

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

MAY 27, 2008 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Possible Adoption of April 22, 2008 Minutes
2. Subdivision Ordinance
3. Number of home occupations in one structure
4. Possible Green Space Requirement
5. Planning Director's Update
 - Parking lot Maintenance, Next Month
6. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

Town of Chincoteague Planning Commission Meeting

April 22, 2008

Minutes

Members Present:

Mr. Robert Behr
Mr. Ray Rosenberger, Chairman
Mr. Tripp Muth
Mrs. Jane Wolffe

Mr. Chuck Ward
Mrs. Mollie Cherrix
Hon. Ellen W. Richardson

Staff Present:

Mr. Jared Anderson, Director of Planning
Mr. Robert Ritter, Town Manager

1. Call to Order

Chairman Rosenberger called the meeting to order at 7:04 p.m.

2. Roll Call by Mr. Anderson

3. Invocation followed by The Pledge of Allegiance

4. Public Participation

NONE

5. Adoption of Agenda

There was a motion by Councilwoman Richardson, seconded by Mr. Ward **“to adopt the agenda as presented.”** Unanimously approved.

6. Adoption of the March 25, 2008 Minutes

There was a motion by Mr. Ward, seconded by Mr. Behr **“to approve the minutes as presented.”** Unanimously approved.

7. Parking Recommendations to Zoning Ordinance

Mr. Anderson explained that the changes to the document were made after hearing comments from the public as well as the commissioner’s comments.

Chairman Rosenberger indicated that the current 6.6.2. is not in the recommendation, and it should be included in the new parking ordinance.

Mr. Ward commented that in current 6.6.1. there is a term “recreational rental,” and asked if this term were to include places such as bike rental facilities the rated capacity of the business might not be a good indicator of the parking needs. Some of these buildings are small with most of their operations and rented merchandise outside.

6.6.4. (current)

- Mrs. Wolffe thought 3 spaces per examination room plus one for each doctor and employee would be sufficient.
- Mr. Behr indicated that in the determination of parking for retail businesses that many municipalities will only include the retail area, not the storage area; could this concept be utilized for medical facilities?
- There might be interpretational issues with the term “room” if using the first option. Mr. Muth suggested that instead of “room,” it should be treatment or examination “area.”
- Mr. Ward suggested that the amount of employees are limited by the floor area of an office. Using floor area might be easier to determine number of parking spaces needed in the initial stages.
- There was a motion by Mrs. Cherrix seconded by Councilwoman Richardson **to select the first option and amend the language to read “Three spaces per examination or treatment room or area...”**

Ayes- Cherrix, Richardson, Muth, Ward

Nayes- Behr

Abstain- Wolffe

Did not Vote- Rosenberger

6.6.5. Current

In the first sentence the word “there” shall inserted in place of the word “then.”

6.6.7. Current

Chairman Rosenberger indicated that “slip or” should not be crossed out.

Mrs. Wolffe suggested that in the last sentence the Planning Commission add “10 x 45 boat trailer” between the words “additional” and “parking.”

6.6.15. Recommended

Mrs. Wolffe indicated that at one point the Planning Commission suggested that all entrances be at least 50 feet in depth. Mr. Anderson indicated that after talking with a VDOT official they were not as concerned with depth as they were with the turn radius. Staff recommends that the Town utilize VDOT minimum standards and give discretion to the roads engineer.

Mr. Ward had concerns over the fact that an accessway shall not be used as through street. Connectivity is an important concept especially when dealing with emergency vehicles. It was suggested that this be addressed later on.

6.6.16. Recommended

The actual dimensional requirements should be included in this section
Chairman Rosenberger indicated that since this a vacation area, people usually bring their larger vehicles. Mrs. Wolffe indicated that only about 10 out of 70 are compact cars.

A motion by Mr. Ward, seconded by Mr. Behr to recommend “**6.6.16. using the 20% allowance for compact car parking.**” Approved

6.6.17. Recommended

“Entrance permits?” needs to be taken out of document.

6.6.19. Recommended

Mr. Rosenberger had concerns that there are no standards or reference points for best management practices. Mrs. Wolffe asked if the BMPs would include shells and gravel. Mr. Anderson indicated that they could include the use of grass, gravel, permeable asphalt, shells, or other materials that reduce the amount of stormwater runoff.

Mr. Ward indicated that developers are not going to utilize BMPs unless there is a financial incentive to do so. Mr. Ward also has concerns over not identifying any specific standards.

There was a motion by Mrs. Wolffe, seconded by Mr. Behr “**to exclude this section and readdress when we have standards.**” Unanimously approved.

