

**POLICY COMMITTEE MEETING**

May 15, 2008

2:30 p.m.

County Complex, Building A Large Conference Room

**A. Roll Call**

**PRESENT:**

Mr. Reese Peck  
Mr. Chris Henderson

**ABSENT:**

Mr. Jack Fraley  
Mr. Rich Krapf  
Mr. George Billups

**OTHERS PRESENT:**

Jason Purse, Senior Planner  
Leanne Reidenbach, Senior Planner  
Adam Kinsman, Deputy County Attorney  
Bill Porter, Development Manager  
Kate Sipes, Senior Planner  
Brian Elmore, Development Management Assistant  
Steve Yavorsky, Assistant Director of Economic Development

**B. Minutes**

Note: Since a majority of Policy Committee members were not in attendance, the May 15<sup>th</sup> Policy Committee began its meeting with an information session.

**C. Old Business**

Mr. Purse stated that staff had investigated possible ordinance amendments to certain specially permitted uses in various zoning districts. He noted that staff had looked at uses that are currently allowed by-right, and compiled a list of specially-permitted uses (SUPs) that have similar impacts in those zoning districts. Mr. Purse stated that staff believed that moving those uses from SUPs to permitted uses would not have additional adverse affects on similarly zoned properties across the county. He also noted that, in accordance with the Business Climate Task Force report, staff looked at the LB, B-1, M-1, M-2, RT, PUD, and MU sections of the ordinance at this time.

Mr. Purse stated Mr. Kinsman was in attendance regarding adding tattoo parlors as a Special Use to the Zoning Ordinance. Mr. Purse stated the county does not currently allow tattoo parlors in any zoning district. Mr. Purse stated the county was adding the Use in response to a lawsuit, and that the tattoo parlor use was being added to bring the County into compliance. He noted that at this time the use was suggested to be added as a special-use permit to the M-2, General Industrial section of the ordinance.

Mr. Kinsman stated the County received a letter in 2005, and was sued in 2006 with regards to the lack of tattoo parlor access. Mr. Kinsman stated the plaintiff has taken no further action in almost two years, but that at around the two year mark, the judge will issue a letter saying the case will be dismissed if further action is not taken. Mr. Kinsman stated according to state law, the County does not have authority to disallow tattoo parlors. Mr. Kinsman stated state code does not say where tattoo parlors have to be placed, only that they must be placed somewhere. Mr. Kinsman stated tattoo parlor impacts should be reviewed during this process of changes to the Zoning Ordinance. Mr. Kinsman stated as a matter of the lawsuit, tattoo parlors would have to be allowed in at least one district, as either a Permitted Use or a Special Use. Mr. Kinsman stated it would be better for the County to decide where tattoo parlors would be permitted rather than being forced to make a decision later. Mr. Kinsman stated the initial suggestion for tattoo parlors was inclusion in the M2 districts, but the decision was up to the Policy Committee.

Mr. Henderson stated M2 was General Industry, where manufacturing and plants are placed. He asked why M2 would be staff's recommendation for tattoo parlors.

Mr. Kinsman stated he had not given Mr. Purse much time to consider the tattoo parlor issue. Mr. Kinsman stated that staff's recommendation of tattoo parlor placement should not slow down the overall process for changing Permitted Use/Special Uses.

Mr. Henderson asked if other similar potentially noxious uses had been omitted from the Zoning Ordinance.

Mr. Kinsman stated the omission of tattoo parlors was not intentional. Mr. Kinsman stated when the 2005 letter was received, he believed a tattoo parlor must have existed somewhere in the county. Mr. Kinsman stated the issue for tattoo parlors was where to fit it compared to similar uses. Mr. Kinsman asked if it was a personal service akin to a nail salon, massage parlor, or hair stylist. Mr. Kinsman stated tattoo parlors were a personal service.

Mr. Kinsman stated the County can deal with potential noxious uses when they arise, but that the tattoo issue will be in the near future.

Mr. Henderson asked if it was possible to list every possible use type. Mr. Henderson stated that business and industry was constantly changing, and government agencies have been reluctant to add general language like 'other similar uses' to their zoning codes, subject to the interpretation of zoning administrators.

