

**LANCASTER COUNTY PLANNING COMMISSION**

**Minutes**

**November 20, 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, Chairman, Tara Booth, Steve Sorensen, Robert Smart, Ty Brent, 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, Charles Costello, Ben Burton, Herb Aman, Lois Dawson, Larry Dawson and others.

Mr. Jones asked if there were any corrections or additions to the minutes of the October 16, 2008 regular meeting.

Mr. Jones moved to approve the October 16, 2008 minutes as submitted. **VOTE: 6-0.**

**PUBLIC HEARING**

**APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION-  
LARRY J. DAWSON**

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 Larry J. Dawson for a 1.285-acre parcel described as Tax Map #22-5. He stated that this property is located at 510 Devil's Bottom Road (VSH 614).

Mr. Gill stated that the parcel is an authorized non-conforming lot with two single-family residences. The applicant wishes to subdivide the parcel so each home can be situated on its own lot, however that is not possible since the parcel does not have sufficient acreage to create two new lots that meet minimum lot size requirements. As a result, the applicant will have to add acreage to this parcel from adjoining parcels he also owns. The problem is that the adjoining parcels are not zoned the same as this parcel (the other two are A-2 and this parcel is R-1) and new lots cannot be created with more than one zoning classification. Mr. Gill further stated that if this rezoning is granted, all three

parcels will be zoned A-2, and a boundary line adjustment can be done to add the necessary acreage for the subdivision application to be approved, creating the two new lots.

Mr. Gill stated that this request is a down zoning, as A-2 is more restrictive than R-1. This parcel adjoins both districts and staff views this request as the best means possible to create the two new lots and eliminate a non-conforming parcel in the process. He stated that the Board of Supervisors would hear this issue on Monday, November 24, 2008. Mr. Gill stated that the adjoining property owners have been notified and advertising conducted as required by law. To date, Mr. Gill stated that he had heard from one adjoining property owner, who had no objection.

Mr. Jones opened the floor for public comment.

There was no public comment.

Mr. Jones closed the floor for public comment and asked the Commission members if they had any questions or comments.

Mr. Smart stated that he likes the down zoning and it is nice to have a separate parcel for each house.

Mr. Smart made a motion to forward to the Board of Supervisors for approval the application for Change of Zoning District Classification from R-1, Residential General to A-2, Agricultural General by Larry J. Dawson for a 1.285-acre parcel described as Tax Map #22-5. **VOTE: 6-0.**

## **DISCUSSION ITEMS**

### **1) CASH PROFFER STUDY**

Mr. Gill stated that the issue was to study the “cash proffer system” and make a recommendation to the Board of Supervisors addressing the six points outlined in the memorandum from the County Administrator, William H. Pennell, Jr.

Mr. Gill stated that information is still being gathered from James City, Westmoreland and Middlesex counties to formulate a methodology for computing a maximum cash proffer. Those counties’ policy statements and amounts are easily accessible, however the methodology they used to arrive at those figures is extensive and has not been as easily accessible. He further stated that the item would remain on the agenda until finalized.

Mr. Jones asked Mr. Gill how many medium to large subdivisions he has seen coming through.

Mr. Gill stated that he had only seen two subdivisions of more than fifteen lots in the last year. He further stated that he had seen approximately five subdivisions within the range of six to nine lots.

Mr. Jenkins asked Mr. Gill if he had asked Mr. Pennell to call the other county administrators to obtain the information needed for the study.

Mr. Gill stated that he had not.

Mr. Jenkins suggested that he thought he should.

## **2) PARKS AND RECREATION GUIDANCE COMMITTEE**

Mr. Gill stated that the issue was to appoint a guidance committee charged with making recommendations for projects and improvements to be included in a Parks and Recreation Program.

Mr. Gill stated that the Planning Commission voted at its May 15<sup>th</sup> meeting to establish a Guidance Committee for Parks and Recreation consisting of a representative from each voting district, one member at large and one Planning Commission member.

Mr. Gill stated that District One would be represented by Tim Schrader, District Two by James Thomas, District Three by Sue Donaldson, District Four by Joe Smith and District Five by Corey Waddy. The at-large representative will be Charles Brocklebank. Ty Brent will be the Planning Commission representative and serve as chairman.

## **3) PROPOSED NEW DISTRICT ORDINANCE, R-4-RESIDENTIAL COMMUNITY**

Mr. Gill stated that the issue was to revise a proposed new ordinance, R-4 – Residential Community District, which allows multi-family housing with an emphasis on creating workforce housing.

Mr. Gill stated that the changes made as a result of last month's meeting had been made and he was looking forward to any other changes that the Commission deemed necessary.

Mr. Gill stated that he had received a phone call from Nicole Chambers concerning apartments. Mr. Gill stated that she had some ideas concerning apartments in the proposed ordinance. The first suggestion was to limit the number of bedrooms per unit, possibly two or three; the second suggestion was to limit the number of people per bedroom; the third suggestion was to limit the apartment size by bedroom; and the fourth suggestion was minimum acreage on the site area.

Mr. Jones asked Mr. Gill if the minimum acreage was based on the number of apartments.

Mr. Gill stated that the suggestion was for a minimum acreage for any type of development within the proposed R-4.

Mr. Jones asked Mr. Gill what the suggested minimum acreage was.

Mr. Gill stated five acres.

Mr. Jones stated that in the statement of intent for the R-4, he was concerned about the allowable items other than housing, such as hospitals, clubs, day care centers, etc. He further stated that the statement includes wording that, in his opinion, could mean that workforce housing could go anywhere. Mr. Jones stated that he thought that the intent was to have workforce housing close to towns, where amenities were more accessible.

Mr. Gill agreed that the wording was open-ended.

