

POLICY COMMITTEE MEETING

March 11, 2009

6:00pm

County Complex, Building A

A. Roll Call

Present

Mr. Rich Krapf

Ms. Deborah Kratter

Mr. Chris Henderson, Chair

Mr. Reese Peck

Others Present

Ms. Leanne Reidenbach, Senior Planner

Ms. Melissa Brown, Deputy Zoning Administrator

Mr. Jason Purse, Senior Planner

Mr. Brian Elmore, Development Mgmt Asst.

Absent

Mr. Jack Fraley

Mr. Henderson called the meeting to order at 6:05pm.

B. Minutes

a. February 11, 2009

Ms. Kratter stated all of the minutes should be amended to change "motioned" to either "moved" or "made a motion."

Mr. Krapf moved for approval of the minutes as amended, with a second from Ms. Kratter. In a unanimous voice vote, the minutes were approved as amended (4-0).

b. February 18, 2009

Ms. Kratter stated the minutes should be amended to include Mr. Henderson's instructions to the group to determine CIP weights and values. She said before the meeting's adjournment, include "Mr. Krapf and Ms. Kratter suggested that before the next meeting they assign weights and values to the CIP rankings. Mr. Henderson asked them to prepare a draft."

Ms. Kratter moved for approval of the minutes as amended, with a second from Mr. Krapf. In a unanimous voice vote, the minutes were approved as amended (4-0).

c. February 23, 2009

Mr. Krapf moved for approval of the minutes as amended, with a second from Ms. Kratter. In a unanimous voice vote, the minutes were approved (4-0).

C. New Business -

A. Setback reductions for parcels in locations within approved area studies

Mr. Purse stated Planning staff would be bringing an ordinance amendment to the Policy Committee next month regarding waivers for reduced setbacks. He stated that area studies in some Community Character Areas recommended reduced setbacks. Staff was bringing an initiating resolution before the Planning Commission to allow for reduced setbacks in M-1 zoning if the parcel is within one of these study areas. Applicant's currently cannot apply for setback reductions in M-1.

Mr. Krapf stated the Board determined that reduced setbacks would be more in keeping with the community character of the Toano area.

B. ZO-0005-2008 - Prohibition of Vehicle Sales in Certain Circumstances

Ms. Brown stated on January 13th the Board passed on initiating resolution directing staff to pursue prohibiting vehicle sales in certain circumstances. There was concern over the number of vehicles being parked on vacant lots around the County. The amendment is also intended to limit the number of vehicles sold by occupants of property in the County and to prohibit sales from vacant parcels. She noted that Zoning has no jurisdiction over the VDOT right-of-way. Vehicles can be parked in areas lacking "no parking" signs.

Mr. Peck stated there were a number of vehicles for sale beside the Rite-Aid on News Road.

Ms. Brown stated that after the ordinance is passed, vehicles could still be parked at that location, but could not have sales advertisements on them.

Ms. Kratter asked about prohibitions on storing R.V.s and dump trucks.

Ms. Brown stated the Committee would need an initiating resolution before expanding the scope of the proposed ordinance amendment.

Mr. Krapf stated a prohibition against R.V.s runs counter to the objective of narrow focus ordinance amendments leading up to the comprehensive re-write of the zoning ordinance. He said storage is a blight issue that requires definitions of aesthetics.

Ms. Brown stated there is considerable disagreement over what is considered 'blight.' She said language could be added to the amendment that stated that cars must be parked on improved surfaces or a cleared area to better define where the vehicles can be parked on the property.

Mr. Krapf stated under this ordinance, vehicles behind a thin tree buffer, but still highly visible to the road, would be exempt.

Ms. Brown stated she could find middle ground in the ordinance to ease restrictions on rural lands where there may only be 25 feet of road frontage.

Mr. Henderson stated he had no concerns with farm equipment being sold on lots in rural areas. He questioned restricting the number of cars able to be sold simultaneously due to rapidly changing family circumstances. Property owners should have beneficial use of the land.

Ms. Brown stated that the ordinance seeks to limit vehicle sales to one at a time and three in a year. She stated the issue with multiple cars stored for sale on a lot was that the majority of the vehicles did not belong to the property owner. Mr. Henderson stated the property owner and their immediate family should be allowed to place for sale vehicles on empty lots. Also, the total number of vehicles sold should mirror what is permitted by the state.

Ms. Kratter stated that allowing five cars to be sold in a year could allow for almost permanent vehicle sales along some corridors.

Mr. Krapf stated allowing sales of two vehicles simultaneously would partially defeat the purpose of a restrictive ordinance.

