

LANCASTER COUNTY PLANNING COMMISSION

Minutes

May 20, 2010

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

Also present were Butch Jenkins, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, Audrey Thomasson, Rappahannock Record, Charles Costello, Ben Burton, Bill Geier, Jeff Price, Bonnie Jones, Tom Smith and others.

Mr. Jones asked if there were any corrections or additions to the minutes of the April 15, 2010 regular meeting.

Mr. Jones moved to approve the April 15, 2010 minutes as submitted. **VOTE:7-0.**

PUBLIC HEARING #1

APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION- WILLIAM F. AND JULIA B. GEIER

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

Mr. Gill stated that this property has a history of commercial use, but was not zoned as such when the zoning ordinance took effect in 1975. Mr. Gill stated that since then, the building has housed a variety of light industry and manufacturing businesses, and most recently, a tool and die company and a boat engine repair and rebuilding shop. He further stated that those commercial uses are allowed on this residentially zoned property as authorized non-conforming uses and that different uses would require Special Exception consideration that could become costly at \$400 per application, as well as time consuming, as each would require its own public hearing at the Board of Supervisors level.

Mr. Gill stated that the applicant has completed extensive renovations to this building, but expects reluctance on the part of prospective renters to locate their businesses in a building zoned Residential General, R-1. Mr. Gill stated that 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 with his request, the applicant has taken the list of permitted uses in C-1 and lined through the unwanted ones. Mr. Gill stated that the applicant has indicated that he will present a signed and notarized copy to the Board to formalize the conditional rezoning.

Mr. Gill stated that this request is considered reasonable and appropriate given the property's history of commercial use and its location adjacent to the White Stone town limits. Mr. Gill stated that the adjoining property owners have been notified and advertising conducted as required by law. He stated that, to date, there have been a couple of calls from one adjoining property owner, who inquired about the applicant's future plans with the building.

Mr. Smart asked Mr. Gill if the adjoining property owner was aware of the list that Mr. Geier would sign and have notarized.

Mr. Gill stated that the adjoining property owner was aware of the list and that he had gone over it with her.

Mr. Brent asked Mr. Gill if the building had ever been used for anything other than commercial use.

Mr. Gill stated not to his knowledge.

Mr. Jenkins stated that it had been a sewing factory.

Mr. Geier stated that it was built in 1960 and was first used as a bowling alley and then later it was a roller skating rink. Mr. Geier stated that it has been used for a variety of things since then.

Mr. Chupp asked what the present use was.

Mr. Geier stated that they distribute hotel/motel equipment.

Mr. Jones opened the floor for public comment.

A citizen, who owns the property across the road from the Geier building, stated that if everything was going to stay the same, then he was not against the rezoning.

Mr. Geier stated that he was trying to be a good neighbor and trying to keep the building attractive with the renovations and landscaping.

Mr. Jones closed the floor because there was no further public comment.

Mr. Brent stated that he had been inside of the building and that Mr. Geier has put a considerable amount of money into the renovations and it is an improvement to the town and he thinks Mr. Geier has done a great job with the property.

Mr. Jenkins stated that he would like to add that this is a conditional rezoning, not a rezoning.

Mr. Smart stated that it appears that the building has always been used for commercial use and it might not be an incentive for potential renters if it remains R-1.

Mr. Jones stated that his suggestion to Mr. Geier would be that before it went before the Board of Supervisors, he should show how the parking would be done. He stated that if it were rented to others, additional parking would be needed. Mr. Jones stated that parking was at a premium in the White Stone area.

Mr. Smart made a motion to forward the conditional rezoning for William and Julia Geier, Tax Map #34-341 to the Board of Supervisors recommending approval, contingent on receiving the signed and notarized copy of the C-1 permitted uses as proffered. **VOTE: 7-0.**

PUBLIC HEARINGS #2-#6

APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION- WINDMILL REDEVELOPMENT ASSOCIATES, LLC FOR TAX MAP #41-4J, 41-4K, 41-4L, 41-4M, 41-4N

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

Mr. Gill stated that these parcels are located off Fairwinds Drive off Windjammer Lane at the end of Windmill Point Road and as the parcels are different tax map numbers, each will require its own public hearing and vote, but can be discussed collectively. He stated that these parcels constitute the easternmost portion of the Windmill Point resort property, where the old Windjammer golf course was located.

Mr. Gill stated that on March 27, 2003, the Board of Supervisors rezoned these parcels and the other five parcels which comprise the Windmill Point resort property from A-1, Agricultural, Limited to R-2, Residential, Multi-family upon application by the previous owners. Mr. Gill stated that at that time, the Board approved a master plan of development allowing 188 units, comprised of 148 condominium units and a 40 unit hotel, and that the previous owners had no intention of developing the easternmost portion of the property.

Mr. Gill stated that on February 23, 2006, at the request of the new and current owners, Windmill Redevelopment Associates, LLC, the Board of Supervisors approved a modification to that previously approved master plan of development allowing 200 condominium units and no hotel. He further stated that one of the letters submitted with the modification request and incorporated into the modified master plan clearly states that the current owners had no immediate plans to develop that easternmost portion of the

property, but confirmed that any future development of the property would be for single family detached dwellings and would need to go before the Board for approval. Mr. Gill stated that the applicant was exercising that option with this rezoning request.

