

LANCASTER COUNTY PLANNING COMMISSION

Minutes

June 19, 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.

Also present were Butch Jenkins-Board of Supervisors Representative, Don Gill-Planning/Land Use Director, Audrey Thomasson-Rappahannock Record, Starke Jett-Northern Neck News, David Donofrio, Jeanne Berry, Clay Holcomb and Ben Burton.

Mr. Jones asked if there were any corrections or additions to the minutes of the May 15, 2008 regular meeting.

Mr. Jones moved to approve the May 15, 2008 minutes as submitted. Seconded by Mrs. Booth. VOTE: 6-0.

Mr. Jones changed the agenda to have the election of officers.

Mr. Smart nominated and made a motion for Mr. Jones to stay on as chairman. Mrs. Booth seconded the motion. VOTE: 6-0.

Mrs. Booth nominated and made a motion for Mr. Smart to serve as vice-chairman. Mr. Jones seconded the motion. VOTE: 6-0.

Mr. Jones nominated and made a motion for Crystal Whay Rowe to serve as secretary. Mrs. Booth seconded the motion. VOTE: 6-0.

PUBLIC HEARING

**APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION BY
CONFEDERATE INTERESTS, LLC**

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 Classification by Confederate Interests, LLC for 667.207 acres described as Tax Map #27-297 from A-2, Agricultural, General to R-1, Residential, General (37.0 acres of the total) and R-3, Residential, Medium General (the remaining 630.207 acres) and 29.016 acres described as Tax Map #27-297A from A-2, Agricultural, General to R-3, Residential, Medium General.

Mr. Gill stated that this rezoning request contains a signed proffer that as a condition of approval the total number of dwelling units under the proposed new zoning will not exceed that which is allowed by right under the current zoning. Mr. Gill had attached "A Comparison of Zoning Options", which shows 633 "By Right" lots with only 10% open space. The equivalent 633 lots under the proposed zoning have the potential for 43% open space. The proffer also caps the total number of dwelling units for the entire King's Grant Development at 700. This is important as Donofrio hopes to add an additional 84 acres to the project, which could increase the number of "By Right" lots to 776. For additional perspective, Mr. Gill stated that he had attached a plat of the property and a map prepared by the Northern Neck Planning District Commission showing how the Waterfront Residential Overlay affects these parcels. Mr. Donofrio is looking for flexibility in lot sizes and setbacks in order to create additional open space and cluster the homes. The proposed R-1 zoning will contain an arboretum and botanical gardens located in the center of the property. He intends to have an elaborate trail system throughout the Resource Protection Area located 100 feet along both sides of all wetland areas. The proposed R-3 zoning will allow lot sizes of 12,000 sq. ft. with public water and/or sewer, which may be extended there as a result of last year's revised Comprehensive Plan. Donofrio is seeking a confirmation letter from the Town of Kilmarnock agreeing to provide water and sewer service to King's Grant. Waste Water Management, Inc., the engineers for the Kilmarnock system, has verified that the system can handle the increase.

Mr. Gill stated that he had attached the Plan of Development for King's Grant provided by Mr. Donofrio. It shows how the project will be developed in phases and the basic road system throughout. A more detailed layout of Phase I is also provided. Each phase would be submitted as a subdivision request and be reviewed for compliance with county ordinances, including traffic impact studies, and would also require VDOT approval. Each subdivision phase would then go before the Board of Supervisors as a Consideration Item for preliminary and final plat approval.

Adjoining property owners have been notified and advertising conducted as required by law. To date, the Planning/Land Use Department has fielded 22 calls from the public. Two calls have been against, ten have been for the project and ten have been seeking additional information with no preference. Staff believes the development of this property is imminent, and would favor the proposed zoning with smaller lot sizes and more open space.

Mr. Jones asked Mr. Donofrio to present the project.

Mr. Jenkins stated that there were three separate rezonings to consider and should be treated as such.

Mr. Donofrio introduced himself and Jeanne Berry, a representative from Higgins & Gerstenmaier, the design company he had been working with, to show maps of the proposed subdivision.

Ms. Berry stated that King's Grant would be an eco-friendly neighborhood for the twenty first century. It would include 187 acres of wetlands, botanical gardens, a trail system to link neighborhoods, and have a special events building.

A citizen asked where the main road would come in off of Route 200.

Mr. Donofrio answered by Lewis' General Repair.

Mr. Smart asked about the phases of the project and the rezoning requests.

Ms. Berry showed the phases of the project on the maps.

Mr. Jones asked if the Planning Commission had any questions.

Mr. Smart commented that development seemed to follow a cluster effect to decrease the imprint on the available property. He stated that he agreed with Mr. Gill about the imminent development of the property. He also referred to the letter presented by Mr. Donofrio from the Town of Kilmarnock stating that the town had the capacity to provide both water and sewer service to King's Grant.

Mr. Jenkins stated that the letter states that the town has the capacity to provide service, but doesn't say it will provide service.

Mr. Jones stated that the 100-foot RPA is different from the 800-foot waterfront overlay and asked how it is being interpreted for this project.