6.6.5. Current

- When writing this memorandum Mr. Anderson took into account what was said at the last public hearing, and in meeting with some of the planning commissioners. He laid out four options that have been discussed at some point. He felt at least for larger developments too much parking is required.
- Mr. Rosenberger indicated that the Single-family house used as a vacation rental where too many cars are parking there is a valid concern.
- Councilwoman Richardson indicated that in prior discussions the planning commission was entertaining the idea of requiring the same amount of parking spaces, yet a certain portion could be pervious and used as overflow.
- Mrs. Wolffe made a motion, seconded by Mrs. Cherrix “**to keep the language and the interpretation the same as how it is currently.**” Unanimously Approved.

6.6.1. Fire Safety

Mrs. Wolffe has concerns over the proposed language. There needs to be language that conveys that the vehicle access be within 100 feet of the entirety of three sides. Mrs. Cherrix indicated that there is a need to have access to all sides of the building if at all possible.

Mr. Ward suggested that the Council could require that the Chincoteague Volunteer Fire Department could review plans to make sure they would be able to suppress a fire on that structure. It would be difficult to require a volunteer organization to review something.

There was a motion by Mrs. Wolffe, seconded by Mr. Behr to amend the language in 6.6.1. (g) to read "...provides vehicle access to **the furthest points** of at least three sides of any structure..."

Mrs. Wolffe indicated that there was a section of the planning commission's initial recommendation that included a stipulation where someone/some entity was required to maintain a parking lot. Mr. Anderson indicated that planning commission's recommendation was for maintenance of a private road, in the subdivision ordinance; the recommendations now are for parking lots in the zoning ordinance. A section for maintenance of parking lots could be brought back at a later date.

There was a motion by Mr. Ward, seconded by Mr. Behr **to recommend to Council the previously discussed and subsequently amended recommendations for the parking section of the zoning ordinance.**

8. Subdivision Ordinance
Postponed

9. Complementary Therapy
Postponed

10. Planning Directors Update

- Mr. Anderson indicated that CPEAV training for planning commissioners is available for anyone that is interested.
- The Department of Conservation and Recreation has recently made available the new 2007 Virginia Outdoor Plan. This Plan has things pertaining to the Eastern Shore and Chincoteague.

11. Commission Members Announcements or Comments
NONE

There was a motion by Councilwoman Richardson and a second by Mrs. Cherrix to adjourn the meeting. The motion was unanimously approved.

Minutes Approved

Mr. Raymond R. Rosenberger Sr., Chairman

MEMORANDUM

To: Planning Commission
From: Jared B. Anderson, Town Planner
Date: April 14, 2008
Subject: Subdivision Ordinance-Possible Amendments

Please review and if you have any questions please feel free to contact me (email: jared@chincoteague-va.gov, or 336-6519).

The last time the Planning Commission discussed the Subdivision Ordinance was during the January 2008 Planning Commission Meeting. Staff's main concern was that there was some division of land that was not being done in accordance with the Town Code. As the Subdivision Ordinance is now written many divisions of land do not need to be reviewed by the Town. Another of staff's concern was that each entity (e.g. zoning administrator, roads engineer, etc.) that needs to review a plat actually signs off on a subdivision plat before it is recorded. Section 3 of the Subdivision Ordinance states:

The clerk of the court, in accordance with Code of Virginia § 15.2-2254(5), shall not file or record a plat of a subdivision until such plat has been approved as required herein.

It is suggested that an administrative in-house review be completed for smaller subdivisions (≤ 4 lots created) while the larger subdivisions (5+ lots created) receive not only an in-house administrative review but also review by the planning commission.

The in-house review should be completed by the zoning administrator, director of planning, and public works director. Each subdivision plat's title block must have a line for each of the persons that need to review the plat. The in-house administrative review process should be a minimal cost to the developer, and have a quick turnaround process.

The table below shows what is currently considered "Major" and "Minor" and what staff's recommendations are as to how many lots trigger either administrative or administrative and planning commission review.

	Minor (number of lots created)	Major (number of lots created)
Current	4-10	11+
Proposed	2-4 (not called "Minor")	5+ (not called "Major")

Below are proposed amendments to the subdivision ordinance which reflects staff's concerns. Notice that staff is moving away from "Major" and "Minor" and instead the only difference in how a subdivision is reviewed is the number of lots that result.

2.02. Definitions. For the purpose of this ordinance the following definitions shall apply:

Agent. The designated representative of the governing body who has been appointed to serve as the agent of the council in approving plats to act hereunder. The zoning administrator shall be designated as the ~~minor~~ subdivision agent **for a subdivision where less than five lots are created**. The planning commission shall be designated as the ~~major~~ subdivision agent **for all other subdivisions**.

Planning commission. The planning commission of the Town of Chincoteague acting as ~~major~~ a subdivision agent for the town council **when 5 lots or more are created**.

Section 13. Subdivision defined.