Mr. Gill stated that single-family residences are not allowed in the R-2, Residential, Multi-family zoning district. He further stated that the R-2 District was repealed on June 30, 2005, but its regulations still apply to those parcels that are still zoned R-2. Mr. Gill stated that, as a result, the applicant seeks to rezone these parcels to the R-1, Residential General District to facilitate the aforementioned single- family development of the easternmost portion of the resort property.

Mr. Gill stated that this request is considered reasonable and appropriate and constitutes a “downzoning” as R-1 is a less intense and dense district than the old R-2 and that the parcels requested for rezoning are surrounded by other R-1 properties.

Mr. Gill stated that the adjoining property owners had been notified and advertising conducted as required by law and to date, there had been one request for additional information.

Mr. Gill stated that Jeff Price of Windmill Redevelopment Associates, LLC and Ben Burton of Bay Design Group were present to answer any questions.

Mr. Jenkins clarified that the public hearings could be held concurrently, but that individual votes would be needed for each parcel.

Mr. Jones opened the floor for public comment.

Charles Costello, a District 2 citizen, asked about parcel #41-4N and when it was reduced from eighteen to fourteen acres.

Mr. Gill stated that it was reduced with a boundary line adjustment plat recorded on May 10, 2010.

Mr. Costello asked if that parcel was subject to the waterfront overlay.

Mr. Gill stated yes.

Mr. Costello asked if this changes the number of units that are allowed for the condominiums.

Mr. Jones stated no and that the number of units had gone from 180 to 188 to 200.

Mr. Jenkins stated that the offset was that there was not going to be a hotel on the property.

Bonnie Jones, a District 3 citizen, stated that she lived at the adjacent Beach Cove Villas and that it was nice to see the activity on the property and that she thinks it is a positive thing. Ms. Jones stated that her association supports the rezoning request. She stated that Mr. Gill had been extremely helpful in assisting her with her questions. She further stated that Ben Burton and Jeff Price were helpful as well.

Mr. Jones stated that he had visited the restaurant at Windmill Point and it was very nice.

Tom Smith, a District 3 citizen, stated that he supported the rezoning and as a member of the Northern Neck Anglers Club, wanted to ask if the marina had gasoline yet and if the boat ramp was open.

Mr. Jones asked if there was any more comment from the public.

Mr. Jones closed the public hearing.

Mr. Chupp asked if Mr. Price was going to address the Commission on their plans for the Windmill Point site.

Mr. Price stated that they preferred to develop the easternmost portion of the property as single-family residential lots. He stated that they hoped to put in a fuel dock next year and finish the first floor of the Westland building for a ship's store. He further stated that they had rebuilt the channel and the boat ramp will be completed as the marina is completed.

Mr. Jones asked Mr. Gill about the allowed 200 units.

Mr. Gill stated that the modified master plan from 2006 increased the maximum number to 200 units.

Mr. Jones asked Mr. Gill if any of those 200 units were included on the parcels proposed for rezoning.

Mr. Gill stated that none of the 200 units that were depicted on the site plan were on the easternmost portion of the property. Mr. Gill further stated that in Mr. Kopschak's letter, the owners had no immediate intention of developing that portion of the property, but stated if they did, it would be for detached single-family dwellings.

Mr. Jones asked Mr. Gill what the owners would need to do to build condominiums now on that easternmost R-2 property.

Mr. Gill stated that they would need to submit a revised site plan, because the current site plan does not show any structures on the easternmost portion of the property.

Mr. Jones stated that as of today, nothing could be built there.

Mr. Gill stated that as of today, nothing could be built there without a revised site plan.

Mr. Jenkins stated that that would be an administrative change.

Mr. Gill stated that a revised site plan could be an administrative change. He further stated that minor revisions to the master plan could be an administrative change. Mr. Gill stated that his interpretation would be that an increase in density would be a major revision to the master plan that would need to go to the Board of Supervisors for approval.

Mr. Jenkins stated that that would not be a public hearing.

Mr. Gill stated that it would be a consideration item on the Board of Supervisors agenda.

Mr. Jenkins stated that the Board's concern at the time was the dense R-2 construction not be allowed on the easternmost property. He stated that the consideration was not to overstock the area with condominiums.

Mr. Smart asked Mr. Gill if there were plans on the modified master plan to have land set aside.

Mr. Gill stated that the old R-2 zoning district had no open space requirement.

Mr. Smart asked Mr. Gill if he knew of any other provisions that would prevent these lots from being built on, such as the Chesapeake Bay Preservation Act.

Mr. Gill stated that the Chesapeake Bay Preservation Act would come into play for any future subdivision of the fourteen-acre parcel. Mr. Gill further stated that he would not approve the subdivision of any lot that did not meet the waterfront residential overlay and did not have 10,000 square feet of buildable area outside the 100' RPA.

Mr. Smart asked about the other four lots.

Mr. Gill stated that the other four lots are authorized, non-conforming lots and they stand alone.

