

LANCASTER COUNTY PLANNING COMMISSION

Minutes

July 15, 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, Robert Smart, Steve Sorensen, Ty Brent and David Chupp.

Also present were Butch Jenkins, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, Joe Elliott, Shelia King, Rebecca George, Ann Carter, Charlie Costello, Dr. Jim Norris and others.

Mr. Jones asked if there were any corrections or additions to the minutes of the June 17, 2010 regular meeting.

Mr. Jones moved to approve the June 17, 2010 minutes as submitted. **VOTE: 5-0.**

PUBLIC HEARING #1

APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION- JAMES E. C. NORRIS AND MOTOKO ENDO NORRIS (OWNERS) AND SHELIA L. KING (PROPOSED BUYER)

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

Mr. Gill stated that the application was for a change of zoning district classification from A-2, Agricultural, General to C-2, Commercial (Conditional) by James E. C. Norris and Motoko Endo Norris, Trustees (owners) and Shelia L. King (proposed buyer) for a 4.227-acre parcel described as a portion of Tax Map #16-61 located at the intersection of VSH 3 (Mary Ball Road) and VSH 605 (Pinkardsville Road).

Mr. Gill stated that the proposed buyer wishes to locate a country store on the parcel, but cannot do so under the current A-2 zoning and, as a result, seeks to rezone the parcel to C-2, Commercial Limited. He stated that to help with her request, the applicant has taken the list of permitted uses in C-2 and lined through the unwanted ones and has

indicated that she will present a signed and notarized copy to the Board of Supervisors to formalize this conditional rezoning request.

Mr. Gill stated that the 4.227-acre parcel is currently wooded with an interior farm field and is a portion of the larger Tax Map #16-61 which was once used as a racetrack and fairgrounds for traveling carnivals. He said that it is located across Pinkardsville Road from Connie's Florist, which is an existing authorized non-conforming use on an A-2 zoned parcel. It is also located across Mary Ball Road from Brookvale Mini-Storage, which is an existing C-1 Commercial zoned parcel. Mr. Gill further stated that the Brookvale area was once served by a similar type country store, Brent's Store one-half mile down Pinkardsville Road, which is no longer in operation.

Mr. Gill stated that the Comprehensive Plan suggests that commercial activity be located in or near the towns and in or near traditional village areas. He said that this parcel is neither, however the request is considered reasonable given the parcel's location near existing commercially zoned property and the fact that this area was once served by a similar type country store in very close proximity.

Mr. Gill stated that a successful rezoning is just the first step in this proposal and the applicant will need to complete the subdivision process for the 4.227-acre parcel. He stated that she would also need to locate primary and reserve septic sites on the new lot and that she would need VDOT approval for a commercial entrance off of Pinkardsville Road. The parcel is not wide enough to justify an entrance off of Route 3, but does comply with the other provisions of the Highway Corridor Overlay District. Mr. Gill stated that these additional steps will cost additional money and it would not be prudent for the applicant to expend that money if the first step of rezoning is not approved. He stated that the applicant understands that there is no guarantee of approval even though she has paid the required rezoning fee of \$500.00.

Mr. Gill stated that the adjoining property owners have been notified and advertising conducted as required by law and, to date, there has been one request for additional information and one call in opposition citing increased traffic at that intersection which has been prone to accidents in the past. He stated that he also had a letter in favor of the project from Dr. Jim Norris.

Mr. Smart asked about the nature of the soils in that area and whether the health department will say the land perks.

Mr. Gill stated that he had looked at the soil maps and does not anticipate any problems.

Mr. Smart asked about any potential problems with VDOT concerning access from Pinkardsville Road.

Mr. Gill stated that the commercial entrance would have to be approved by VDOT and be at least 250' back from the intersection of Route 3 to comply with our Highway Corridor Overlay District.

Mr. Jones opened the floor for public comment.

Rebecca George, a nearby property owner, stated that she had letters in opposition to the project. She stated that businesses were closing in the towns and that is where new businesses should go. Mrs. George also stated that she had concerns with the traffic at that intersection.

Ann Carter, a District 2 citizen, stated that she owned fourteen acres across from the parcel up for rezoning. She stated that the plans for the store sound good, but in her opinion, it is in the wrong place.

Charlie Costello, a District 2 citizen, stated that he wanted to remind the Planning Commission that something similar came in front of them a few years ago on Irvington Road and was voted down. He stated that the store plan looks nice, but if this portion of the parcel is rezoned, then the rest of it will probably be rezoned and eventually Route 3 would start to look like Route 17 in Gloucester.

A District 1 citizen read a part of the Comprehensive Plan that suggested businesses be located near the towns.

Another citizen stated that the traffic would be bad and there would be more accidents if the store was built in that location.

Dr. Jim Norris, the owner of the property, stated that the property was acquired in 1927 by his father and a few others for a fairground for recreational purposes. He stated that although he doesn't live in Lancaster County, he has a great interest in the County. Dr. Norris stated that he didn't see a store like the one being proposed in the county and he thought it was a good idea.