Ms. Brown stated any "for sale" vehicles being driven in normal day-to-day circumstances of work and play would be exempt from the ordinance. The intention is to prohibit the long term parking of vehicles away from the owner's home or business for sale purposes. She said the ordinance closely resembled that of York County.

Mr. Peck stated he supported York County's "two vehicles at once, five per year" policy to create regional consistency.

Ms. Brown stated the Committee could present two options to the Planning Commission.

Mr. Peck suggested holding the recommendation until a future meeting pending further direction from the Board.

Mr. Henderson stated two options would go to the Commission, "one vehicle at a time and three per year" and "2 vehicles at a time and five per year."

Ms. Brown stated she would research the merits of exemptions for some rural areas.

Mr. Krapf moved for recommendation to the Commission of approval of the proposed ordinance with the proposed change of one vehicle parked for sale at once, with up to five for sale in a year and some other minor changes. Ms. Kratter seconded the motion.

In a voice vote, the Committee approved the recommendation (3-1; No: Henderson; Absent: Fraley).

C. ZO-0006-2008 – Signage Illumination in Community Character Areas and along Community Character Corridors

Ms. Brown stated that on January 13th, the Board adopted an initiating resolution to pursue review of signage illumination in Community Character Areas; specifically digital or LED gas pricing signs and associated new technology. She stated that some citizen support has been shown regarding the new BP sign at Five Forks.

Ms. Kratter asked if the light could be restricted from shining past the property line.

Mr. Peck stated the light should be blended in with surrounding properties.

Ms. Brown stated the business could provide an iso-footcandle diagram for the sign at the permit stage.

Mr. Henderson stated bulbs should be limited to either red or white.

Ms. Brown stated the ordinance can restrict certain colors.

Ms. Kratter asked why the ordinance was being amended for one situation.

Ms. Brown stated that the BP station was the catalyst for the conversation but, upon review, there seemed to be circumstances that warranted review of the code section in a limited fashion.

Mr. Henderson stated it would be an expensive proposition to exchange the bulbs on an existing sign.

Mr. Henderson stated it would be easier to mandate two colors rather than try and restrict all possible offensive colors.

Ms. Brown stated that the BP station would be required to change any portion of the sign that did not meet the new ordinance requirements.

Ms. Kratter asked if the BP station could be given an exemption based on error at approval.

Ms. Brown stated that local code nullifies any permit that is issued in conflict with the provisions of the ordinance.

Ms. Kratter questioned how to preserve a Community Character Corridor if any new signage technology is allowed display.

Mr. Henderson stated LED signs could be required to be placed on a brick or stone monument.

Mr. Krapf stated it appeared the Board's direction was to only deal with signage illumination.

Ms. Kratter stated that required expensive natural material monuments could discourage use of the signs along Community Character Corridors. She said the monument should include brick, stone, or veneer of either.

Mr. Krapf moved to approve the ordinance with proposed changes to require that the bulbs be red or white and that the base be monument style, with a second from Ms. Kratter.

In a unanimous voice vote, the changes were approved (4-0; Absent: Fraley).

C. ZO-0003-2006 – Outlet Malls Parking Amendment

Ms. Reidenbach stated the Board initiated a resolution to modify the parking ordinances to reflect how non-retail space is included in outlet mall parking ratios. Currently, the ordinance requires five spaces per 1,000 square feet, but does not specify whether it includes gross or retail square footage. Staff currently interprets this ordinance to count only retail floor area. The ordinance amendment is intended to clarify procedure. The actual parking requirements will not be changed.

Mr. Henderson stated that outlet malls require more parking than traditional shopping centers. He questioned how a stand-alone outlet store would be calculated.

Mr. Krapf stated that there are several uses whose parking requirements would fall under the Planning Director's discretion, including an outlet store.

Ms. Kratter suggested that outlet mall be defined so that it clarified what fell under this parking requirement.

Ms. Reidenbach handed out a draft definition of outlet mall to be included in the parking section of the ordinance.

Mr. Krapf moved for approval of the revised language, with a second from Ms. Kratter.

In a unanimous voice vote, the language was approved (4-0; Absent: Fraley).

D. Old Business

A. CIP ranking criteria

Ms. Kratter suggested moving discussion of CIP ranking criteria to another day.

Ms. Reidenbach stated that staff would like the Committee to consider their ranking sheet in relation to staff's score sheet to determine how they would interact. Ms. Reidenbach suggested incorporating staff's criteria, which deal primarily with the proposed project's relation to the Comprehensive Plan, as a first half of the Committee's overall criteria sheet.

E. Adjournment

Mr. Krapf moved for adjournment, with a second from Ms. Kratter.

The meeting was adjourned at 8:05 pm.

Chris Henderson

Chris Henderson, Chairman of the Policy Committee