Mr. Smart asked Mr. Gill about the previous master plan and whether or not single-family residences were permitted at the time the plan was approved.

Mr. Gill stated they were permitted in the old R-2 zoning district in 2003.

Mr. Brent asked about future division of the fourteen-acre parcel.

Mr. Gill stated that no subdivision plat had been submitted for the fourteen-acre parcel.

Mr. Jenkins stated that it could be an administrative change to the site plan, since the R-2 district, at the time these parcels were rezoned to R-2, allowed for single-family residences. Mr. Jenkins stated that he doesn't think the fact that the most recent master plan approval occurred after the R-2 had been repealed should take that right away from them.

Mr. Jones stated that he did not think that was the issue. He stated that he did not have a problem with the rezoning and the neighbors would prefer the single-family residences. Mr. Jones stated that, in his opinion, the issue is that the county has given and given to the site's owners and has had nothing given back. Mr. Jones stated that a couple of people had touched on it concerning the boat ramp and gasoline service. Mr. Jones further stated that he was glad to see some activity, but he did not see anything that had been promised to the county.

Mr. Chupp stated that, as everyone knew, the county has been looking for a suitable place for a public fishing pier.

Mr. Chupp asked Mr. Price if there was any possibility that any of the property at Windmill Point could be utilized for that purpose.

Mr. Price stated that they had dedicated a portion of their beach to the public and could look into the pier.

Mr. Chupp asked Mr. Price about the possibility of adding some of their land to the county's property before he came before the Board of Supervisors to make it more viable for a potential fishing pier.

Mr. Burton stated that that had already been done.

Mr. Jones asked how large the portion was.

Mr. Gill stated that it was 75 feet.

Mr. Jenkins stated that the beach owned by the County was given to the County by the State of Virginia. Mr. Jenkins stated that it was a right of way given by the people that owned the property when it was a steamboat landing and they made it contingent on their gift to the state, that if the landing were ever abandoned, the parcel would be available for public access to the water.

Mr. Jenkins stated that Windmill Point was under no obligation to provide any further land for public access.

Mr. Jones made a motion to forward the rezoning of Tax Map #41-4J from R-2 to R-1 to the Board of Supervisors recommending approval. **VOTE: 7-0.**

Mr. Brent asked how many sites would be possible on the parcel described as Tax Map #41-4N.

Mr. Gill stated that based on the buildable area outside of the RPA, there would be no more than three additional sites.

Mr. Brent stated that he was trying to get an idea of how the number of allowable units was calculated.

Mr. Jenkins stated that Windmill Point had become a scar on the waterway entrance to Lancaster County and the concern was that condominiums would go down the delicate shoreline.

Mr. Jones stated that they are getting no more than what they already have.

Mr. Jenkins stated that when the zoning is changed on these parcels, they are out of the master plan.

Mr. Gill stated that the Kopschak letter incorporated into the 2006 revised master plan stated that there were no immediate intentions to develop the easternmost property, but if they did, it would be for detached single-family dwellings. He further stated that there was no specific number of single-family dwellings given and no required open space.

Mr. Jenkins stated that the concern of the Board was that condominiums not be allowed to go down that stretch of shoreline without further consideration.

Mr. Brent stated that he was in favor of the rezoning, but just wanted some clarification.

Mr. Jones made a motion to forward the rezoning of Tax Map #41-4K from R-2 to R-1 to the Board of Supervisors recommending approval. **VOTE: 7-0.**

Mr. Jones made a motion to forward the rezoning of Tax Map #41-4L from R-2 to R-1 to the Board of Supervisors recommending approval. **VOTE: 7-0.**

Mr. Jones made a motion to forward the rezoning of Tax Map #41-4M from R-2 to R-1 to the Board of Supervisors recommending approval. **VOTE: 7-0.**

Mr. Jones made a motion to forward the rezoning of Tax Map #41-4N from R-2 to R-1 to the Board of Supervisors recommending approval. **VOTE: 7-0.**

OTHER BUSINESS

Mr. Jones asked Mr. Gill what was coming up for next month's meeting.

Mr. Gill stated that the revised flood plain ordinance will be discussed at public hearing and will need to go before the Board of Supervisors and be approved by FEMA prior to September 17, 2010.

Mr. Gill also stated that there would be a presentation on green infrastructure planning next month as well.

PLANNING COMMISSION ELECTIONS

Mr. Gill stated that Article II of the By-laws of the Lancaster County Planning Commission require the election of a Chairman, Vice-Chairman and Secretary at the May meeting each year. He stated that the current officers are: Chairman-David Jones, Vice-Chairman-Robert Smart, and Secretary-Crystal Whay.

Mr. Jones asked for nominations from the floor.

Mr. Smart made a motion to nominate and elect David Jones as Chairman.

VOTE: 7-0.

Mr. Jones made a motion to nominate and elect Robert Smart as Vice-Chairman.

VOTE: 7-0.

Mr. Jones made a motion to nominate and elect Crystal Whay as Secretary.

VOTE: 7-0.

ADJOURNMENT

The May 20, 2010 regular meeting of the Lancaster County Planning Commission was adjourned at 8:00 p.m.