

POLICY COMMITTEE MEETING

June 7, 2011

7:00 p.m.

County Complex, Building A

1) Roll Call

Present

Mr. Reese Peck, Chair
Mr. Al Woods
Mr. Jack Fraley
Mr. Tim O'Connor

Staff Present

Mr. Allen Murphy
Ms. Tammy Rosario
Mr. Christopher Johnson
Ms. Leanne Reidenbach
Ms. Christy Parrish
Ms. Jennifer VanDyke

Mr. Reese Peck called the meeting to order at 7:00 p.m.

2) Minutes

a) April 25, 2011

Mr. Peck stated that he wanted his own presentation about urban development areas to be included in the minutes. Mr. Jack Fraley moved for approval for the April 25, 2011 minutes with the inclusion of the presentation. The minutes for April 25, 2011 were approved.

3) Old Business

4) New Business

a) Cumulative impact of development

Ms. Christy Parrish and Ms. Leanne Reidenbach discussed the materials on cumulative impact of development.

Mr. Al Woods asked if this is the same document the Policy Committee had reviewed previously.

Ms. Reidenbach stated that at one time the Board of Supervisors (BOS) had suggested simplifying the methodology. She stated that upon further examination a consensus was reached that essential information was lost or compromised if simplified. She stated that they then returned to the original matrix.

b) Pedestrian accommodations

Ms. Reidenbach reviewed some of the modifications made to the master plan.

Mr. Peck asked if there is enough room to accommodate a sidewalk along News Road.

Ms. Reidenbach stated that staff did not complete a right of way analysis. She stated that for Virginia Department of Transportation (VDOT) to assume maintenance the sidewalk needs to be placed in the right-of-way.

Mr. Allen Murphy stated that there is enough right-of-way along the main section of News Road to accommodate a path.

Mr. Peck stated that he is uncertain of the area around Matoaka Elementary school. He stated that it seems out of place to put sidewalks in an area that is remote.

Ms. Reidenbach stated that staff elected to go one-half mile in either direction to the schools in that area. She stated that this was intended to accommodate students in the area. She stated that the Policy Committee had previously called out Brick Bat Road, Lake Powell Road and Jolly Pond Road as areas of interest.

Mr. Peck asked if there are sidewalks within the neighborhoods in the Jolly Pond Road area.

Ms. Reidenbach stated that she did not know. She stated that currently there are proposals for subdivisions along Jolly Pond that include three acre lots.

Ms. Tammy Rosario stated that staff can go back and look at the density in that area past Matoaka Elementary school. She stated that there would be benefits to having a sidewalk in the area adjacent to the Greensprings West subdivision.

Mr. Peck stated that it may be best to have a multi-use path in that area to accommodate bikes as well.

Mr. Fraley stated that we want to maintain inter-connectivity.

Mr. Tim O'Connor stated that he is concerned with removing the sidewalk requirements. He stated that within McLaws Circle he sees people walking in the middle of the road because the area lacks sidewalks. He stated that many employees working in Stonehouse Industrial Park use public transportation. He stated that it is important to have sidewalks in these areas to better facilitate the use of public transportation.

Mr. Fraley stated that he would like to see sidewalks in office parks.

Ms. Reidenbach stated that new office parks require sidewalk installation. She stated that for any subdivision that has internal public streets, VDOT will require sidewalks on either one or both sides of the development if it meets certain thresholds. She stated that if they are private streets, staff has written a provision that would mirror VDOT requirements. She stated that industrial parks and industrial portions of economic opportunity areas are other places where there would be no County sidewalk requirements for private streets but that would still have to adhere to VDOT regulations. She stated that new office parks and commercial and retail establishments would be included in sidewalk requirements.

Mr. Fraley stated that including industrial parks for sidewalk requirements may be advantageous.

Mr. Murphy stated that staff has spoken with the Director of Economic Development regarding sidewalk requirements in industrial areas. The director stated that he was more comfortable with not making it a requirement.