Mr. Jones stated that he didn't want to go down the same path as with the R-2 zoning. The R-2 zoning was allowed to go anywhere and was not controlled as well as it should have been. He further stated that there were places in the county, such as high-density areas, where the R-4 zoning would work. He stated that they should try to avoid spot zoning as well.

Mr. Jenkins stated that it was a difficult situation because they want to encourage more affordable housing outside the Planned Growth Area as well.

Mr. Jones stated that when the workforce housing issue first came up, it was being pushed towards the towns and now it seems open ended.

Mr. Smart stated that it would be the most dense zoning and it would be nice to keep it close to the towns and villages.

Mr. Jones stated that in this week's Rappahannock Record, there were thirty-eight rental properties in the Lancaster, Middlesex and Northumberland areas. He stated that twenty-six of those properties were in Lancaster alone and in the price range of what the workforce housing would be. He further stated that a year ago, it was probably only three, and he feels like there is time to get the ordinance the way it needs to be so there won't be misinterpretation.

Mr. Smart suggested that the word "shall" be inserted in the place of "should" in the statement of intent, where it explains that the R-4 District will be located in areas where central water and sewage disposal are available and/or will be provided and that are convenient to public facilities and services, etc.

Mr. Jones also suggested that the words “such as” be deleted from line four and in the fifth line, take out the words “locations where a sustainable supply of workforce housing could be created” and insert the words “county owned properties or existing densely developed areas or planned communities.”

Mr. Jones stated that there are areas that are good for workforce housing, but not good for some of the other allowable things like clubs, hospitals, nursing homes, etc.

Mr. Smart asked Mr. Jones what he thought about the affordability restriction to the deed of a workforce housing home for a period of fifteen years.

Mr. Jones stated that he thought that was fine.

Mr. Gill stated that, at Mr. Jenkins request, he had done some research on the average time of build out for some area subdivisions. He stated that Eagle Landing, which was started in 1991 and only recently completed, had a build out of seventeen years. Hills Quarter, which was approved in 1997, is approximately half completed in that eleven-year span. He further stated that he thought the fifteen-year time period was viable.

Mrs. Booth asked Mr. Gill how often the US Department of Housing and Urban Development Median Family Income Estimate was updated.

Mr. Gill stated that he knew it was updated annually and he thought it was updated monthly. He stated that the last time he checked it was at approximately \$53,000.

Mr. Jenkins stated that his concern was that with the workforce housing, if a builder is limited to a small number of units, like with townhouses, it would add to the price per unit.

Mr. Jones agreed that more units would make the housing more financially viable.

A citizen asked about the square footage of the townhouses.

Mr. Gill stated that the 2500 square footage was the minimum lot size requirement for one townhouse.

Mr. Jones stated that he thought that 2500 was too big for one townhouse. He suggested 1500 square feet.

Mr. Gill asked the Commission if they would like to change the square footage of the minimum lot size of a townhouse from 2500 to 1500.

The Commission agreed.

Mr. Gill asked about a limit of the number of units per building.

Mr. Jones suggested six units.

Mr. Gill asked about how specific the ordinance should be about the number of bedrooms and number of people per bedroom for apartments.

A citizen suggested that that issue might be handled by the landlords.

Mr. Gill asked about whether the Commission liked the minimum acreage being five acres.

Mr. Jones stated yes.

Mr. Gill stated that he would also use Mr. Jenkins' recommendation of "no grouping of structures" comprising more than forty percent of the area of a lot.

Mr. Jones stated that since numerous changes have been made to this draft ordinance, he wanted to send it back for another public hearing before the Commission sends it to the Board of Supervisors.

#### **4) CONSERVATION/CLUSTER SUBDIVISION**

Mr. Gill stated that the issue was to revise Section 5-26 of the Subdivision Ordinance to allow conservation/cluster subdivision to preserve open space.

Mr. Gill stated that Lancaster County already has open space requirements for larger subdivisions contained in Section 5-26 of the Subdivision Ordinance, however its meager 10% open space requirement and "one size fits all districts" approach will not preserve the large amounts of open space craved by County residents. Therefore, revising this section, with zoning district specific open space requirements, is a logical and simplistic approach to preserving open space. He stated that cluster development is already defined in our zoning ordinance as, "a type of development that allows the reduction of lot sizes below the zoning ordinance's minimum requirements if the land thereby gained is preserved as permanent open space for the community."

Mr. Gill stated that conservation/cluster subdivision does not increase density. The same number of dwelling units allowed under current zoning would be allowed under conservation/cluster zoning. The difference is that those dwelling units would be grouped in a smaller area on the parcel, with the remainder of the parcel preserved as open space. Mr. Gill stated that the draft included the changes from last month's meeting in italics. He hoped to get more input from the Planning Commission so it could be brought forth at a future public hearing.

Mr. Smart stated that he liked the revision because it was not going to increase density and would retain conservation areas.

Mr. Brent stated that the revision was an example of smart growth.

Mr. Jones asked Mr. Gill about possible opposition.

Mr. Gill stated that both developers and conservation minded people generally support conservation/cluster subdivision because each gains something.

Mr. Gill further stated that organizations such as Farm Bureau support conservation/cluster subdivision because it is farm friendly.

Mr. Jones asked Mr. Gill if he thought this could be brought up for public hearing at the January meeting.

Mr. Gill stated that it could if the Commission desired.

Mr. Jones made a motion to docket the Revision of Section 5-26 of the Subdivision Ordinance for public hearing at the January meeting. **VOTE: 6-0.**

#### **OTHER BUSINESS**

Mr. Jones stated that there would be no December meeting.

A citizen requested that the members of the Commission have nametags or plates to identify themselves at the meetings.

#### **ADJOURNMENT**

The November 20, 2008 regular meeting of the Lancaster County Planning Commission was adjourned at 8:15 p.m.