

POLICY COMMITTEE MEETING

March 16, 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
Ms. Ellen Cook
Mr. Jason Purse

Mr. Darryl Cook
Ms. Melissa Brown
Ms. Sarah Propst
Mr. Brian Elmore

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

2) Minutes –

A. February 9, 2011

Mr. Jack Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (4-0).

B. February 23, 2011

Mr. Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (4-0).

C. February 24, 2011

Mr. Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (4-0).

Mr. Peck moved UDAs to the end of the agenda.

3) New Business

A. Floodplain Overlay Districts Ordinance update

Ms. Sarah Propst stated staff made revisions based on comments from the January 25th Policy Committee meeting. She stated staff defined “substantial,” added language on flood resistant construction methods and materials to Section 24-588, and researched the amount of County land impacted if Stormwater elevation recommendations were implemented. Stormwater staff recommends raising riverine floodplain district building sites 2-feet above the 100-year flood zone and raising tidal

floodplain district building sites 2-feet above the 100-year flood zone, with on-site fill allowed to meet the elevation in tidal floodplain districts.

Mr. Fraley stated he agreed with staff recommendations.

Mr. Darryl Cook stated the ordinance proposal does not address road flooding.

Mr. Al Woods asked if the ordinance could include raised elevation requirements for roads and common areas.

Ms. Propst stated the County would not be able to impact Virginia Department of Transportation (VDOT) practices.

Mr. Allen Murphy stated it was unlikely roads would be extended beyond buildable lots.

Mr. Cook stated the main downside for the proposal would be costs landowners incurred bringing in fill.

Mr. Fraley moved to accept staff recommendations.

In a unanimous voice vote, staff recommendations were approved (4-0).

B. Signs Ordinance Updates

Ms. Melissa Brown stated staff recommends reducing freestanding sign setbacks to the property line if the owner demonstrates the sign does not cause visibility problems. Staff also recommends adding language allowing a maximum of three, 7-foot tall pole-mounted directional signs per property. Finally, staff recommends excluding gas prices from the flashing signs definition for clarification.

Ms. Brown stated that directional signs are intended to be secondary to advertising signage and necessary to locate a business or office that is located off of state primary roads. Currently, there is no limit on the number of directional signs allowed by the ordinance. Currently, Mixed Use districts are the only districts that have specific requirements for multiple directional signs.

Mr. Fraley asked how the Comprehensive Plan's language on sign scale, size, color, and materials complimenting the community character could be translated into the ordinance.

Ms. Brown stated the County cannot regulate sign color unless there is an identifiable impact on health or public safety. She stated the ordinance already regulates size, scale, materials, and lighting.

Mr. Murphy stated the Commission could seek sign proffers during public hearing cases that further limited size and lighting.

Mr. Peck stated he would like a legal memo referencing the case law that prohibits sign color regulation.

Ms. Brown stated the County limits freestanding sign size and numbers to maintain the community character as identified in the Comprehensive Plan. She stated York County allows free-standing signs up

to 50 square feet. The County's 32 square-foot freestanding sign maximum can be increased to 60-square feet by increasing the distance of the sign from the right-of-way.

Mr. Fraley asked Ms. Brown to use Courthouse Commons as a case study.

Ms. Brown stated there are two potential issues with the Courthouse Commons signage. She stated the allowed 32-square foot sign has been split onto two brick monuments. The ordinance only permits one freestanding sign per right-of-way. Also, the signs have been placed in VDOT's right-of-way, which extend into the lot more than usual. The County zoning ordinance has no control of state maintained right of way.

Mr. Fraley stated it seemed less intrusive to place two brick monuments rather than a single free-standing sign.

Mr. Murphy stated the ordinance already allowed residential neighborhood signs to split the 32-foot maximum.

Mr. Fraley stated there should be additional flexibility in the sign ordinance.

Mr. Woods stated some communities are disasters due to the sign issue getting away from people.

Mr. Murphy stated the sign ordinance was the most important ordinance for preserving community character. He stated there is a long lasting impact from signs, with many nonconforming signs still across the County. The Comprehensive Plan and legislative decisions can promote sign policies that protect the character of the community and provide visibility for business owners.

Mr. Peck stated he was optimistic colors could be regulated. He stated the Commission should have the authority to regulate that type of issue unless specifically prohibited by law or court decision.

The Committee had a general discussion regarding James City versus York regulations.

