments from the Commission.

Mr. Smart asked Mr. Gill about the crossed through items on the application and if it was a straight C-1 zoning for all permitted uses.

Mr. Gill stated that it was not for all permitted uses and that the property owner had crossed through the items that did not apply to him.

Mr. Jenkins suggested using a new application with the wording, "C-1, Conditional".

Mr. McCann opened the floor to public comment and there was none.

Mr. Smart made a motion to forward the conditional rezoning application to the Board of Supervisors for approval. Seconded by Mrs. Booth. VOTE: 4-0.

DISCUSSION ITEMS

1) Workforce Housing/Conservation Subdivision Ordinances

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

Mr. Gill stated that he had provided a notional iteration of an ordinance that allows multi-family housing in our county, with an emphasis on providing workforce housing. He stated that conservation subdivision would be addressed in a future re-write of Section 5-26 of the Subdivision Ordinance.

Mr. Smart stated that he thought Mr. Gill's effort was a good first step and that it was useful in tying permitted density to availability of public water and sewer and that the permitted uses were listed in a logical order and also that it moves forward the idea of workforce housing.

Mr. McCann asked about multi-use buildings in the ordinance.

Mr. Gill referred him to Item #6A-1-21. Mr. Gill then stated that the Rural Village Overlay has specific language that says a residence and a commercial business can be located in the same building, and perhaps that language could be included in this district.

Mr. McCann then moved to Item #6A-9, which involves open space requirements.

Mr. Gill stated that most of the ordinances that he had viewed had between ten and fifteen percent open space requirements in the higher density districts, but he had decided to include a twenty percent requirement. He stated that the upcoming re-write of Section 5-26 of the Subdivision Ordinance would address the open space requirements for each district, with higher percentages for the agricultural districts and lower percentages for the residential districts. Mr. Gill further stated that his suggestions for open space requirements in each district would be as follows: A-1, seventy percent; A-2, sixty percent; R-1, fifty percent; R-3, thirty percent; and R-4, twenty percent.

Mr. McCann stated that within the potential R-4 district, he wondered about having side and rear yard requirements in lieu of open space requirements within a development.

Mr. Gill stated that in ordinances he had viewed from other counties, usually there is one ordinance for multi-family use and another ordinance for the planned developments. The multi-family ordinance is where the side and rear yard requirements are typically seen.

Mr. Jenkins said he thought it would be important to protect adjoining properties that are not zoned R-4, so there should be a wider perimeter setback than for setbacks within a subdivision.

Mr. McCann agreed with Mr. Jenkins. He added that buffers needed to be identified for the protection of adjoining properties.

Mr. Gill asked Mr. McCann if a twenty percent open space requirement was enough.

Mr. McCann said he thought the requirement should be thirty percent.

Mr. Smart asked Mr. Gill if a central water and central sewer system would qualify a subdivision to reduce the lot size to 10,000 square feet.

Mr. Gill stated that it could be central water and/or a central sewer system to qualify for the 10,000 square feet lot. He further stated that the health department views 10,000 square feet as a minimum for an on site septic system, so he did not recommend lot sizes smaller than that if an on-site system is an option.

Mr. Jenkins suggested restating the “low to moderate income” verbiage in Item #6A-4-4.

Mr. Jenkins stated that Item #6A-8-1 might make the buildings too small to be desirable. He stated that he would like more information on the thirty percent area limit on a structure.

Mr. Jenkins stated that he thought Item #6A-13-1 that deals with the Chesapeake Bay Preservation Act and the Lancaster County Erosion and Sediment Control Ordinance would not keep the R-4 district off of waterfront land. He added that he thought there was nothing in the overlay district that said how many dwellings could be on a piece of property.

Mr. Gill stated that the Waterfront Residential Overlay states that there is to be only one main structure and its accessory buildings erected on any lot.

Mr. Jenkins stated that a waterfront condominium could be a possible exception, because it is only one structure owned by an association.

Mr. Gill said his interpretation was that the Waterfront Residential Overlay would be more restrictive than the R-4 district and take precedence, so the R-4 district would not encroach within the overlay area.

Mr. Jenkins stated that the overlay only applies to a lot created after 1988. He further stated that there are still some large waterfront properties that have not been subdivided and are zoned agricultural.

