

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

September 10, 2013 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES

1. Approval of the June 11, 2013 meeting minutes
2. Sign Ordinance Amendment – Sec. 7.13 Commercial Districts
 - Review Town Council changes from 8/15/13 workshop meeting
3. Subdivision Ordinance – Zoning Permit Review
 - Revise standards for minimum review of all subdivisions (3 lots or less)
4. Zoning Ordinance Review
 - Definition of Fence
5. Information/Discussion Items
 - FEMA draft Flood Insurance Rate Maps
 - VA Stormwater Regulations
 - Wallops Joint Land Use Study
 - Design Guidelines/Architectural Study
6. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN

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PLANNING COMMISSION MEETING 11 June 2013 MINUTES

Members Present:

Mr. Ray Rosenberger, Chairman

Mr. Tripp Muth, Councilman

Mr. Michael Dendler

Mr. Steve Katsetos

Mr. Jeff Potts

Mr. Spiro Papadopoulos

William Neville, Planning Director

Members Absent:

Mrs. Mollie Cherrix, Vice Chair

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm in the Council Conference Room.

The invocation was provided by Chairman Rosenberger, followed by the Pledge of Allegiance led by Chairman Rosenberger.

PUBLIC PARTICIPATION

Two (2) members of the public were present.

AGENDA REVIEW/DISCLOSURES

Chairman Rosenberger requested that item 1b be added to the agenda to discuss a BZA application. Commissioner Papadopoulos moved approval of the agenda as revised, seconded by Commissioner Potts. The agenda was unanimously approved.

1. a) Approval of the May 14, 2013 meeting minutes

Commissioner Papadopoulos suggested a change on page 2, item 2 of the minutes to define the applicant as 'Raymond Britton, agent for Chincoteague Inn and Chincoteague Sunsets, LLC'. Councilman Muth moved for approval of the minutes as revised, seconded by Commissioner Potts. The motion passed unanimously.

Chairman Rosenberger asked about the status of the Planning Commission recommendation for adoption of a new parking standard for wayside stands. Town Planner Neville responded that it was reported to Town Council and is waiting to be grouped with other possible ordinance revisions for public hearing.

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b) Discussion of BZA agenda item

Chairman Rosenberger described the application of Kruno Filipic (Pinewood Manor) to request a special permit in the R-3 district for 7 additional sites for double-wide mobile homes. Mr. Neville confirmed that this permit is now required because of the change made to the R-3 district regulations during the comprehensive zoning.

Commissioners discussed the topic and indicated that they had no objections for expansion of the existing mobile home park use in this location.

2. Sign Ordinance Amendment – Sec. 7.13 Commercial Districts

Chairman Rosenberger summarized the issues considered at the last Town Council meeting regarding commercial sign ordinance standards for freestanding signs as well as the total permitted sign area for any one lot or business. He confirmed the request from Commissioner Papadopoulos for a graphic illustration of the ordinance requirements to help understand the possible revisions.

Mr. Neville presented a staff report that was organized around the issue of a 100 square foot maximum permitted sign area that applies to all properties regardless of size or number of businesses in separate buildings. The list of permitted signs is separated into the ones that are counted in the maximum 100 square feet and the ones that are not.

Illustrations of the three basic lot/building conditions described in Mr. Poulson's proposed revision were discussed. Mr. Neville pointed out how the third scenario does not identify the problem of the current zoning ordinance which can leave a second building/business owner without signage other than the accessory signs permitted beyond the 100 square foot maximum.

A third exhibit showing the effect of proposed Planning Commission revisions was handed out along with the highlighted copy of Mr. Poulson's memo to Town Council which indicates where decisions need to be made regarding the 100 square foot maximum criterion and whether the measurement of permitted sign area should be tied to building width.

Chairman Rosenberger summarized that there is a problem to be corrected for more than one building/business on larger lots. Mr. Neville added several Town Council comments that each business should have some permitted sign area under all conditions, and that the method of calculating sign area does not have to be the same for each scenario.

