

LANCASTER COUNTY PLANNING COMMISSION

Minutes

September 17, 2009

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

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

Mr. Jones asked if there were any corrections or additions to the minutes of the August 20, 2009 regular meeting.

Mr. Jones moved to approve the August 20, 2009 minutes as submitted. **VOTE: 6-0.**

PUBLIC HEARING #1

APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION-- JAMES K. AND CHERRI D. SELDON

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

Mr. Gill stated that the issue was the application for a change of zoning district classification from A-2, Agricultural, General to R-1, Residential, General by James K. and Cherri D. Seldon for a 0.84-acre parcel described as Tax Map #9-24B. Mr. Gill stated that this property is located at 190 Twin Branch Road off VSH 615 (Beanes Road) near Browns Store.

Mr. Gill stated that the parcel is located in a residential area that happens to be zoned agricultural. Mr. Gill referred to a GIS map that shows that there are several small parcels with homes along VSH 685 (Twin Branch Road) and VSH 615 (Beanes Road). He further stated that similar areas in the county are zoned R-1, however this area is in the upper end of the county where A-2 is the predominant zone and therefore is zoned A-2. Mr. Gill said that the GIS map does show that there are some R-1 properties nearby on VSH 615 (Beanes Road.)

Mr. Gill stated that the applicant's daughter is a new mother of twins and they have outgrown their home on this parcel and wish to subdivide their property to enable them to place an individual manufactured home on the new lot for their daughter and her family. He stated that this couldn't be done under the current zoning of A-2, as there is not enough land to create two lots that meet the minimum lot size of 33,000 square feet. He stated that the only way of accomplishing their goal is to rezone to R-1 to take advantage of the smaller lot size requirement of 20,000 square feet with a central water supply to service both of the lots.

Mr. Gill stated that if a successful rezoning were accomplished, the applicants would then need to locate primary and reserve septic sites on the new lot and provide a boundary line adjustment survey with the adjoining parcel to add 0.07 acres to their parcel. He said that after doing these things, it would give the applicants the required acreage for two 20,000 square feet lots and leave enough acreage on parcel 9-24C to keep it conforming. Mr. Gill stated that he had informed the applicants that there was no guarantee of approval even though they have 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 had been no input from the public.

Mr. Smart stated that he had done the math and thought that the Seldons had space for the alternate septic field. Mr. Smart asked if both lots were owned by the Seldons.

Mr. Gill stated that lot 2 was previously subdivided from lot 1 in 2005.

Mr. Brent asked if the existing structure would have to be moved.

Mr. Gill stated that it is a possibility.

Mr. Jenkins asked if this was a residential neighborhood with small lot sizes.

Mr. Gill stated yes.

Mr. Jones opened the floor for public comment.

There was no public comment.

Mr. Gill stated that Mrs. Seldon had spoken to him before the meeting and was willing to proffer that the rezoning be contingent on a satisfactory boundary line adjustment survey and the location of the primary and reserve septic sites.

Mr. Jones stated that those contingencies would need to be put in writing before the rezoning could go in front of the Board of Supervisors.

Mr. Jones stated that he had no problem with it because the area is a residential community to begin with and won't go back to being agricultural.

Mr. Smart made a motion to forward the rezoning application from A-2, Agricultural, General to R-1, Residential, General for James K. and Cherri Seldon to the Board of Supervisors for approval on the condition of the contingencies in writing.
VOTE: 6-0.

DISCUSSION ITEM

REVIEW OF PERMITTED USES IN THE M-1, INDUSTRIAL LIMITED ZONING DISTRICT

Mr. Gill stated that at last month's meeting, three areas of concern were discussed, which included 1) the statement of intent was confusing and needed to be reworded; 2) the language in several permitted uses was outdated and needed to be revised; and 3) the M-1 confines certain reasonable uses, that could exist in residential zones, only to the M-1 District. Mr. Gill stated that it was requested that staff, which consisted of the County Administrator, the Assistant County Administrator, the Zoning Officer, and himself review the M-1 and recommend changes if needed. Mr. Gill stated that this review took place and that the attached M-1 ordinance reflected those changes.

Mr. Gill stated that the primary concern involved whether smaller "cottage industries" were suppressed by limitations in the residential districts which would require them to seek rezoning to the more intensive M-1 District. Staff's review concluded that there are already adequate measures in place to allow compatible business/industry uses in the residential districts.

Mr. Gill stated that a professional office with up to four workers is allowed in R-1 and R-3 with a special exception from the Board of Supervisors and a professional office complex, which has more than one professional office, is allowed in R-3 with a special exception. Mr. Gill further stated that the most widely used business/industry use in the residential districts is the "home occupation", which is allowed in both the R-1 and R-3 Districts. Staff feels that it is the "home occupation" use where the majority of the "cottage industries" would fall.

Mr. Gill stated that generally, a home occupation will allow no more than two employees, other than immediate family members, with no outside display of products, no additional parking or increased traffic and no offensive equipment or processes. He said that the home occupation may be located in an accessory structure located on the parcel and that it is allowed by right as long as the occupation is secondary to the use of the dwelling unit and parcel for residential purposes. Mr. Gill stated that if a "cottage industry" were larger than that allowed by the home occupation, the business use of the property would no longer be secondary but primary, and thus change the character of the property to the point where rezoning to a more intensive district or relocating the business to an intensively zoned district would be the proper course of action.