Another citizen stated that she would like to add that the property is two miles from an existing convenience store and four miles from Kilmarnock.

Mr. Jones closed the floor for public comment.

Mr. Chupp stated that he would like to hear from the applicant as to why this site was chosen and what type of business they are planning on having there.

Shelia King stated that she lives on Route 605 and there are a lot of senior citizens that live on Routes 605 and 615 and it would be convenient for them. She stated that not everyone wanted to travel to Kilmarnock and it would be better for the local people to have a store close by.

Joe Elliott, a partner in the proposed business, stated that he was relatively new to the area, but that he had petitions from 50 people that live on Routes 605 and 615 that are in favor of the store.

Mr. Chupp asked Mr. Elliott if the petitions were from people who wanted the store to be built.

Mr. Elliott stated yes.

Mr. Elliott stated that they were not planning on selling gasoline. He stated that it was to be a country store with a deli.

Mr. Chupp asked what experience Ms. King or Mr. Elliott had in that type of business.

Mr. Elliott stated that he had been the owner of a gas station in Maryland and he also has experience in auto parts stores and convenience stores.

Mr. Jones asked Mr. Elliott what products would be sold in the store.

Mr. Elliott stated that they would sell basic food products, deli meats, baked goods, barbeque, drinks, and sundry items.

Mr. Elliott stated that Dr. Norris had a septic survey done in 2004. He stated that he had on site soil analysis done and the soil will pass.

Mr. Smart asked Mr. Elliott if there would be food service on the premises.

Mr. Elliott stated that it would be all carry out, but there would be public restrooms with handicapped access.

Mr. Smart asked whom they thought their clientele would be.

Ms. King stated that she thought that their clientele would be senior citizens and local residents.

Mr. Chupp stated that there are a lot of petitions to look at.

Mr. Jones asked Mr. Gill if an antique store were to go on that same parcel, would it be the same process.

Mr. Gill stated yes, it would still have to be rezoned.

Mr. Gill added that this request would not be considered spot zoning because there is already commercially zoned property across the road and with regard to traffic,

VDOT would have to approve the commercial entrance and will take traffic numbers into consideration.

Mr. Brent asked what happens if the country store doesn't succeed there.

Mr. Gill stated that the proposed rezoning is with the condition of just having a retail grocery and food store there, so if someone wanted to do something else with the property, they would have to come back for another public hearing. He further stated that the style of the store lends itself well to the conversion to a home should the store fail, and while that would require rezoning to a residential district, that would be a down zoning and thus likely to occur.

Mr. Chupp stated that he thought the public had raised some good points in opposition to the store and he thought it was not in accordance with the Comprehensive Plan. He stated that the store was proposed to be located on one of the three scenic highways in the county, which the Comprehensive Plan asks to protect the views and he stated he thought that was really important.

Mr. Jones stated that when he moved to the area in 1977, there were probably forty of these stores all over the county on back roads and main roads. He stated that if this proposed store was a metal building with gas pumps like the one in Lancaster, then he would not want it. Mr. Jones stated that the plans for this store are not intrusive and they are not selling gasoline. He stated that he understands the traffic problems and thinks it is something that VDOT needs to address with or without the store being there. Mr. Jones stated that he did not have a problem with the proposed store because of the other commercial properties in close proximity and the fact that the entrance to the business would be off of the side road and not Route 3.

Mr. Chupp stated that it could become an eyesore if the business doesn't succeed.

Mr. Jones stated that one good thing about it is the fact that it could be converted to a home because it is not a metal building.

Mr. Smart stated that the success rate for this type of business is low, but his inclination is not to stand in the way of generating business or jobs. He stated that he did not think it was spot zoning because of the other commercial properties nearby.

Mr. Jones asked what the hours of operation would be.

Mr. Elliott stated the hours would be from 6:00 a.m. to 9:00 p.m.

Mr. Elliott stated that the deli would be open for breakfast and lunch. He further stated they would have fresh produce and fresh fish and they are planning on having a garden there as well.

Mr. Chupp stated that for the record he would like to point out that each of the eighty-five petitions is on a form letter and they are all exactly the same.

Mr. Jenkins asked Mr. Chupp what the pertinence of that statement was.

Mr. Chupp stated that he thought it was going to be eighty-five hand written petitions in favor of the store.

Mr. Jenkins stated that the applicant had said they were individually signed.

Mr. Jones stated that they knew they were on form letters.

Mr. Brent stated that the traffic issue is a concern for him and trying to adhere to the Comprehensive Plan.

Mr. Gill stated that the Comprehensive Plan is a general guide. He stated that the applicant does have a back up plan if the business fails in which he could convert the building into a residence.

Mr. Jones stated that he had a couple of questions for VDOT and would like to reluctantly make a motion to delay a vote for a month until those questions are answered and bring the issue back at next month's meeting as a consideration item. **VOTE: 5-0.**

DISCUSSION ITEM

There were no discussion items.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The July 15, 2010 regular meeting of the Lancaster County Planning Commission was adjourned at 8:00 p.m.