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Commissioners asked several questions and considered different alternatives. There was general agreement that the primary business owner has a responsibility to allocate permitted sign area between each business on a lot so that the Town is not left trying to solve the problem with an ordinance revision.

Chairman Rosenberger pointed out that the BZA did grant the second business/building an additional 100 square feet even though it was only a temporary variance. He asked if this could be a resolution to the problem in other locations as well.

Councilman Muth stated that the Commission fears multiple freestanding signs that will be too close together. Commissioner Potts added that other property owners could play the 'lot card' where multiple small lots could each grant a freestanding sign to a separate business.

Mr. Neville encouraged the Commission to work through several questions in the staff report. One important decision to be made is whether freestanding signs should continue to be counted in the maximum 100 square feet of permitted sign area per lot, or counted separately. He explained that the previous recommendation to permit more than one freestanding sign per lot would have to be interpreted as excluding freestanding signs from the maximum per lot calculation. He added if this is changed to permanently implement the recent BZA variance, every business with an existing freestanding sign may have the opportunity to place additional sign area on their lot.

Mr. Neville suggested that the illustrations help to answer the question of whether it is reasonable and fair to apply a maximum 100 square feet of signage per lot, whether it is a small lot with one business or a large lot with several businesses. Chairman Rosenberger stated that this issue could be solved if each business is allowed 100 square feet of signage, rather than each lot.

A question about connecting the permitted sign area to the size of the building was discussed. The current ordinance limits sign area for buildings less than 100 feet wide, and does not allow for more sign area on larger buildings. Several examples were considered if the criteria were applied to businesses located in separate main structures as described in Mr. Poulson's proposed ordinance revision.

Mr. Neville suggested that 'separate main structure' should be a defined term in the Ordinance. He concluded that the best way to move ahead with a recommendation to Town Council would be to build on the revisions proposed by Mr. Poulson, rather than try to unwind that solution and propose something new. This solution includes the addition of a new ordinance

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section (7.13.1.3) that describes multiple businesses located in separate main structures on the same lot, and that ties the 100 square feet of maximum sign area to each business in a separate main structure.

Commissioner Katsetos asked about a multi story structure where one business is located on the first floor and another business is located on the second floor. There was discussion about whether the 100 square feet of sign area would be permitted 'per business' or 'per main structure' in this case.

Section 7.13.1.2 includes a provision for 25 square feet of signage for each business in a multi-business building. Mr. Neville asked if this option should be added to 7.13.1.3 so that every business would have a minimum amount of sign area.

Commissioner Papadopoulos asked if a graphic illustration of Mr. Poulson's ordinance revisions could be prepared. The difficulty of administering Mr. Poulson's proposed allocation of permitted signage among multiple businesses was considered. Discussion continued with the idea that permitted sign area should be calculated for each main structure containing one or more businesses, with freestanding signs included in the maximum area total. Commissioners favored a calculation of 100 square feet or the building foot for foot measure, whichever is greater.

Commissioner Papadopoulos raised several questions including how to measure window signs, and why is a property owner of a lot not responsible for planning how to share the maximum permitted sign area for all uses on his lot. He stated that an owner problem should not become a code problem, and increasing the amount of signage is not the proper solution.

Mr. Neville responded that 100 square feet of sign area may be the right amount for a 1 acre lot but not enough for a 3 acre lot. Chairman Rosenberger stated that the consensus was 'less signage is better' at the time the sign ordinance was adopted, and there have been market changes so that now there is a desire to be 'business friendly' by permitting more signage.

Commissioner Papadopoulos referred to the proposed revisions prepared by Mr. Poulson and made a motion to recommend Section 7.13.1.1 with a maximum 100 square feet of sign area for a permitted business on a lot of record (green highlight). The motion was seconded by Councilman Muth to allow discussion.

Commissioners confirmed the intent of the motion is to remove the requirement for measurement of the building width and allow a maximum of 100 square feet of sign area regardless of building size or lot size. This would allow existing businesses that are currently limited to less than 100 square feet

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to increase their signage, and all future single business on a lot of record to be allowed 100 square feet of sign area.

