

**POLICY COMMITTEE MEETING**

April 13, 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

Mr. Tammy Rosario

Mr. Jason Purse

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

**2) New Business – Economic Opportunity draft ordinance**

Mr. Jason Purse stated the first section of the Economic Opportunity (EO) draft ordinance includes submittal requirements for the master plan. Staff recommends leaving construction phasing language out of the ordinance and including it in as an administrative policy instead. A policy would provide more flexibility than the ordinance for the Board during rezoning applications.

Mr. Jack Fraley stated there are legal differences between the ordinance and policies. He stated the power is in the ordinance. Everything should be clear, predictable, and in the ordinance. The ordinance could be written to allow additional adaptability.

Mr. Peck stated he preferred language allowing flexibility to be written into the ordinance, to make standards and criteria for deviation as clear as possible.

Mr. Purse stated that due to the scope and length of development of the EO zone, a policy would allow staff to better monitor projects as they arrive individually.

Mr. Fraley suggested the referencing the policy in the ordinance, to give it additional weight.

Mr. Purse stated that could be done. He stated staff would feel most comfortable if the ordinance was very specific, with little flexibility. An administrative policy would not set requirements in stone and would allow evaluation of specific projects.

Mr. Allen Murphy stated it was important for the Board to retain flexibility for construction phasing and for choosing between varieties of projects.

Mr. Purse stated the Board has been supportive of construction phasing to avoid an all-residential development. He stated staff will review waiver criteria language.

Mr. Peck stated that if there are not clear standards for deviation, applicants will not have a clear understanding of County requirements.

Mr. Fraley stated in Section 1 of document requirements, at the end of the first paragraph, is language protecting landowners choosing not to participate in EO and gives them the rights to retain or rezone their property.

Mr. Purse stated in Section 1(7)(A) required documents, it references ordinance Section 24-23 to make clear to applicants they must still submit all normally required submittal documents in addition to EO-specific materials.

Mr. Fraley asked staff to think about illustrations for viewshed protection in the ordinance. He stated illustrations may not work, but the viewshed protection language is general in nature.

Mr. Purse stated that it may be difficult to represent the variety of scenarios that might be possible in selected illustrations.

Ms. Tammy Rosario stated the ordinance may be able to show past viewshed examples.

Mr. Purse stated the amount of retail uses in the permitted uses section has caused some community concern. He suggested moving the density section to the top of the use list. The density section language states only 15% of the total EO area can be dedicated to non-primary work place uses, including hotels, retail, convenience and service uses.

Mr. Peck stated the definition of developable area was inconsistent with the Urban Development Area (UDA) language on calculating densities. He stated the County cannot comply with the UDA density requirements unless it uses the UDA's density definition.

Mr. Purse stated that during a meeting with Mr. Fraley and members of the J4C community group, discussion had included consideration of a retail cap to go along with a residential one.

Mr. Purse stated staff initially proposed tiered densities based on transit availability, and adjusted the structure based on the Board's preference for lower densities, possibly tied to a Transfer of Development Rights (TDR) program.

Mr. Fraley asked staff to clarify the table on page 8, section 1.

Mr. Murphy stated staff would review the table.

Mr. Fraley stated the open space definition described open space as not less than 10% of the developable area of the site. He asked everyone to think about that percentage.

Mr. Purse stated the open space is specifically for the residential core area, not the primary industrial areas.

Mr. Peck stated he would like a review of York County's EO ordinance to avoid conflicts along County borders as the EO zones develop. He stated the County should communicate with York in the development of these areas.

Mr. Purse stated the EO ordinance must provide for zones anywhere in the County, not solely the Hill Pleasant Farm area. He stated the regional master plan is included in Section 1 of the ordinance.

Mr. Peck stated the time before EO development, the slow economy, and the surplus of space presents a rare opportunity to discuss EO visions with York.

Mr. Murphy stated the regional planning effort will be a test of whether there will be cooperation in the Lightfoot area.

Mr. Purse stated the suggestions from tonight's meeting will be presented at a June Board work session. Based on feedback from that meeting, staff will present a final draft to the Committee around late summer.

Mr. Fraley stated the ordinance could do a better job with open space requirements, instead of varied or no requirements in different parts of the zone.

Mr. Al Woods stated he shared Mr. Fraley's concern. He stated open space exists in the industrial areas although it may not be specifically defined as open space.

Mr. Purse stated other County industrial areas, including M-1 and M-2 zoning, do not have open space requirements, although it exists through parking and resource protection areas (RPA).

Mr. Woods asked about a unique industrial use, such as a 20,000 square foot industrial building with two employees.

Ms. Rosario stated the new parking revisions would more readily allow a parking requirement reduction in that type of situation.

Mr. Woods stated that problem would create legacy issues.

Mr. Fraley stated he wanted to further research successful EO areas, such as those in New Jersey. He stated he would like more required open space than the 10% in the residential core.

Mr. Purse stated ordinance allows a 60-foot height limit, with criteria for waivers approved by the Board. He stated one of the waiver criteria is a recommendation from Economic Development director stating the project's economic value. The waiver can allow structures of up to 100 feet.

Mr. Peck stated the economic development director is a discretionary position. He stated he would prefer giving that ability to the county administrator.

Mr. Rich Costello, AES, stated if there is a residential cap, there needs to be high-density residential allowed in the EO. He stated the ordinance appeared to be set up for verticality and there should be a density floor and ceiling.

Mr. Fraley asked staff to consider minimum-maximum densities.

Mr. Purse stated the buffer from EO is 25 feet, unless adjacent to a community character area or A-1 or R-8 zoning, in which case the buffer is 100 feet.

Mr. Fraley stated the perimeter buffer language needs to be clarified, including language considering community character corridors.

Mr. Murphy stated the small EO perimeter buffer was intended to help make the area as flexible and as marketable as possible.

Mr. Fraley stated the 25-foot buffer was inconsistent with the ordinance language for the EO to exist in harmony with surrounding areas and protecting the community character corridor. He stated he was comfortable with a 50-foot buffer.

Mr. Tim O'Connor stated he was comfortable with the 50-foot buffer. He stated the viewshed provision should be removed from the ordinance because it creates an expectation it will protect adjoining properties' views.

Mr. Peck stated that instead of viewshed language, there could be language requiring landscape buffering within the perimeter buffer. He stated the Committee was comfortable with the 25-foot perimeter buffer and striking Section 6 on viewsheds.

The Policy Committee discussed the list of permitted, specially permitted, and accessory commercial uses.

Mr. Fraley stated the manufacture of previously prepared products should be permitted up to 40,000 square feet. He stated he would not have helped Rampart Packaging locate in the County if he had to go through the legislative process. A typical manufacturing plant would be 40,000 square feet.

Mr. Peck asked about the lower 2,000 square foot permitted textile manufacture.

Mr. Costello stated manufacturing previously prepared products is much less intense than manufacturing using raw materials.

Mr. Woods suggested permitting manufacturing up to 30,000 square feet, to make it consistent with Development Review Committee (DRC) review criteria.

Mr. Fraley stated that was fine.


Ms. Rosario stated the next Policy Committee meeting was April 25<sup>th</sup> at 7 p.m, with additional upcoming meetings on May 5<sup>th</sup> and May 11<sup>th</sup>.

Mr. Peck stated he would like to discuss the policy book at the next meeting. He stated he wants to discuss whether the policies should be codified in the ordinance.

### **3) Adjournment**

Mr. Fraley moved to adjourn.

The meeting was adjourned at 9:07 p.m.



Reese Peck, Chair of the Policy Committee