Ms. Reidenbach stated that if the street is public then the property needs to be developed per VDOT's requirements.

Mr. Woods asked staff to explain what differentiates public and private streets.

Ms. Reidenbach stated that public streets will be wholly governed by VDOT's requirements. She stated that staff decided to stick with VDOT's requirements and reference their guidelines. She stated that private streets would not have to meet VDOT standards relating to sidewalks, unless the Ordinance required it. She stated that staff wrote language in the Ordinance requiring sidewalks on private streets that mirrored VDOT's requirements.

Mr. Woods asked why staff elected not to require sidewalks in industrial areas.

Ms. Reidenbach stated that the Director of Economic Development did not want to burden business owners with the cost.

Mr. Woods asked what the typical size of a business would be in an industrial park.

Ms. Reidenbach stated that it varies depending on the use.

Ms. Rosario stated that the Wal-Mart distribution center would be an example of a large industrial operation, a smaller one might be 13,000 square feet.

Mr. Woods stated, as an example, the Wal-Mart distribution center would have required sidewalks throughout with the new requirements.

Ms. Reidenbach stated that she does not know their floor area ratio.

Mr. Murphy stated that they do not front on a public street. He stated that they would also have to meet a certain floor-area ratio in order to trigger the requirement.

Ms. Reidenbach stated that in the areas that are master planned, such as Stonehouse Commerce Center if their pedestrian accommodations are shown on the master plan that would take priority.

Mr. Rich Costello, 10020 Sycamore Landing Road, asked for clarification regarding Sec. 24-35(a)(4).

Mr. Murphy stated that staff's intent was to meet Americans with Disabilities Act (ADA) standards. He stated that this particular clause is intended to identify special requirements for the Economic Opportunity zone.

Ms. Reidenbach stated that there is also a clause that speaks to connecting a development with any existing public transit stop.

c) Floodplain overlay

Ms. Reidenbach reviewed some of the changes to the draft Floodplain Ordinance.

Mr. Fraley asked for clarification regarding the last sentence in Sec. 24-596.

Mr. Costello asked if staff really meant structures instead of buildings. He stated that structures would be more inclusive.

Ms. Reidenbach stated that it is currently written in the Ordinance as structures.

Mr. Fraley read the definition of structure from the Ordinance.

Mr. Murphy stated that staff will clarify this to apply to buildings only.

d) Timbering ordinance

Ms. Reidenbach relayed some of the previous discussions with the BOS regarding timbering. She stated that much of discussion revolved around buffers outside the Primary Service Area (PSA). She stated that there was interest in requiring buffering in these locations but, making sure that it was either added as an incentive or that the property owners would not be penalized monetarily. She stated that timbering is a crop for those outside the PSA. She stated that requiring a buffer would not penalize them or they would be compensated. She stated that staff's approach to the direction provided by the BOS was to offer three levels of options to choose from. She stated that the first option represents staff's original proposal to the Policy Committee. She further discussed the details pertaining to option one.

Mr. Peck asked what it means to be a right to timber state.

Ms. Reidenbach stated that being a right to timber state means that property owners have a fundamental right to timber. She stated that localities can apply certain limitations, but the property owner cannot be obstructed from timbering their property.

Mr. Peck confirmed that there are provisions that allow localities to require buffers.

Ms. Reidenbach discussed the details of the second option. Ms. Reidenbach stated that this option includes a requirement to notify the County at least ten days prior to any timbering activities.

Mr. Woods asked why ten days.

Ms. Reidenbach stated that this was the length of notification cited in State Code. Staff has a maximum of ten days to review any plans for timbering.

Mr. Peck stated that outside the PSA there are only parcels with very small acreages that would be covered by this.

Ms. Reidenbach stated, yes. She stated that staff was focusing on Community Character Corridors.

Mr. Peck stated that the primary distinction between option one and option two is the ten day notification.