Mr. Gill asked if the R-4 wording should specifically say that it is not intended within 800 feet of the water.

Mr. Jenkins said yes.

Mr. Smart stated that the term workforce housing is being used, but he had read about people who want to retire, downsize their housing, and move to the country, so they would possibly benefit from housing offered in the R-4 district as well.

2) Parks and Recreation Guidance Committee

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

Mr. Gill stated that at the March 20, 2008 Planning Commission meeting, Chairman David Jones asked about the issue of establishing a Parks and Recreation Committee. He referenced Chapter 7 of the revised Comprehensive Plan regarding the formation of a citizen's committee to research and recommend improvements for parks and recreation in the County. Mr. Jones asked that the Board of Supervisors consider this issue, which they did at their meeting on April 24, 2008. The Board has directed the Planning Commission to assemble this Guidance Committee as referenced by a memo from County Administrator, William Pennell, Jr.

Mr. Gill also stated that the intent for this meeting would be to determine the method for making appointments to the committee. He suggested each Planning Commission member recommend one person to serve. Appointments could be made at a future Planning Commission meeting. The scope or objective of the committee could be defined as the “strategies” listed in the applicable Comprehensive Plan excerpt from Chapter 7. Those strategies are as follows:

- 1) Establish a citizen’s committee charged with making recommendations for projects and improvements to be included in the Parks and Recreation Master Program with a prioritized list of desired improvements and facilities.
- 2) Conduct an inventory of the current publicly owned and privately owned recreational facilities that are accessible to the public.
- 3) Survey County residents to determine recreational needs and priorities.
- 4) Use the Program as a basis for identifying proffers for development or redevelopment.
- 5) Many citizens identified improved public access to the water as a desired element of recreational opportunities in the County. The ‘Public and Private Access to Waterfront Areas Plan’ in Chapter 5 includes several goals and objectives to improve public access to water, and should serve as the basis for this element of the County’s Parks and Recreation Program.

Mr. Jenkins suggested that a person from each district, a person from the Planning Commission, and a person at large be appointed for the Parks and Recreation Committee.

Mrs. Booth made a motion for the Planning Commission to establish a Guidance Committee for Parks and Recreation consisting of a representative from each voting district, one member at large and one Planning Commission member. Seconded by Mr. Sorensen. VOTE: 4-0.

Mr. McCann suggested that Planning Commission members forward their suggestions of possible members to Mr. Gill by e-mail to be compiled prior to next month’s meeting.

3) Adopt the Method of Voting used by the Board of Supervisors

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

Mr. Gill stated that at the April 17, 2008 Planning Commission meeting, Mr. Jenkins, Board of Supervisors Representative, had suggested that the Commission adopt the Board of Supervisors Method of Voting, which does not require a second to a motion. Mr. Jenkins advocates this procedure as a timesaving mechanism during

meetings. If it is the Commission's desire to adopt these changes, they would need to be docketed for the June 19, 2008 Planning Commission meeting to fulfill the time requirement under Article 8-Amendments of the Commission's by-laws. An affirmative vote of two-thirds of the full membership of the Commission would be required to adopt these changes. Otherwise, the generally accepted parliamentary procedure from Robert's Rules of Order would still be applicable to all meetings.

Mr. McCann asked the Commission if they had any comments.

Mrs. Booth stated that she had no opinion either way.

Mr. McCann stated that it needed to be deferred until next month's meeting to fulfill the time requirement for amendments to the by-laws and should be deferred since three members of the Commission were absent.

OTHER BUSINESS

Mr. Gill stated that the by-laws call for elections to be held in May of each year.

Mr. McCann stated that since there were three members absent, the elections should be deferred until the June meeting.

Mr. McCann asked if there was any other business.

Mrs. Booth asked Mr. Gill about a time frame for a printed copy of the Comprehensive Plan.

Mr. Gill stated that it was in the works and that the Comprehensive Plan had been on-line since January.

Mr. Gill stated that he was still doing research on windmills and wind turbines, which was discussed at the April Planning Commission meeting.

Mr. Gill stated that the water planning conference in Charlottesville that he was to attend in May had been postponed until June.

Mr. McCann asked if there was any more business.

ADJOURNMENT

The May 15, 2008 regular meeting of the Lancaster County Planning Commission was adjourned at 8:15 p.m.