Mr. Gill stated that the 800-foot waterfront overlay applies, requiring 2 acre lots within that overlay. He stated that the 100-foot RPA could be part of individual lots, but under the proposed zoning, the entire 100-foot RPA throughout the development is reserved as open space.

Mr. Jones asked Mr. Donofrio about his time frame for the project.

Mr. Donofrio stated that he was starting with the zoning and designing and thought a minimum of 18 months to 2 years would be sufficient to get started.

Mr. Jones asked Mr. Donofrio if it was his intention for the entire community to have town water and sewer.

Mr. Donofrio stated yes.

Mr. Jones asked that given the 800 foot overlay, the 100 foot RPA, the setbacks for what is currently zoned, the topography and the road system, has a plan been done to determine the number of homes that can actually be built.

Mr. Donofrio stated that there are different scenarios and he will need to adapt to the marketplace as the project progresses. The first phase could include multiple housing sizes and possibly even workforce housing.

Mr. Jones asked Mr. Donofrio if anyone had done a plan as the property is currently zoned.

Mr. Donofrio answered no.

Mr. Jones opened the floor to the public.

Joe Urban, a District II citizen, stated he was speaking on behalf of the Friends of Lancaster. He commented that he thought that to act on the rezoning request at this time would be premature because of many unanswered questions. He further stated that he thought the project was inconsistent with the comprehensive plan. He said that the project would be taking away a potential reservoir site. Mr. Urban stated that the project would have a huge impact on the county and there were a lot of questions and not a lot of answers.

Mrs. Chamberlain, a District I citizen, asked if the "By Right" lots were based on buildable acreage or total acreage.

Mr. Jones stated it was buildable acreage.

Mrs. Chamberlain stated that she thought the developer should fund a study on what impact the development would have on traffic. She thought that at that time, it was too premature to consider the development, especially since it was at a reservoir site.

Terry Smith, a citizen from Black Stump Road, stated that he thought an environmental study should be done. He asked the Planning Commission to request a cost impact study for public services for the development.

A District I citizen asked about proffers relating to the King's Grant development. He stated that it was his understanding that proffers made for Hills Quarters, including a bowling alley or movie theater, had not come to fruition.

Mr. Jenkins stated that they weren't offered as proffers.

A District 4 citizen stated that he had lived in other areas and was concerned about raw sewage overflowing into wetland areas if the Kilmarnock sewer system is

used. He further stated that since the developer was going to risk 600 acres, he should start with a small piece of property and see what happens. He said he thought there was not enough information to make a decision.

Lloyd Hill, a District 4 citizen, asked who benefits from this project and what problems in the housing area will this project help to solve and will this development help with workforce housing. He went on to ask how it fits in with the overall Comprehensive Plan.

Katherine Crabill, a District 5 citizen, stated that she thought, on a positive note, that all of the traffic for the development would not be concentrated on Irvington Road, but would have access to a couple of roads. She complimented Mr. Donofrio on his work at Hills Quarter.

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

Mr. Jones then asked the Planning Commission members if they had any more questions or comments.

Mr. Smart stated that he thought there was not enough information to make a decision on the development at the present time. He said he would like to see a contour survey and perk testing done on the property. He said that he was not for or against development, but thought that development should serve the community in the best fashion.

Mrs. Booth stated that she agreed with Mr. Smart. She added that she was concerned about the wording of the Town of Kilmarnock's letter concerning the water and sewer service. She would feel more comfortable if a letter was written from them stating that they would extend those services to King's Grant.

Mr. Jones stated that it was the largest rezoning he had seen and he was concerned about there being no plan of development. He went on to say that he liked the idea of doing the proffers each time before the next phase of the project. He further stated that a better plan should be sent to the Board of Supervisors.

Mr. Jenkins stated that the Board of Supervisors hasn't given approval for two separate zoning areas on a single parcel.

Mr. Donofrio stated that the project couldn't go forward without the town water and sewer. He further stated that a plan could be given, but it wouldn't be totally accurate. He stated that doing the development under current zoning would be poor development.

Mr. Smart stated again that a plan with more information was needed.

Mr. Jones said he didn't want to give a blanket approval for rezoning with just the information that there would be a subdivision there.

Mr. Waller asked if the houses on the outside of the development would have access to the town water and sewer.

Mr. Jenkins stated that the Town of Kilmarnock would determine that answer.

Mr. Waller stated that in the case of Hills Quarter, the people living close by were excited about the fact that there might be a bowling alley and a movie theater, and were disappointed when those things didn't happen. He stated that more information was needed on the project.

Mr. Smart made a motion to table the request until more information is received, including a commitment from the Town of Kilmarnock that they will provide water and sewer service to the development and for the issue to come back as a discussion item at next month's meeting. Mr. Jones seconded the motion. VOTE: 6-0.

CONSIDERATION ITEMS

Expansion of Existing Chesapeake Boat Basin Commercial Marina

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

Mr. Gill stated that the issue was to review and make a recommendation on an application for Special Exception by Joseph A. Moss, Jr., property owner and Clay Holcomb, contract buyer to expand the existing Chesapeake Boat Basin commercial marina to a .841-acre parcel described as Tax Map #29-3L. This property is located at 1598 Waverly Avenue.