Ms. Reidenbach stated that option two is an attempt to achieve balance between the Board's desire to protect buffers and their desire to not be punitive. She stated that option three, the most restrictive, requires fifty foot buffers along any Community Character Corridor for A-1 property outside the PSA. She stated that with this requirement, property owners would be allowed to remove up to half of the basal area of the buffer in order to realize the full value of timber on the property.

Mr. Fraley stated he is comfortable with option one.

Mr. O'Connor stated option one seems the most appropriate.

Mr. O'Connor asked if staff does not respond within ten days then by default the proposal is approved.

Mr. Murphy stated yes.

Ms. Reidenbach stated that one advantage of requiring the ten day notification is that it gives staff the ability to verify that buffers and other required elements have been included, which would help avoid violations, and it also gave the County a chance to consider whether timbering rights to a buffer area should be acquired with greenspace funds.

Mr. O'Connor stated he is reluctant to support any new regulation requiring timbering review plans.

Ms. Reidenbach explained further details related to option three regarding the advantage of leaving trees that are ten inches in diameter. She stated that the trees that are most valuable - the largest, oldest trees - may not be the most ideal to retain in a buffer. These older trees are susceptible to being damaged in heavy winds.

Mr. Peck stated that he likes option three.

The Policy Committee decided to have this discussed further at the next Planning Commission meeting.

e) Commercial districts

Mr. Chris Johnson reviewed the proposed revision to Sec. 24-147, Development Review Committee (DRC) triggers.

In reference to Sec. 24-149, Mr. Woods asked if the Planning Commission reviews plans that have been granted expedited review status.

Mr. Johnson stated that expedited review status for commercial projects does not exempt them from DRC review, if it is necessary. Sec. 24-149 allows the DRC chair to designate two members to review site plans during the initial expedited review timeframe.

Mr. Fraley asked if there would be any changes to the Ordinance regarding the DRC subdivision review trigger.

Mr. Johnson stated that this is a Subdivision Ordinance issue, which is a non-priority item. Mr. Johnson stated that the threshold triggering DRC review of subdivisions will be addressed at a later date.

Mr. Fraley stated that he does not see a need for the DRC to review any of the uses called out in Sec. 24-147. Mr. Fraley stated that he did not think it is appropriate to have the Economic Development Director decide which proposals are granted expedited review status.

Mr. Johnson stated that staff had been directed previously by the Policy Committee to facilitate modifications to the role of the DRC. Mr. Johnson stated that the new role would define the DRC as a strategic body at the front end of the development review process and as an appellate body in later stages. The DRC would be more involved during the conceptual review of both legislative and certain administrative proposals.

Mr. Peck stated that he supports changing the role of the DRC to a strategic and appellate body.

Mr. Murphy stated that if the DRC review triggers are removed, reviews can be done administratively.

Mr. Johnson stated that the collective expertise of development management staff is fully capable of handling the vast majority of issues and concerns currently reviewed by the DRC.

Mr. Woods stated that he can recall a previous discussion at a Planning Commission meeting where retaining the existing DRC thresholds was preferred.

Mr. O'Connor stated that he generally supports changing the criteria but, this discussion should include the entire DRC.

Mr. Woods stated that if the DRC triggers were removed one advantage would be a streamlined review process for the applicant.

Mr. Fraley asked staff to review the proposed revisions to Sec. 24-11, commercial Special Use Permit (SUP) triggers.

Mr. Johnson pointed out the building size threshold increasing from 10,000 to 20,000 and noted that the exemptions for office and industrial building square footage and trip generation would remain unchanged. Mr. Johnson added that the recommended revisions would have eliminated roughly half of the commercial SUP's over the past decade.

Mr. Richard Costello, of AES stated that exemptions (d)(1) and (d)(2) are outdated and could be removed.

Mr. Johnson reviewed the proposed revisions for the Limited Business District, LB.

