

LANCASTER COUNTY PLANNING COMMISSION

Minutes

September 17, 2015

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

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

Also present were William R. Lee, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, and others.

Mr. Jones stated that the Planning Commission did not have a public input session like the Board of Supervisors has, but had a request from a citizen, Milton Conrad, to speak about a topic from last month's meeting.

Mr. Conrad asked why Mr. Smart picked one former boat landing in Monaskon for possible public access when there are several others in the County.

Mr. Jones stated that this was part of the discussion at last month's meeting, concerning the future land use map and a recent road ending analysis and there was a reference to it in the Rappahannock Record.

Mr. Smart stated that the discussion was about the update to the future land use map and some of that had to do with water access sites. He stated that the Comprehensive Plan documents the County's desire to improve public access to the water and he had simply made the statement that the Middle Peninsula had investigated and found several places in their area where the road went to the water and he thought there may be two places in his district that did the same. He stated that the first was at the end of River Road in Bertrand and the other was at the end of Monaskon Road.

Mr. Gill stated that the Northern Neck Planning District Commission, funded by grant money, had studied some road endings for potential future access to the water. He stated that they had picked out ten old steamboat landings to be investigated, but only three were researched. He stated that those three sites were the end of the old ferry road at the foot of the Norris Bridge, the end of River Road at Bertrand and the end of Beach Road at White Stone Beach, and that the end of Monaskon Road was one of the other seven sites that was not researched. He stated that this was just a feasibility study and nothing is planned for any of those road endings. He stated that he did not know what the Rappahannock Record reported, but that was the situation.

Mr. Conrad stated that the paper did not say that and he and his neighbors did not know what was going to happen after reading the article in the Rappahannock Record.

Mr. Gill stated that what was being considered with the revision to the future land use map was to document the existing and proposed public use sites and that the old Monaskon landing is not on that map. He gave a copy of the draft future land use map to Mr. Conrad for his review. Mr. Gill stated that the Board of Supervisors will consider the revisions to the updated future land use map at their October meeting and he invited Mr. Conrad to speak at that meeting during the public input session, if he chose.

Mr. Lee stated to Mr. Conrad that the only thing the Board will be considering at that time is just the revisions to the future land use map, not the road ending study.

Mr. Jones asked if there were any corrections or additions to the minutes of the August 20, 2015 meeting.

Mr. Jones moved to approve the August 20, 2015 minutes as submitted. **VOTE: 6-0.**

PUBLIC HEARING #1

APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION- ROBERT PILATO AND BETH BURNSIDE

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

Mr. Gill stated that the issue was an Application for Change of Zoning District Classification from R-1, Residential, General to A-2, Agricultural, General by Robert Pilato and Beth Burnside for a 69.29-acre parcel described as Tax Map #29-16C located off Boys Camp Road.

Mr. Gill stated that the applicant wishes to use this parcel for a small farm craft brewery (officially termed a “limited license brewery), but cannot do so under the current R-1 zoning. He stated that although agriculture is a permitted use in the R-1, Residential, General Zoning District, these “limited license breweries” are not included in the definition of agriculture in our zoning ordinance and thus not permitted in the R-1 District. He stated that Section 15.2-2288.3:1B of the Code of Virginia exempts such limited license breweries from local regulation of various activities if those breweries are licensed under subdivision 2 of Section 4.1-208, which clearly states that those breweries must manufacture no more than 15,000 barrels of beer per year, produce ingredients on the farm and be located on a farm in the Commonwealth on land zoned agricultural. He stated that the applicant seeks to rezone the parcel to A-2, Agricultural General to qualify for the exemptions afforded under the aforementioned sections of the Code of Virginia.

