

LANCASTER COUNTY PLANNING COMMISSION

Minutes

May 19, 2011

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

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

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

Mr. Jones asked if there were any corrections or additions to the minutes of the April 21, 2011 regular meeting.

Mr. Jones moved to approve the April 21, 2011 minutes as submitted. **VOTE: 7-0.**

PUBLIC HEARING #1

AMEND ARTICLE 6A-4-2 AND 6A-4-3 OF THE ZONING ORDINANCE

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

Mr. Gill stated that the issue was to amend Article 6A-4-2 and 6A-4-3 of the Zoning Ordinance to revise the median family income range used as the basis for approving density bonuses from the current 80%-120% to the proposed 50%-120%. He stated that this revision is intended to make permitted uses more consistent with the spirit and intent of this zoning district.

Mr. Gill stated that the discussion at last month's meeting centered on the median family income range used as the basis for approving density bonuses and whether dwellings designed for the Section Eight Housing Program would qualify under the current language of 80-120 percent. He stated that staff's interpretation of the current language is that if the dwellings are affordable to families with incomes below the 80 percent level as is typical of Section Eight families, then they are certainly affordable to families within the 80 to 120 percent range, and therefore Section Eight homes would qualify. He further stated that Mr. Jenkins reiterated that the ordinance should not

exclude people whose income falls below the 80 to 120 percent median family income range and suggested that the lower limit be removed since market forces would determine the type of development below the 120 percent level. Mr. Gill stated that the Planning Commission believed that some number should be assigned at the lower end of the scale to protect the rights of property owners near or adjoining potential R-4 properties.

Mr. Gill stated that the Planning Commission requested this ordinance amendment because of the ambiguity in the current language, which under different interpretations could have the unintended consequence of excluding Section Eight homes from this density bonus provision, since Section Eight homes fall below the 80 percent level and the ordinance specifically states a range between 80 and 120 percent.

Mr. Gill stated that Tina Reamer, the Administrative Agent for the Housing Choice Voucher (Section Eight) Program in Lancaster County advised that she could place families in the Section Eight program at the 50 percent median family income range and below.

Mr. Gill stated that Bill Warren, a county resident and one of the principals in the development of Mercer Place, the newest affordable housing project in our area, sent an email, also verifying that Section Eight Housing uses the 50 percent median family income.

Mr. Gill stated that as a result, a proposal to amend Article 6A-4-2 and 6A-4-3 of the Zoning Ordinance to revise the median family income range used as the basis for approving density bonuses from the current 80%-120% to the proposed 50%-120% has been advertised. He further stated that this revision of the lower limit should solve the ambiguity of the current ordinance language because at the 50 percent median family income level, Section Eight homes will qualify and will not be unintentionally excluded from the density bonus provision. He stated that in addition, the 50 percent level versus no lower limit, will provide a greater degree of protection for property owners near or adjoining potential R-4 properties that the dwellings built as a result of the density bonus provision will not be “shacks”. He stated that advertising has been conducted as required by law and to date, there has been no response from the public.

Mr. Jones opened the floor to the public.
There was no public comment.

Mrs. Booth stated that she thought the amendment helps to clarify what was in question from last month’s meeting.

Mr. Smart stated that he did not believe the amendment conflicts with the original intent of the R-4 Zoning District.

Mr. Jones stated that he thought the original intent of the R-4 Zoning District was to take the place of the R-2 District. He stated that the intent was if there was to be more density, then the County wanted to see affordable housing included in the developments

and he was in agreement with that. He stated that he did not want to see the focus of the R-4 Zoning District to be just for low income housing because that was not the original intention.

Mr. Jenkins added that they also did not want to see the gated communities.

Mr. Gill stated that he went back and read the minutes of all the meetings in which the R-4 District was discussed and the one thing that was prevalent to him was that the Board had asked for a Zoning District that would encourage workforce housing. He stated that there is a difference between workforce housing and affordable housing. He further stated that affordable housing is usually associated with low-income housing.