Mr. Gill referred to an example at last month's meeting involving a guitar maker and stated that this would be allowed as a "home occupation" in both the R-1 and R-3 Districts. He further stated that this would also be allowed under "music store" under the Rural Village Overlay.

Mr. Gill stated that staff feels that smaller, non obtrusive and non offensive versions of some of the permitted uses in the M-1 District can already be allowed in the residential districts via the "home occupation" and the "professional office" vehicles that have been described. Therefore, staff does not recommend altering the business/industry uses currently allowed in the residential districts.

Mr. Gill stated that if the Planning Commission still feels that there is a large gap between the business/industry uses allowed in the residential districts and those allowed in M-1, staff suggests the Commission look at the definition of "home occupation" for revisions to bridge that gap. The Zoning Ordinance definition of "home occupation" was included in the packages for that purpose.

Mr. Jones asked about Section 9-1-5 that included the crossed out words "drugs" and "perfumed toilet soap."

Mr. Gill stated that staff felt the words "pharmaceuticals" and "toiletries" were sufficient to cover those categories.

Mr. Gill stated that in Section 9-1-14, staff felt that the word "including" would mean that a commercial marina would have to have boat and accessory sales, boat storage, and engine and boat repairs, so the wording "which may include" was suggested.

Mr. Jones asked the Commission if anything was missing from the ordinance.

Mr. Jenkins asked why the special exception was retained for a veterinary hospital in Section 9-1-16.

Mr. Jones stated that that was a good question, since it is probably one of the least intensive businesses.

Mr. Chupp stated that his assumption would be because of the noise of the animals.

Mr. Chupp asked about having a special exception for truck terminals in Section 9-1-17. He stated that he thought they would have a potential for disturbing the public and that the Board should have a say in it.

Mr. Jenkins asked about the definition of truck terminals.

Mr. Gill stated that there was no definition listed in the ordinance for truck terminal or distribution center.

Mr. Jones stated that there were as many as five truck terminals in the county some time ago. He further stated that since some truck terminals have left the area, it wouldn't bother him if another one opened in the county.

Mr. Gill reminded the Commission that the M-1 District is designed to be the most intensive business industry district.

Mr. Jones stated that if someone wants to start an industry, M-1 is where he or she goes.

Mr. Smart stated that in Section 9-1-6, he suggested using the wording "non-explosive materials" instead of listing all of the materials.

Mr. Jones stated that the list actually includes some materials that could be explosive, such as paint, so he didn't think the words "non-explosive" should be used.

Mr. Gill stated that it was staff's recommendation to leave Sections 9-1-16, 9-1-17 and 9-1-6 as they were.

Mr. Chupp asked about Section 9-1-21, which includes public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewer lines.

Mr. Gill stated that Section 9-1-21 was a standard permitted use that is in every zoning district. This use requires a special exception in the agricultural and residential districts, but is allowed by right in the commercial and industrial districts. He further stated that he thought it was required by the Code of Virginia not to hinder the expansion of public utilities.

Mr. Jones stated that some things need a special exception, but it shouldn't be required for every item as it might discourage business.

Mr. Smart asked about Section 9-1-3 and suggested the word "metalworking" instead of "blacksmith".

Mr. Gill stated that staff thought it should remain as "blacksmith" since that would include such things as wrought iron work.

Mr. Chupp asked about Section 9-1-27 "County sanctioned public facility" and wanted to know its definition.

Mr. Jenkins stated that an example would be a county office, satellite fire department or rescue squad building. He further stated that that use is in every zoning district as well.

Mr. Chupp mentioned the time limits for review by the Planning Commission and the Board of Supervisors in Section 9-2-1.

Mr. Gill stated that the use would come before the Planning Commission as a consideration item only if it involved land disturbance greater than 2,500 square feet and required a building permit. He stated that he only recalled one instance when it has happened recently and that was when the Chesapeake Boat Basin expanded its operations. Mr. Gill further stated that the Code of Virginia sets the time limits that are referred to in the ordinance.

Mr. Jones asked Mr. Gill if staff was satisfied with the M-1 Zoning District.

Mr. Gill stated yes. He stated that the revisions to the statement of intent made it less confusing and the language that had been added and deleted has made it less antiquated.

Mr. Jones stated that he thought it might be helpful if the ordinance was held up one more month and include a map of all of the M-1 properties in the county, so that everyone can get an idea of where they are located.

Mr. Smart stated that he thought it was a good idea that the Commission was looking at the M-1 Zoning Ordinance closely, because this district has the potential for a lot of employment.

Mr. Chupp stated that he thought it would be a good idea to have a “catch-all” category in the ordinance, which would include any other manufacturing that wasn’t specifically mentioned elsewhere.

Mr. Jones agreed, but added that it should require a special exception.

Mr. Jones asked the Commission if they were in consensus with bringing the M-1 back next month with a map.

The Commission agreed.

Mr. Gill stated that he would provide a smaller version of the zoning map in his office that lists all of the zoning districts and another map that includes just the M-1 properties for comparison.

Mr. Smart asked about the number of M-1 properties.

Mr. Gill stated that there were about a hundred M-1 properties in the county.

OTHER BUSINESS

Mr. Gill stated that there might be another rezoning application for next month's meeting.

ADJOURNMENT

The September 17, 2009 regular meeting of the Lancaster County Planning Commission was adjourned at 7:40 p.m.