Mr. Gill stated that this small farm craft brewery would be similar to the Good Luck Winery located off Good Luck Road, but would specialize in locally branded craft beer instead of wine. He stated that in contrast to the Good Luck Winery, which had to rezone its 93-acres to commercial in 2004 for its use, this parcel simply needs agricultural zoning. He stated that in 2014, the General Assembly passed, and the Governor signed into law, the previously described sections of the Code of Virginia allowing these small farm craft breweries to be located, by-right, on the farms in which ingredients are produced as long as the land is zoned agricultural. He stated that the law also allows usual and customary events associated with these small farm craft breweries such as tours and tasting events. He stated that the law also limits the size of these small farm craft breweries to prevent them from becoming huge commercial operations in agriculturally zoned areas.

Mr. Gill stated that a boundary survey of the property was included in the Commission members' packets as well as a preliminary site plan depicting the location of the proposed brewery and tasting building, workshop, parking and entrance off of Boy's Camp Road. He stated that the brewery building has strategically been located in the center of the western third of the property overlooking the non-tidal pond, as far away as possible from the nearest residential parcels, and the eastern two-thirds of the property will remain as farmland. He stated that the brewery wastewater will be pumped and hauled to the Kilmarnock Sewage Treatment Plant and well and septic will either be constructed onsite or connected to the Kilmarnock town water and sewer if or when those lines are extended down Boy's Camp Road. He stated that the new entrance off of Boy's Camp Road is under VDOT jurisdiction, but he did not expect a commercial entrance would be required given the agricultural nature of this use and the exemptions allowed under the previously described legislation.

Mr. Gill stated that staff believes this rezoning request is reasonable and appropriate given this parcel's continuous history as farmland, even though it was zoned R-1, Residential General back in 1975 when zoning was enacted in Lancaster County. He stated that he had included a GIS map in the Commission members' packets, which shows other A-2, Agricultural General zoned parcels in reasonably close proximity to this parcel. He stated that this would also be a downzoning as uses in the A-2 district are generally considered to be less intense than those of the R-1 District. He stated that if this property were built out to its fullest residential potential under the R-1 District, it could contain up to 90 individual lots and it is obvious that the proposed use would be much less intense than that.

Mr. Gill stated that the major theme expressed during the last two revisions of the Comprehensive Plan was to retain the rural character and heritage of Lancaster County. He stated that staff believes a small farm craft brewery located on 69 acres of farmland conforms to that theme. He stated that the proposed use also has the potential to create additional jobs and promote tourism in our area.

Mr. Gill stated that the Planning Commission's job was to consider the merits of the rezoning and make a recommendation to the Board of Supervisors. He stated that adjoining property owners had been notified and advertising conducted as required by law and that to date, he had four responses in favor of the request. He stated that Mr. Pilato was present and had a presentation for the Commission.

Mr. Brent asked how the number of lots was derived.

Mr. Gill replied that the 90 lots were based on conventional subdivision with current R-1 zoning with a 30,000 square foot minimum lot size and the required ten percent open space.

Mr. Brent stated that could also intensify.

Mr. Gill agreed and stated that the lot size could go down to 20,000 square feet if the development were connected to public water and sewer, such as the Town of Kilmarnock has.

Mr. Lee asked about the time limit on the pump and haul.

Mr. Gill replied that the Town of Kilmarnock's time limit is 24 months for the pump and haul, after which time the brewery would hopefully be connected to the town sewer.

Mr. Brent asked if a conventional system could be used at the site.

Mr. Pilato replied yes, and that the waste would primarily be sugar water.

Mr. Pilato gave a power point presentation to the Planning Commission. He stated that he and his wife were chemists and have a home in Lancaster County and had been looking to move to the area full-time and start a craft brewery. He stated that they were requesting a rezoning because the proposed property needs to have an agricultural classification per the Code of Virginia.

Mr. Pilato stated that the number of craft breweries is growing and they are here to stay, but that currently, there are no craft breweries in the Northern Neck. He discussed the increase in jobs due to the craft brewery industry. He discussed the three types of breweries and stated that the craft brewery, as he is proposing, would be the best fit for our area.