C. Urban Development Areas (UDAs)

Ms. Cook stated staff believes several Comprehensive Plan mixed use areas meet UDA requirements. She stated staff believes mixed use areas are a better fit than using the Primary Service Area (PSA) to comply with the law. The state UDA code is still being amended on a regular basis.

Mr. Peck stated UDAs are targeted growth nodules within a jurisdiction. He stated the County's Land Use section does not embody the UDA concept. The County should review the entire UDA process before saying it is in compliance. In the target growth areas, the County should review pedestrian friendly road design, interconnection, mixed use neighborhoods, mixed housing, affordable housing, financial incentives including grants, regional coordination, preserving rural lands through development rights transfer, and timelines for compliance. The planning process should educate and involve the public about UDAs and their placement.

Mr. Peck stated the UDA is more than a designation. He stated the County should avoid trying to fit a square peg into a round whole. More public input is needed on the increased density requirements.

Mr. Jason Purse stated the County already incorporated higher density mixed use areas before being required to do so by legislation. He stated much of the UDA legislation language is already in the Comprehensive Plan. Staff identified areas in the County with the infrastructure or capacity for infrastructure to help keep the community at a manageable scale.

Mr. Peck stated the UDA regulators will want to see the County's water and infrastructure policies. He stated the PSA is too large to accommodate 20 years of growth designated by the UDA rules. The amount of land locked into large master plan development also increases the difficulty in complying with the UDA.

Mr. Peck asked why the County preferred to self-certify UDA designations, rather than take them through the planning process. He stated the UDA should be reviewed during the regional Comprehensive Plan update.

Mr. Murphy stated that the strategic update with York and Williamsburg would not equal a full reexamination of the Comprehensive Plan.

Mr. Fraley stated the proposed UDAs should be identified in a more strategic, comprehensive manner. He stated New Town, the Richmond Road Lightfoot to Croaker corridor, and Stonehouse should serve as the UDAs, rather than selection of mixed use areas proposed. The Five Forks Character Study is inconsistent with the UDA regulations. The public and the Commission should both be better educated about UDAs.

Ms. Tammy Rosario stated the UDAs were discussed at Steering Committee public meetings as part of the 2009 Comprehensive Plan update. The County has a history of thoughtful deliberation and action on growth management. Given that the UDA legislation, mixed use densities, mixed use development standards, and growth management were discussed during the recent Comprehensive Plan process, which contained significant public input opportunities, and that no densities were proposed to be increased through certification and designation of areas as UDAs, staff did not believe a large public input process was necessary.

Mr. Peck stated there has been fallout from competing and not coordinating growth with neighboring localities. He stated other counties are holding public forums to discuss UDAs. With the UDA rules finally in effect and with two years to comply with the regulation, the County should lead a lengthy public discussion on the issue.

Mr. Murphy stated UDAs as proposed in the staff memo would not cause any changes in zoning or Comprehensive Plan designations.

Mr. Fraley stated he thought the mixed use ordinance would have to be rewritten. He cited some UDA legislation language regarding street connectivity, pedestrian friendly streets, mixed housing types, affordable housing, and reduction of side and rear yard setbacks.

Mr. Peck asked if the County land use map would be updated to include the UDAs.

Mr. Murphy stated the UDA certification could be done by Board resolution.

Mr. Fraley stated the legislation required an updated map.

Mr. Woods stated he would like the entire Commission to discuss UDAs before making any decisions.

Mr. Fraley stated the Commission should discuss UDAs at public work session.

Mr. Peck stated he would like for the Commission to agree upon a formal recommendation to present to the Board.

Ms. Cook noted that York County has already self-certified its own mixed use areas as in compliance.

Ms. Rosario stated staff has taken into account, as part of the feasibility study, accommodating mixed use as a Transfer of Development Rights (TDR) receiving area if the County approves the TDR program.

Mr. Peck stated there is no County document discussing how capital improvements will be directed towards UDAs.

Ms. Rosario stated projects within the PSA are given capital improvement program priority.

Mr. Fraley asked Committee members to email available meeting dates for a Commission work session after April 8th.

Mr. Murphy stated the PSA was too large to serve as the UDA. He stated UDAs suggest a minimum four units per acre, while most of the PSA is low density residential, which would create a large change in how the County expects that land to be developed.

4) Adjournment

Mr. Fraley moved to adjourn.

The meeting was adjourned at 9:02 p.m.



Reese Peck, Chair of the Policy Committee