13.01. The division of a parcel of land and the establishment of any condominium regime, into ~~four~~ **two** or more lots or parcels less than three acres each for the purpose of transfer of ownership or building development, or if a new street or road is involved in such division, any division of a parcel of land. The term includes resubdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided; except that the following division of land shall not be deemed a subdivision:

- (a) The sale and exchange of parcels between adjoining landowners where such separation does not create additional building sites.
- (b) The release of a portion of the security of any mortgage or deed of trust, provided that any sale of property presented to any mortgage or deed of trust which would otherwise constitute a subdivision of land shall be subject to the provisions of this ordinance.
- (c) The division of any parcel occasioned by an exercise of eminent domain by any public agency.
- (d) The division of land made solely for bona fide agricultural or natural resource conservation purposes.
- (e) The division of land for sale or gift to a member of the owner's immediate family.

~~13.02. Major subdivision defined. A "major subdivision" is a subdivision as defined in subsection 13.01 above which complies with the following:~~

- ~~(a) Creates 11 or more lots from a parcel or parcels of land.~~

~~13.03. Minor subdivision defined. A "minor subdivision" is a subdivision as defined in subsection 13.01 above, which does not meet any of the conditions of a major subdivision as defined in subsection 13.02 above. (a) Creates 4 or more lots from a parcel or parcels of land.~~

Section 14. ~~Major subdivision. Subdivision Review Process~~

14.01. Purpose. To ensure that larger scale developments are fully reviewed by the planning commission for compliance with the provisions of this ordinance and other applicable county and state regulations **any division of land that results in five or more lots from a parcel or parcels of land shall adhere to the following procedures.** ~~The purpose of the major subdivision review process is~~

14.02. Procedure for review of a subdivision.

- (a) Submittal of sketch plan (optional), zoning administrator review.
- (b) Submittal of preliminary (mandatory), zoning administrator approval.
- (c) Submittal of final (mandatory), planning commission approval

14.06. Procedures for the review of the final plat. The purpose of the final plat is to require formal approval by the planning commission, **the planning director, the building and zoning administrator, the** roads engineer and the health officer, in keeping with submittal requirements for **"major subdivisions which create 5 or more lots"** and before such subdivisions are recorded and lots sold or transferred.

(d) Upon receipt of a complete submission, the zoning administrator shall accomplish the following:

1. Distribute copies of the submission to the roads engineer, **the planning director**, the health officer, and each utility company which would be responsible for providing utility service to the subdivision and such other agencies as the zoning administrator believes appropriate.

2. Establish a date and time for planning commission's review and inform the developer of such.

3. Prepare a recommendation for planning commission consideration.

4. Upon receipt of a favorable comment from the roads engineer, **the planning director** and health officer, the zoning administrator shall secure the signatures of these ~~two~~ **three** officials on the three paper copies of the final plat attesting that the final plat conforms

with all applicable requirements of their respective departments. These signatures shall be prerequisites for planning commission approval.

14.09. Improvements required to be provided in a ~~major~~ subdivision **which creates five or more lots**. The following improvements shall be provided by the developer in ~~these a major~~ subdivisions as a prerequisite for recordation of the final plat, as may be required:

- (a) ~~Public roads as may be required. All roads shall be public.~~ *[already amended]*
- (b) Drainage improvements.
- (c) Installation of water and/or sewer mains, if public service is available.
- (d) Surveying monuments.
- (e) Street signs on public roads.
- (f) Such other improvements as the planning commission may have made a part of its approval of the final plat.

All such improvements shall be made in conformance with the construction plans and specifications approved with the final plat.

14.10 ~~Section 15. Minor~~ Any Subdivision that creates four or fewer lots

- (a) ~~15.01.~~ Purpose. The purpose of ~~thise minor~~ subdivision **process** is to insure that every new lot created receives at least administrative review to insure that it meets applicable town and state regulations. It is the intent of the ~~minor~~ subdivision review process to keep the town abreast of development activity and to prevent the creation of unusable, hazardous, unsanitary, inconvenient or uneconomical lots.

14.11 ~~15.02.~~ Procedure for review of ~~minor~~ subdivisions that create four or fewer lots.

- (a) The procedure for review shall be the same **as in 14.02 (c)** ~~as that for major subdivision~~, except that the final approving authority shall be the zoning administrator.
- (b) The requirement for the preliminary plat approval is waived; however drafting and surveying requirements of the preliminary plat will be required in addition to the requirements for plat submittal for final approval.

14.12 ~~15.03.~~ Improvements, information and drafting standards required for ~~minor subdivision~~ plat. The improvements, information and drafting standards required for ~~minor subdivisions~~ shall be the same as those required for ~~major subdivision~~ **shall be the same for all subdivisions.**

14.13 ~~15.04~~ Effect of recordation of the final plat

14.14 15.05. Improvements required to be provided in a ~~minor~~ subdivision **that creates four or fewer lots**. The following improvements shall be provided by the developer in a minor subdivision as a prerequisite for recordation of the final plat, as may be required:

- ~~(a) Public roads as may be required; All roads shall be public; *[already repealed]*~~
- (b) Drainage improvements;
- (c) Installation of water and/or sewer mains, if public service is available;
- (d) Surveying monuments;
- (e) Street signs on public roads; and
- (f) Such other improvements as the planning commission may have made a part of its approval of the final plat.

