

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

AUGUST 26, 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 the June 24, 2008 Minutes
2. Subdivision Ordinance
3. Parking Lot Maintenance
4. Possible Green Space Requirement
5. Planning Director's Update
 - Mobile Advertising
 - NO BZA 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

June 24, 2008

Minutes

Members Present:

Mrs. Mollie Cherrix
Mr. Ray Rosenberger, Chairman
Hon. Ellen W. Richardson

Mr. Chuck Ward
Mr. Tripp Muth
Mrs. Jane Wolffe

Members Not Present:

Mr. Robert Behr

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 7:02 p.m.

2. Roll Call by Mr. Anderson

3. Invocation followed by The Pledge of Allegiance

4. Public Participation

Ms. Ruth Lane talked to the commission about possibly having the Town's support for a program on Chincoteague that would promote putting land in a conservation program/easement. She indicated that it would be private property owner driven. Ms. Lane would like to volunteer to get this program started with the assistance of the town to promote and encourage this program.

5. Adoption of Agenda

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

6. Adoption of the May 27, 2008 Minutes

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

7. Subdivision Ordinance- Public Hearing

Mr. Anderson explained that there were four additional hand-outs and that one of them was a memo from Mr. Lewis, who had concerns about dividing a lot in half and whether they should follow all the subdivision requirements. Mr. Lewis suggested that a simple review by staff for basic requirements was all that was needed.

Mr. Rosenberger indicated that one of the main reasons why this came up was to reduce the number of lots created which would constitute a subdivision.

Mr. Anderson explained that per Mr. Lewis' concerns a division of land would still need to be reviewed by the Town for basic setback and zoning requirements; however the full subdivision requirements would not apply.

Mrs. Wolffe had concerns over whether this subdivision ordinance would apply to condominiums. Mr. Ward indicated that it does explicitly include condominiums in the definition for subdivisions, however the wording may be unclear. Mr. Anderson indicated that he would try to make the language more clear.

Mr. Ward indicated that in 13.01 (e) there should be a reference to the state code section. Mr. Ward also indicated that in 14.09 (e), and 14.14 (e) the word "public" should be eliminated, it should include all roads. On 14.1 (a) remove "uneconomical," and "inconvenience," and add "non-conforming."

Chairman Rosenberger indicated that the Commission should also address the fee schedule next meeting.

Mr. Ward made a motion, seconded by Mrs. Wolffe to "**postpone this agenda item till next meeting and for Mr. Anderson to make the necessary amendments.**" Unanimously approved.

8. Parking Lot Maintenance

Mr. Anderson indicated that he sees this issue both ways, on one side he does not want to see a bunch of unkept parking lots, on the other hand he thinks there is a strong incentive for a property owner to keep their parking lot well kept.

Mrs. Wolffe indicated her concern for the maintenance of parking lots in particular large residential developments. She would like to see it similar to the section on private road maintenance in the subdivision ordinance. She does not feel that the proposed language is sufficient.

Mr. Ward stated that the Town could possibly add a maintenance requirement for all new parking lots, this means that it would only apply to residential areas.

9. Possible Green Space Requirement

Chairman Rosenberger indicated that the “Rockville Green Requirement Document” was insightful. Chairman Rosenberger suggested that the commission go through the questions provided by staff so as to give direction on their intent.

Mr. Ward indicated that the Town should not dictate what particular species of vegetation should be required, just that it is vegetation. Mrs. Wolffe showed information from Manteo, NC who have a green space requirement; she indicated that they do have a list of permitted species.

It was indicated by a couple of the commissioners that they would like to see a lot coverage limits as part of a green space requirement. Chairman Rosenberger indicated that Rockville’s definition of open space was a good definition to work off of. It was suggested that instead of taking big bites the commission could tackle a particular use or zoning district one at a time.

One of the questions asked of the Planning Commissioners was to identify the primary purpose of a green space requirement. Density, aesthetics, water quality were all listed as reasons to justify a green space requirement.

The item was postponed until the next meeting when staff will have more information.

10. Building Permits

NONE

11. Planning Director’s Update

- Staff sent an email to VML requesting assistance on the issue of Mobile Advertising. Staff was waiting to hear back from them before they proceeded with this particular subject.
- There will be no BZA meeting in July
- Mr. Anderson handed out a CD that has the 2007 Virginia Outdoors Plan

12. Commission Members Announcements or Comments

Mr. Ward wondered if the Town could allow golf carts to be permitted on Chincoteague.