Mr. Fraley stated that the Ordinance materials related to LB are of particular importance since these districts are located near residential areas. Mr. Fraley asked why staff chose to add the new language seen in Sec. 24-367.

Mr. Johnson stated that Sec. 24-367 is a statement of intent for the district and language contained therein is not enforceable. It is meant to be a general, guiding statement of intent for the regulations outlined in the rest of the chapter.

Mr. Fraley stated he would prefer to see more substantive language.

Mr. Murphy stated that it does explain the specific requirements that are seen in the text later in the chapter.

Mr. Fraley stated that he expected to see more uses shift from specially permitted to permitted and fewer uses that require a SUP. Mr. Fraley stated that he anticipated seeing more performance standards for uses requiring SUP's.

Mr. Murphy stated that staff made an effort to meet this expectation. Mr. Murphy stated that if the Policy Committee wants to shift more uses than staff will consider them.

Mr. Fraley asked for clarification on the condition placed on Veterinary hospitals under Sec. 24- 368.

Mr. Johnson stated that requiring animals to be kept on a leash would prevent outdoor dog runs which create noise outside normal working hours yet still allows employees to walk or exercise dogs during the day.

Mr. Fraley suggested requiring an extra setback in Sec. 24-370(1), perhaps increasing the front setback to 75 feet.

Mr. Fraley asked for clarification regarding Sec. 24-391 pertaining to convenience stores.

Mr. Murphy stated that all convenience stores require a SUP, even those that do not sell fuel.

Mr. Johnson stated that convenience stores typically remain open for extended late night hours and promote the congregation of people around them later into the evening which can cause impacts on adjacent residential properties and often increase police presence. He stated convenience stores typically have bright lighting and other design issues that require careful review during a legislative process.

Mr. Fraley stated he was alarmed to hear at the last Board of Supervisors meeting that it is difficult for the County to enforce hours of operation. Mr. Fraley asked why convenience stores are not listed in M-2.

Mr. Murphy stated that convenience stores were deemed an inappropriate use for M-2. He stated that it was the county's intent to retain M-2 for heavy industrial uses.

Mr. Costello asked staff if outdoor centers of amusement are permitted in any other district besides, B-1.

Mr. Johnson stated that it is only permitted in B-1 with a SUP. Mr. Johnson stated that outdoor centers of amusement are not appropriate uses in industrially zoned areas or adjacent to residential neighborhoods in LB.

5) Other Business

a) Administrative policy and procedures manual

Mr. Peck noted that he had a several comments regarding the organization of the administrative policies and procedures. He noted that he could not find the County's administrative regulations (ARs) on the website.

Mr. Murphy clarified that ARs are internal guidance to the County and do not apply to outside developers, which is why they are not posted publically.

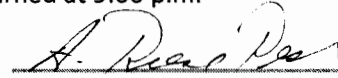
Mr. Peck noted that policies were categorized by their adoption status. He was interested in creating a numbering system that classified policies that dealt with similar topics (for example, site plan review) in the same numbered section to make them easier to find. He also wanted to establish a more consistent process for adopting and amending policies, such as what is adopted by just the Policy Committee versus the Board of Supervisors, and developing criteria for figuring out what is worthy of a policy. He noted that putting sunset clauses on regulations may be a good idea to require them to be reconsidered every 5 years and brought up to date. He also recommended inserting hyperlinks in the County Code to referenced policies where pertinent and cross-referencing any guidance documents in the Zoning Ordinance as well.

Mr. Murphy noted that the policies were recently added to the website in the development procedures and policies, guidelines, and procedures tabs. He asked that Committee members look at the website organization and offer feedback.

Mr. Fraley and Mr. Peck discussed whether there were any policies other than the bylaws pertaining to the Planning Commission.

Adjournment

Mr. Fraley moved to adjourn. The meeting was adjourned at 9:00 p.m.



Reese Peck, Chair of the Policy Committee