Mr. Gill stated that Article 9-2-1 of the Lancaster County Land Development Code stipulates that plans for proposed activities within the M-1, Industrial, Limited District that require a building permit and involve a land disturbance greater than 2,500 square feet be referred to the Planning Commission for recommendation to the Board of Supervisors. Chesapeake Boat Basin wishes to expand its commercial marina to TM #29-3L to include boat and accessory sales, boat storage and a small maintenance equipment and materials storage building. This request is considered reasonable and appropriate. The parcel is bounded on the east by other M-1 properties containing petroleum storage. It is bounded to the west by another M-1 property, also contracted for purchase by Mr. Holcomb that has, and will remain as, an existing authorized non-conforming residential use. Directly across Waverly Avenue are two parcels owned by Mr. Holcomb that are currently used for boat storage, parking and septic fields for the Chesapeake Boat Basin Marina. This parcel is in close proximity to the existing marina (within 250 feet) and is a logical extension of it. A marina is defined as a water dependent facility and therefore encroachment within the 100 feet RPA is allowed. This is a permitted use with a Special Exception within the M-1, Industrial, Limited District that

will be heard at public hearing at next week's Board of Supervisors meeting. As a result, the Planning Commission's recommendation is requested tonight.

Mr. Ben Burton from the Bay Design Group presented the project. He stated that it was a straightforward project.

Mr. Jones asked Mr. Burton if they were gaining any more impervious surface.

Mr. Burton replied that they were not.

Mr. Jenkins asked if the storage building would be outside of the RPA.

Mr. Burton stated that the building would be inside the 100 foot RPA but conforms to the setbacks to the road.

Mr. Gill stated that because it was a marina, which is a water dependent facility, the building could encroach within the 100 foot RPA.

Mr. Smart stated that the area is industrialized and that the marina fits in well and that it would encompass the same or less impervious surface.

Mr. Jones made a motion to forward the item to the Board of Supervisors recommending approval. Seconded by Mr. Waller. VOTE: 6-0.

DISCUSSION ITEMS

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

At the April 17, 2008 Planning Commission meeting, Board of Supervisors Representative, Butch Jenkins, suggested that the Commission adopt the Board of Supervisors Method of Voting which does not require a second to a motion. He advocates this procedure as a timesaving mechanism during meetings. This issue was deferred from the May 15, 2008 Planning Commission meeting in order to fulfill the time requirement under Article 8-Amendments of the Commission's by-laws and also because three members of the Commission were absent. 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. Jones asked Mr. Jenkins what is required to adopt this voting method.

Mr. Jenkins stated that the Commission would have to pass it with a two-thirds vote.

Mr. Jones asked if there was any discussion.

Mr. Jones stated that if it streamlines the meetings, then he would be in agreement with the new voting method. Mr. Jones made a motion to adopt the Board of Supervisors' method of voting, where a second to a motion is not needed. Seconded by Mrs. Booth. VOTE: 6-0.

2) Parks and Recreation Guidance Committee

At the March 20, 2008 Planning Commission meeting, Chairman David Jones asked about this issue. 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. He 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 in a memo from County Administrator, William Pennell, Jr.

Mr. Gill stated that he had received two names for potential members of the committee. He stated that if more time is needed, he saw no problem with deferring the matter another month.

Mr. Jenkins stated that he had a name for District 2.

Mr. Jones asked Mr. Gill if he would call any members who haven't come up with a name for the committee before next month's meeting.

Mr. Jones stated that the Parks and Recreation Committee would be a discussion item again at next month's meeting.

3) Proposed R-4, Residential Community (Workforce Housing) Ordinance

Mr. Gill stated that at the May 15, 2008 Planning Commission meeting, he had provided a notional iteration of an ordinance that allows multi-family housing in the county, with an emphasis on providing workforce housing. Conservation subdivision will be addressed in a future re-write of Section 5-26 of the Subdivision Ordinance. The suggestions and corrections mentioned at last month's meeting have been incorporated into the draft. He stated that when the Commission feels like the revision process is complete, the proposed ordinance should be forwarded for public hearing at a future meeting.

Mr. Smart stated that he thought that work needed to be done with the towns because that would likely be where workforce housing would be located.

Mr. Jones agreed and added that because of the town water and sewer services, it would be likely for workforce housing to be in town limits.

Mr. Jones stated that he would like to see what the public has to say. Mr. Jones made a motion to forward this item for public hearing for next month's meeting.
VOTE: 6-0.

OTHER BUSINESS

Mr. Gill stated that the Board of Supervisors has appointed Ty Brent to the At-Large position on the Planning Commission beginning July 1, 2008.

Mr. Jones stated that Mr. McCann will no longer be on the Planning Commission and will be missed, as he was an asset to the Commission.

ADJOURNMENT

The June 19, 2008 regular meeting of the Lancaster County Planning Commission was adjourned at 9:15 p.m.