Chairman Rosenberger asked if the maximum 100 square feet would include all permitted signs. Commissioner Papadopoulos confirmed that the intent is not to change what is currently calculated in the maximum permitted sign area (wall signs, window signs, freestanding signs, hanging signs, etc.) and would still permit accessory signs in addition to the 100 square feet (sandwich board, banner, directional, etc.).

The Chairman called for a vote, and the motion passed (5 in favor, 0 opposed, 1 absent, Chair abstains).

Commissioner Papadopoulos made a second motion to recommend Section 7.13.1.2 with a maximum 100 square feet of sign area for all permitted businesses on a lot of record with one main structure occupied by more than one permitted business (green highlight), and one additional wall sign or projecting sign of 20 square feet per business (red highlight). The motion was seconded by Councilman Muth if all of the provisions for allocation of signage are removed. Commissioner Papadopoulos accepted the amendment to the motion. The Chairman called for a vote, and the motion passed (5 in favor, 0 opposed, 1 absent, Chair abstains).

Chairman Rosenberger discussed proposed Section 7.13.1.3 - permitted business on a lot of record with two or more separate main structures, multi-main structures, where on each such main structure may be occupied by one or more separate licensed businesses. He identified a problem for a 'mall type' building which would be overwhelmed by signage if each business in the building was permitted 100 square feet. Mr. Poulson's proposed revision appears to tie the maximum permitted signage to each main building in this section which would solve the problem. Commissioners requested that this interpretation be clarified by Mr. Poulson and Mr. Lewis.

Commissioner Papadopoulos made a third motion to recommend Section 7.13.1.3 with a maximum 100 square feet of sign area for each main structure on a lot of record which may be occupied by more than one permitted business (green highlight) subject to verification by Mr. Poulson. The motion was seconded by Councilman Muth. The Chairman called for a vote, and the motion passed (5 in favor, 0 opposed, 1 absent, Chair abstains).

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3. Information/Discussion Items – Work Plan Update

Commissioners approved of the revised Work Plan that now includes columns for comments and next steps. Mr. Neville indicated that a decision was still needed about which zoning revisions should be forwarded to Town Council for a combined Ordinance Update hearing.

Chairman Rosenberger stated that the Planning Commission would not meet in July. Mr. Neville will prepare the list of zoning revisions for action by the Commission at the next meeting in August and will prepare the first of several agenda items for a Subdivision Ordinance review.

Commissioner Papadopoulos requested that the topic of private roads be scheduled for the October meeting since he will not be able to attend the August or September meetings. Discussion of sidewalks/crosswalks will be scheduled for the September meeting instead.

4. Commission Members Announcements or Comments

Chairman Rosenberger reviewed the presentation held recently about the renovated Island Theater.

Commissioner Papadopoulos spoke about a concern expressed by George Bowden. Along North Main Street across from the Sanctified Church there is an area of bamboo that has been cut off above ground level that poses a safety hazard for people walking or biking by. He also mentioned the final report from the Wastewater Advisory Committee that will be presented to the Town Council on June 20th.

Mr. Neville informed the Commission about the start of dredging operations, the design of the fishing pier, and the parking area under construction by Mr. Whippy's. This site was presented as a good example of why a review of the Subdivision Land Development Code is needed.

The next meeting is scheduled for August 13th, 2013.

ADJOURN

Commissioner Potts moved to adjourn the meeting, seconded by Commissioner Katsetos. The motion was unanimously approved.

Mr. Raymond R. Rosenberger Sr., Chairman



STAFF REPORT

To: Planning Commission
Through: Robert Ritter, Town Manger
From: Bill Neville, Director of Planning
Date: September 6, 2013
Subject: Commercial Sign Ordinance

❖ Revised standards for Commercial Signs on Multiple Buildings

There is general agreement that the method of calculating permitted commercial signage is sometimes confusing to business owners. The current sign ordinance sections are proposed to be revised based on the Planning Commission recommendations and minor additions by the Town Council.