There was a motion by Mrs. Wolffe and a second by Mr. Ward 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: August 21, 2008
Subject: Subdivision Ordinance

During the June 24, 2008 meeting the Planning Commission held a public hearing of which there were no public comments, however, most commissioners had some input into the proposed amendments. In response, staff made the following amendments, which are underlined and italicized, to portions of the subdivision ordinance below.

In addition, Staff created two tables that represent two options for determining when certain subdivision processes could be utilized. Both options include language stemming from Mr. Kenny Lewis' observations on having an in-house administrative review for small-lot subdivisions. If amendable to the commission this will need to be reflected in the proposed amendments to the subdivision ordinance.

Portions of the Subdivision Ordinance

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 into ~~four~~ two or more lots or parcels less than three acres each for the purpose of transfer of ownership or building development, or the establishment of any condominium regime, 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 **(Reference State Code of Virginia §15.2.-2244)**

~~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~~ **thise** 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 ***nonconforming*** ~~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.

*****the current sections 14.09(a), 15.05 (a) have been amended and 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.

Proposed Subdivision Amendments “Option A”

Resulting in	2-4 Lots	5+ Lots
	In-house administrative review	In-house and Planning Commission review
	Responsible for : <u>Planning Director:</u> Compliance with Comp. Plan, zoning <u>Zoning Administrator:</u> zoning requirements <u>Public Works/ Roads Engineer:</u> access, drainage, water supply Signature required from all three of the aforementioned individuals.	<u>Planning Director:</u> Compliance with Comp Plan, zoning <u>Zoning Administrator:</u> zoning and subdivision regulations, setbacks, easements <u>Public Works/ Roads Engineer:</u> Drainage, Roads, Ingress/Egress, water supply Signature needed from Planning Director, Zoning Administrator, Public Works, Health Department, with Final Approval from Planning Commission (public hearing)
	Basically looking for nonconformities, access, etc. Not subject to all subdivision requirements. <u>Turnaround:</u> 2-4 business days (on average) \$100.00 fee *a surveyed plat required	All applicable subdivision regulations required. Preliminary plat approval required. <u>Turnaround:</u> 3-4 months (on average) \$500.00 fee plus costs to advertising costs

The idea behind the in-house administrative review is that a review could prevent non-conforming lots from being formed and recorded. During an in-house review town staff will try to identify potential problems with access, drainage, setbacks, minimum lot size, etc. One of the things that the town would like to accomplish with the in-house review is a quick turnaround back to the developer/property owner. Barring any major concerns, staff should be able to review zoning, access, easements, drainage etc. within 2-4 business days. Staff believes there have been enough instances in the past where there have been recorded lots that have not met the zoning ordinance requirements and are thus in nonconformance that some sort of check/ review needs to be undertaken. A procedure that follows our current major subdivision process is proposed for all subdivisions that result in five or more lots.

Proposed Subdivision Amendments “Option B”

Resulting in	2-3 Lots	4-6 Lots	7+ Lots
	In-house administrative review	In-house review	In-house and Planning Commission review
	<p>Responsible for :</p> <p><u>Planning Director</u>: Compliance with Comp Plan, zoning</p> <p><u>Zoning Administrator</u>: zoning requirements</p> <p><u>Public Works/ Roads Engineer</u>: drainage, access, water supply</p> <p>Signature required from all three of the aforementioned individuals.</p>	<p>Responsible for:</p> <p><u>Planning Director</u>: Compliance with Comp Plan, Zoning</p> <p><u>Zoning Administrator</u>: subdivision and zoning regulations, Setbacks, Easements</p> <p><u>Public Works/Roads Engineer</u>: water, right-of-ways, roads, ingress/ egress, drainage</p> <p>Signature needed from all three, plus Health Department. Final approving authority is Zoning Administrator.</p>	<p><u>Planning Director</u>: Compliance with Comp. Plan, zoning</p> <p><u>Zoning Administrator</u>: subdivision and zoning regulations, Setbacks, Easements</p> <p><u>Public Works/ Roads Engineer</u>: water, right-of-ways, roads, ingress/ egress, drainage</p> <p>Signature needed from Planning Director, Zoning Administrator, Public Works, Health Department, with Final Approval from Planning Commission</p>
	<p>Not Subject to all Subdivision Requirements. Basically looking for nonconformities, access, etc.</p> <p>Turnaround: 2-4 day (on average)</p> <p>\$100.00 fee</p> <p>*a surveyed plat required</p>	<p>All applicable subdivision regulations required. Preliminary plat approval is waived</p> <p>Turnaround: 2-4 week (on average)</p> <p>\$250.00 fee</p>	<p>All applicable subdivision regulations required. Preliminary plat approval required.</p> <p>Turnaround: 3-4 month (on average)</p> <p>\$500.00 fee plus advertising costs</p>