All such improvements shall be made in conformance with the construction plans and specifications approved with the final plat.

****16.3 and 16.4 have already been repealed**

Amending the Subdivision Ordinance

12.01 [second paragraph] All proposed amendments shall be referred to the planning commission for its review. The planning commission may undertake studies and may hold a public hearing as part of its review. At the conclusion of its review, the planning commission shall formulate and forward to the Town council a written recommendation concerning the proposed amendment. If the amendment was referred to the planning commission by the Town council, the planning commission shall submit its recommendation to the town council not later than 60 days from the date of such referral.

MEMORANDUM

To: Planning Commission
From: Jared B. Anderson, Town Planner
Date: May 19, 2008
Subject: Home Occupations- Discussion Question

At the suggestion of the Building and Zoning Administrator, staff has brought for Planning Commission's assessment the question of how many home occupations should be allowed in a single dwelling unit.

Currently there is nothing in the Town Code or Zoning Ordinance that explicitly limits the number of home occupations in a single dwelling unit. There are limiting factors such as zoning (i.e. limited home occupation), parking, and amount of resale display, signage, and occupancy requirements.

Should there be concern if occupants in a dwelling have more than one home occupation?

Let's look at a few hypothetical examples:

- There is a three bedroom house that is being rented (long-term) to three unrelated people (thus they are considered the dwelling units' occupants). They all three have professional licenses, one massage therapist, one architect, and an accountant. They will need only two parking spaces for the residence. Plus two spaces for each business. The total will be eight parking spaces. However, if all other criteria is met these three businesses would be allowed in this dwelling unit.
- Another example is if there is a three bedroom house rented long-term by a family. The mother is an artist, the father is a computer programmer, and the grandfather is a woodcarver. They decide to incorporate their practices into one business entitled "The Doe's (John, Jane, and Grandpa Joe's) One Stop Shop." They would need only four parking spaces. Even though there might be a customer picking up a painting, another customer dropping off a CPU, and still another browsing the wood carving collection.

Either one of these examples are currently allowed.

Taking it one step further, what happens if on one street there are 20 single family houses, 10 of them operate a home occupation. What if 5 of them have multiple home occupations? Could this adversely affect the residential neighborhood?

On one hand the Town should be encouraging business and a home occupation is one such way for citizens to generate revenue.

On the other hand home occupations are by their very nature incidental and the residential intent of the area, if it is in fact in a residential district, should take priority. The Town needs to make sure that the residential qualities that citizens expect are protected.

Staff thoughtfully requests that the Planning Commission give direction to staff on a possible change in the zoning ordinance. **More specifically whether or not there should be limits on how many home occupations, as currently defined, a single dwelling unit can have.**

MEMORANDUM

To: Planning Commission
From: Jared B. Anderson, Town Planner
Date: May 22, 2008
Subject: Green Space Requirement

Staff has been requested by the Chairman to address the possibility of adding a green space requirement.

Open Space/Green Space Requirement

With the current setbacks the portion of a parcel covered by the main structure is limited. (Please see Appendix A- hand drawn example) However, accessory structures can be placed on a greater proportion of a given property. Also not taken into account are paved areas such as driveways, parking areas, and patios that can cover the remainder of the property.

Seeing as the Town already has *de facto* “open space” and density regulations. If it is the intent of the Planning Commission to create more “green” areas, the Town could look into the feasibility of a green space requirement, or as some municipalities call it a “vegetative coverage requirement.”

A vegetative coverage or green space requirement can be set up several ways, but typically a municipality will use prescriptive measures (instead of telling a person what they do not want, the municipality tells the person what they would like). The main reason for implementing green (which should be fairly obvious) requirements is that the municipality wants to see more “green,” or rather less “black.” This could be to reduce the amount of impervious surface, for aesthetic appeal, environmental concerns, or most likely it is a combination of these concerns that prompt the implementation of green requirements.

It is up to the Town to decide how much of a lot is to be designated “green,” which could vary depending on zoning district. The Town would also have to decide what exactly will be considered “green.” This can run the gamut from dictating what species of flora to merely indicating that a property must have some sort of vegetation. Some municipalities will also add a clause that the vegetation must be native plant species.

Because of current Town parking requirements there is a potential for much of the land to be covered by an impervious surface, by implementing a green space requirement on top of current parking and setback regulations, it would further reduce the density allowed on site.

Staff would like direction as to Planning Commission's desire to pursue or not pursue a possible green space requirement.