Mr. Pilato discussed the operations of the brewery and stated that there would be 10 hour production days. He stated that the tasting room would probably be open a couple of days a week and is not considered a bar. He stated that they are not permitted to prepare food on site, but that outside food vendors could be used at events. He stated that he did not anticipate a lot of traffic and the buildings will be about a quarter of a mile from the other homes in the area. He referred to possible odors and stated that it would

smell similar to bread baking. He stated that the building will look similar to the building at Good Luck Cellars. He stated that the brewery will be predominantly a wholesale business. He stated that the Town of Kilmarnock is allowing access to their wastewater treatment plant for the brewery wastewater and they have done some trial runs which have been successful.

Mr. Smart asked about the pond being a tidal stream.

Mr. Pilato replied no, and that it was a freshwater pond.

Mr. Smart asked if the barley would be obtained locally.

Mr. Pilato replied that he would like to, but not enough malting barley is produced locally. He stated that they will be growing hops, berries and pumpkins on their farm.

Mr. Smart asked about sales to local restaurants.

Mr. Pilato replied that he could sell to an individual during operating hours and he could sell to a wholesaler, but not directly to a restaurant.

Mr. Lee asked if the area's climate was conducive to growing the malting barley that the brewery needs.

Mr. Pilato replied yes, and certain varieties of hops, too.

Mr. Jones asked what the plan was after 2 years if the brewery is not on the town sewer system.

Mr. Pilato replied that before they approached the Town of Kilmarnock, their plan was to enlist an environmental engineering graduate from Virginia Tech to design an anaerobic/aerobic treatment system on site.

Mr. Jones opened the public hearing.

Mr. George Bott, a District 1 citizen, complimented Mr. Gill's summation and stated that Mr. Pilato's presentation was informative. He stated that he and his wife support the effort and are in favor of anything that can support jobs in the County. He stated that they have tasted the applicant's craft beers and they are very good. He stated that he rode down Boys Camp Road and the area looks agricultural to him.

Mr. Art DeMario, a property owner on Boys Camp Road, asked how the brewery would affect the zoning of other homeowners on Boys Camp Road. He stated that his concern is that the whole area may eventually be rezoned to town zoning and he would not be able to hunt and he did not want to pay town taxes.

Mr. Jones stated that what Mr. Pilato is asking for would have nothing to do with the zoning of Mr. DeMario's property or any other properties on Boys Camp Road.

Mr. Pilato stated that he was an avid bird hunter himself and it was one of the things he planned to do on his property on Boys Camp Road.

There was no more public input.

Mr. Jones closed the public hearing.

Mr. Gill referred to the barley grown locally and stated that it was known as 6-row barley and is mainly used for feed purposes. He stated that 6-row barley yields more than 2-row barley, which is used mainly for malting purposes. He stated that both will grow in this area.

Mr. Gill referred to the extension of the town sewer line down Boys Camp Road and stated that during the last Comprehensive Plan revision, the Board of Supervisors added wording in Chapter 7 that states that the town's sewer lines can be extended to properties outside the Primary Growth Area of the County if they are in close proximity to the Primary Growth Area.

Mr. Jones asked if Mr. Gill saw any down side to downzoning this property. He stated that he could not think of anything.

Mr. Gill replied that he could not think of a down side either.

Mr. Chupp stated that he thought the brewery was a great idea and will be an asset to the community.

Mr. Chupp made a motion to forward to the Board of Supervisors with a recommendation for approval the Application for Change of Zoning District Classification from R-1, Residential, General to A-2, Agricultural, General by Robert Pilato and Beth Burnside for a 69.29-acre parcel described as Tax Map #29-16C. **VOTE: 6-0.**

OTHER BUSINESS

Mr. Gill stated that in years past, the Planning Commission has chosen not to have an October meeting unless there was an application that required Planning Commission action. He suggested that, unless an application is brought forward requiring Planning Commission action, to skip October and meet again in November. He stated that the code requires that the Planning Commission meet every other month.

Mr. Jones stated that unless something comes up, there will be no October meeting for the Planning Commission and asked the other members if they were in agreement. The consensus was to meet again in November.

ADJOURNMENT

The September 17, 2015 regular meeting of the Lancaster County Planning Commission was adjourned at 7:45 p.m.