Mr. Purse stated the current Zoning Ordinance is flexible in the B1 and LB districts. Mr. Purse stated generally the Zoning Ordinance covers most uses. Mr. Purse stated staff worked with a recent applicant, regarding truck fuel, had come in, to find an appropriate usage, when new uses come up though.

Mr. Yavorsky stated the changes to the Special Use/Permitted Uses were also, from a Business Climate Task Force perspective, to make the commercial application process more predictable. Mr.

Yavorsky stated the recommended changes to the Special/Permitted Uses were often commercial offices and retail. Mr. Yavorsky stated that because an end user or customer will not use a parcel, such as storage or a contractor's office, the distinction of those Uses to Permitted should be made.

Mr. Kinsman stated the current Zoning Ordinance is inclusive: if a use is not listed, then it is not allowed, but, the zoning administrator has the ability to make a similar use fit into an existing permitted use. Mr. Kinsman stated if an applicant for an unlisted use can adjust their application to a similar permitted use, and then it is allowed. Mr. Kinsman stated it was impossible to list every conceivable use, but the zoning administrator has considerable flexibility to make interpretations. Mr. Kinsman stated objections to various interpretations would certainly arise.

Mr. Henderson stated there was not catchall language in the Zoning Ordinance for B1 to say the zoning administrator can make those recommendations.

Mr. Purse stated the Zoning Ordinance permits business, governmental, and professional offices which includes many different uses. Mr. Purse stated some general uses in the Zoning Ordinance such as the business, governmental, and professional offices provide a catchall.

Mr. Henderson stated that in the permitted retail uses, the Ordinance includes uses as specific as furriers. Mr. Henderson stated the Ordinance creates a higher, more specific standard for a retail operation than for an office.

Mr. Henderson stated that no fundamental changes in the Special Use Permit process were yet being considered. Mr. Henderson stated issues such as traffic impact often created the uncertainty that necessitated a Special Use Permit.

Mr. Purse stated today's meeting was only the beginning of a multi-stage process, and that the changes being considered today were only the Special Uses that could easily fit in as Permitted Uses. Mr. Purse stated more fundamental changes would occur later on.

Mr. Peck asked if staff envisioned changing the whole Special Use Process.

Mr. Purse stated after the obvious changes had been made, the Policy Committee could start working on the deeper issues of the commercial special-use permit section. Mr. Purse stated input from more Policy Committee members, as well as the Planning Commission and Board of Supervisors would be needed before initiating larger changes. Mr. Purse stated on the easy changes, staff wanted to get them through the Planning Commission and Board in the next few months.

Mr. Peck stated he would like to establish a schedule for Policy Committee meetings that would deal with the proposed Special Use/Permitted Use changes. Mr. Peck stated he wanted Policy Committee and Planning Commission members to know well in advance what was being planned.

Mr. Purse stated the Special Use process would be hard to put a time table on, due to still needing to determine what all of the issues are, in addition to getting greater input from the

different governing bodies, but that the process would start once the SUP ordinance amendments that staff was presenting today was finished.

Mr. Henderson suggested Mr. Peck provide staff with some guidance as to when the Policy Committee would like to see the process completed. Mr. Henderson stated he hoped new policies would be in effect for 2009. Mr. Henderson asked staff if that schedule was workable.

Mr. Purse stated he was unsure what the staff workload would be for this process. Mr. Purse stated he would consult with staff and report back to the Policy Committee.

Mr. Yavorsky stated the current proposed SUP changes were a trial run for determining how much work bigger changes would require.

Mr. Purse stated he hoped the current proposed changes would be addressed by the June Planning Commission session. Mr. Purse stated if the Policy Committee could meet in the next week, the changes should still be able to make the June Planning Commission session.

Mr. Peck stated he wished for at least three members of the Policy Committee to be present. Mr. Peck stated two Policy Committee members were out of town.

Mr. Kinsman stated this meeting of the Policy Committee had been properly advertised, and if the meeting was officially continued to a future date, there would be no need for additional advertising.

Mr. Peck asked if the meeting should officially be called to order.

Mr. Peck called the Policy Committee meeting to order.

Mr. Purse asked if there was anything in the listed Special Use/Permitted Use recommendations staff should further investigate.

Mr. Peck asked the attending public if they had any comments about the Special Use/Permitted Use proposals.

A citizen asked if Special Uses become Permitted Uses, will Site Plans still be required?