“Option B” is similar to “Option A” except that there is a middle classification (4-6 lots) that would be similar to the Town’s current minor subdivision regulations, where the final approving entity is the zoning administrator. It should also be noted that what would necessitate planning commission’s approval is 7 or greater lots or condominium units that result from a division of land.

MEMORANDUM

To: Planning Commission
From: Jared B. Anderson, Town Planner
Date: August 21, 2008
Subject: Parking Bay Maintenance

From the June 24, 2008 Meeting the Planning Commission discussed the idea of parking lot maintenance. There are currently no provisions for any parking lot to be maintained either in the zoning or subdivision ordinance.

The majority of the commissioner's comments were directed towards large residential projects. One suggestion would be to include in the subdivision ordinance sections 14.09 and 15.05 a letter (g).

(g) Maintenance of a Parking Bay and Accessway. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units or an association comprised of such owners shall be financially obligated to maintain such parking bay and, or accessway in a manner that preserves the conditions created by the requirements of Article VI, Section C. Parking, and which actions could include but not be limited to fixing potholes and eliminating prolonged water ponding, or other criteria as deemed necessary by sound engineering judgment.

The Mayor and Town Council are currently looking at the parking section amendments previously sent to them from the planning commission.

MEMORANDUM

To: Planning Commission
From: Jared B. Anderson, Town Planner
Date: August 24, 2008
Subject: Green Space Requirement

Per the request of the planning commission, staff has further researched the possibility of a green/open space requirement. Staff has also reviewed the information from Manteo, NC. In addition, the Commission was asked several questions at the last Planning Commission Meeting in order to assist staff in formulating a green space requirement.

At the August 21, 2008 Special Council Workshop, Council proposed that for a parking area that is used by 10 or more dwelling units utilizing transient occupancy tax, an additional 10% more parking spaces will be left as open space for overflow parking. The Council's intention was that the overflow parking be pavers or grass that be left completely open and easily accessible for parking. They also proposed 1 parking space for each bedroom of a dwelling unit utilized as a vacation rental.

This proposal would provide some green space for those uses, however, is it the intention of the Planning Commission for there to be a green space requirement for all development both commercial and residential not just residential developments that are utilizing transient occupancy tax?

At the last planning commission meeting it was discussed that if a green space requirement were to be established the Town would not prescribe certain types of vegetation, with the exception of not allowing invasive species.

A recommendation for this type of discussion can be one of two things, it can be an open space requirement, which would require a certain amount of a given lot to be open, or it could be a lot coverage limitation which would limit the amount of structure (or impervious surface) on a parcel. These are more or less the same things just a difference of perspective.

It was also suggested at the last Planning Commission meeting that we address each zoning district individually. The following language could be used as an open space requirement for the R-3 District.

This would be inserted in the Zoning Ordinance under 3.9.3. (3) **There shall be a minimum of 10% of an entire parcel of land left as open space as defined in Section 2 of the Zoning Ordinance.**

Section 2. Definition of Open Space- **an area devoid of impervious surfaces covering the ground including but not limited to covered structures.**

One thing I would like to mention is that the Town already has setbacks that limit the amount of structure that can be built upon a given parcel. We also have minimum lot sizes (10,500 square feet in R-3) and provisions that each additional attached family or dwelling unit permitted above one, the lot size shall increase by 3,000 square feet in the R-3 zoning districts. In addition we have a height limitation on all structures. All of these zoning tools limit both density and the allowable footprint of a given building.