Mr. Smart asked if the 80%-120% range came from other localities when used for drafting the original R-4 District.

Mr. Gill replied yes.

Mr. Smart made a motion to forward to the Board of Supervisors, with a favorable recommendation, the amendment to Article 6A-4-2 and Article 6A-4-3 of the R-4 Zoning Ordinance to change the current family income range used as the basis for approving density bonuses from 80%-120% to 50%-120%. **VOTE: 7-0.**

CONSIDERATION ITEM #1

APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION- LEWIS F. CONWAY

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

Mr. Gill stated that the issue was the application for Change of Zoning District Classification from R-1, Residential, General to R-4, Residential Community by Lewis F. Conway for a 1.026-acre parcel described as Tax Map #28-106A located at 953 Irvington Road.

Mr. Gill stated that the public hearing on this issue was held last month, however the vote was tabled until this month to give staff time to review and propose a revision to the R-4 ordinance to clarify and rectify the possible unintended consequence of excluding Section Eight homes from the density bonus provision of the R-4 District.

Mr. Gill stated that the preceding public hearing to amend Article 6A-4-2 and 6A-4-3 of the Zoning Ordinance to revise the median family income range used as the basis for approving density bonuses from the current 80%-120% to the proposed 50%-120% should rectify any unintended exclusion of Section Eight homes from the R-4 District. He

further stated that since the zoning amendment had been forwarded to the Board of Supervisors, this rezoning request can now be considered.

Mr. Gill stated that this is the first potential rezoning to the new R-4, Residential Community District that was adopted by the Board of Supervisors on April 30, 2009. He stated that the applicant currently has a duplex on this parcel and wishes to add a third dwelling unit, which is not allowed under the current zoning. He stated that the R-4 District is the only district that will allow this multi-family use as stated in Article 6A-1-4.

Mr. Gill stated that this request conforms to the statement of intent of the R-4 District and is considered reasonable and appropriate for several reasons. He stated that the property is located within the designated Primary Growth Area (PGA) for Lancaster County, which is the triangular shaped area between the three incorporated towns of Kilmarnock, Irvington, and White Stone. This area of the PGA is served by central water and sewer and is in very close proximity to the corporate limits of the Town of Kilmarnock.

Mr. Gill stated that the discrepancies raised during the discussion at last month's meeting have been rectified on the revised site plan that was included in the Planning Commission members' packets. He stated that the five percent recreational open space is shown in the double crosshatched area. He stated that the non-conforming eight-foot distance between the proposed third dwelling unit and the existing duplex has been rectified by joining those two buildings to create one continuous main structure. He stated that the revised site plan verifies that all other setback, open space, parking and stormwater management requirements can be met.

Mr. Gill added that the rezoning and previous ordinance amendment had also been advertised for public hearing at next week's Board of Supervisors' meeting on May 26, 2011.

Mr. Gill presented the deed restriction document to the Planning Commission members for their review. He stated that the document couldn't be signed off on until the rezoning is approved.

Mr. Jones made a motion to forward the application for Change of Zoning District Classification from R-1 to R-4 for Tax Map # 28-106A to the Board of Supervisors recommending approval. **VOTE: 7-0.**

OTHER BUSINESS

1) ANNUAL ELECTIONS

Mr. Smart nominated David Jones as Chairman. **VOTE: 7-0.**

Mr. Brent nominated Robert Smart as Vice-Chairman. **VOTE: 7-0.**

Mr. Jones nominated Crystal Whay as Secretary. **VOTE: 7-0.**

- 2) Mr. Gill stated that hopefully the revised conservation easement ordinance would be on the June agenda as a discussion item.
- 3) Mr. Gill stated that he had included information in everyone's packet about the 2011 Planning and Agritourism Symposium to be held on June 8, 2011 at Lowery's restaurant in Tappahannock.

ADJOURNMENT

The May 19, 2011 regular meeting of the Lancaster County Planning Commission was adjourned at 7:45 p.m.