Mr. Purse answered affirmatively.

Mr. Henderson asked if he could comment on the staff's proposed change list. Mr. Henderson stated regarding LB in particular, which often abuts residential areas, was a sensitive area. Mr. Henderson asked if an industrial food processor could move into LB under the guise of catering and meal preparation.

Mr. Purse stated food processing would prevent it from being preparation. Mr. Purse stated a food processing facility would be considered manufacturing.

Mr. Henderson asked if a square footage limitation could be included to avoid intensive commercial kitchen activity, which may not be compatible with nearby residential zones.

Mr. Purse stated that an area limit of 5,000 sq. ft., similar to restaurants in LB would be acceptable.

Mr. Henderson asked how the Ordinance deals with taxi cab companies.

Mr. Purse stated staff felt taxi and limo services were different uses. Mr. Purse stated taxi cab services are currently a special use, although it could be moved over to a permitted use. Mr. Purse stated that staff felt traffic generation and visual impact for a taxi service was much more intense than for a limo service. Mr. Purse stated the limo service would have both fewer cars and generate fewer trips per day.

Mr. Henderson stated he was involved with the Carey VIP Limo project, and that project faced a lot of scrutiny before approval. Mr. Henderson stated that limo company operated 24/7. Mr. Henderson asked if automobile service stations must have an SUP. Mr. Henderson asked about mailing and transmittal reception.

Mr. Purse stated that use would represent a business like a Mailboxes Etc or a Kinkos. Mr. Purse stated these businesses represent no nuisance.

Mr. Henderson asked how an internet café would be considered.

Mr. Purse stated it would probably fit under restaurant, tea room and tavern uses.

Mr. Henderson stated regarding restaurants, if a restaurant has a drive through, it is not necessarily considered fast food. Mr. Henderson stated a new restaurant concept of Quick Serve is becoming more prevalent.

Mr. Purse stated the Zoning Ordinances language about sit down and fast food restaurants included language about drive through.

Mr. Henderson asked about tourist homes and bed and breakfasts.

Mr. Purse stated both were included in the Ordinance. Mr. Purse stated no more than five unrelated people could be present at the same time, which limits tourist home sizes as well.

Mr. Henderson asked about farmers' markets. Mr. Henderson asked if farmers markets could be generally expected in A1, near the farmlands.

Mr. Purse stated sellers often wanted more exposure than what a field could offer.

Mr. Porter stated farmers' markets were not necessarily by fields. Mr. Porter mentioned the farmers' market on Duke of Gloucester Street.

Mr. Henderson asked what the Fire Department property on Rt. 60 was zoned.

Mr. Purse stated the property was zoned B1. Mr. Purse stated the official use was classified as a flea market.

Mr. Purse stated auto service stations are currently listed permitted use in B1, but also require a commercial SUP. Mr. Purse stated the Ordinance's language would be clarified. Mr. Purse stated auto service station, like a convenience store, always triggered a special use permit.

Mr. Henderson mentioned a forthcoming bulk storage proposal. Mr. Henderson asked if the proposal would be consistent current M2 zoning.

Mr. Purse stated it depended on what was being stored. Mr. Purse stated if it was sand, rock, or gravel, a Special Use Permit would be required. Mr. Purse stated warehousing and distribution were already permitted uses in M2.

Mr. Porter stated hazardous materials would qualify as special use permits.

Mr. Henderson stated the proposal was comparable to petroleum storage.

Mr. Purse stated petroleum storage was a special use permit.

Mr. Porter stated public safety issues would require a special use permit.

Mr. Henderson asked if hazardous storage was a by right usage.

Mr. Porter stated it was not.

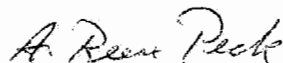
Mr. Henderson stated he supported staff's recommendations so far.

Mr. Purse stated the following Thursday would be the ideal time for the next meeting. Mr. Purse asked if Policy members wished to discuss the CIP the following week. Mr. Purse asked if there would be enough meeting time the following week to discuss both the Ordinance changes and the CIP.

Mr. Peck state he believed there would be enough time to discuss both the following week.

Mr. Peck continued the meeting until Thursday May 22<sup>nd</sup>, at 2:30pm.

Mr. Henderson seconded the motioned.



Reese Peck, Chairman