The revisions follow Town Attorney Poulson's re-organization of Section 7.13 so that the general standards are incorporated into each of three main commercial building types. This would allow a business owner to find which section applies to their situation and determine what can be approved. A new section (7.13.1.3) is proposed to specifically describe the example of one lot containing multiple buildings with multiple businesses.

Planning Commission Recommendation

- *Amend the Commercial Sign Ordinance (Section 7.13.1) as drafted by Town Attorney Poulson (highlighted version) with several revisions*
 - 1) *Section 7.13.1.1 to establish the total combined square footage of all permitted signs shall not exceed one hundred (100) square feet in area for a **permitted business** on a lot of record with one (1) main structure occupied by a single permitted business (green highlight). Delete building width measurement (yellow, red and blue highlights)*
 - 2) *Section 7.13.1.2 to establish the total combined square footage of all permitted signs shall not exceed one hundred (100) square feet in area for all **such permitted businesses** within one (1) main structure on a lot of record (green highlight). Delete building width measurement (yellow, red and blue highlights). Delete the proposed 'allocation/proportional permit' sentence. Clarify that one additional wall sign or projecting sign of 20 square feet is permitted for each business (red highlight)*
 - 3) *Section 7.13.1.3 to establish the total combined square footage of all permitted signs shall not exceed a maximum 100 square feet of sign area for **each main***

structure on a lot of record which may be occupied by more than one permitted business with an existing business license issued by the Town of Chincoteague. Delete building width measurement (yellow, red and blue highlights).

- *Add a reference to Section 2.95 definition of Main Structure in the sign ordinance*
- *If Projecting Signs up to 20 square feet apply to Section 7.13.1.2, then the same option should be selected for Sections 7.13.1.3 and 7.13.1.11 as well*
- *Continue to calculate freestanding signs within the 100 square feet of total permitted sign area*
- *Planning Commission did not vote on proposed Section 7.3.1.8; however the first option (green highlight) is consistent with their general discussion that freestanding signs should be limited to one per separate main structure*

*(**Bold emphasis** added to indicate Planning Commission suggested confirmation of the intent/wording/interpretation for permitted sign area to be granted per business or per building)*

Town Council Revision

- Council agreed with the Planning Commission's suggestions of not exceeding 100 square feet, and deleting the extra criteria for allocating sign area between businesses.
- Councilman Taylor made a suggested change for single buildings with multiple businesses(#2) to permit multiple business signage on the freestanding sign in excess of the current maximum of 64 square feet. He suggested up to 128 square feet.
- Mayor Tarr responded that 64 square feet is the maximum for #1 that was discussed and 64 square feet was for #3 that was discussed. He stated that #2 has multiple businesses under one roof in order for them to have a sign is suggested to change the maximum area of the permitted freestanding sign from 64 square feet to 128 square feet.
- Council agreed to Councilman Taylor's suggested change for multiple businesses within a single building to increase permitted freestanding sign area from 64 feet to 128 square feet. The draft ordinance will be revised to permit businesses (under option #2) an additional 20 square feet of building mounted sign area plus and additional 20 square feet of freestanding sign area for business identification purposes. There would still be a maximum of 1 freestanding sign per building and no change to the sign height is proposed.

The revised ordinance sections will be advertised for a joint public hearing between the Town Council and Planning Commission on October 7th at 7pm.

MEMORANDUM

To: Mr. Poulson, Town Manager Ritter
From: Jared Anderson, Town Planner
Date: April 7, 2009
Subject: Proposed Subdivision Ordinance

The revisions to the subdivision ordinance have been recommended to Council by the Planning Commission. Although the amendments came from the Planning Commission it was brought to the Commission from staff because of concerns that we have had now and in the past.

One of our major concerns was the fact that some divisions of land on Chincoteague are without any review process. Some developers voluntarily bring their plans to the Zoning Administrator for comments. It was indicated that more than half of these volunteer submissions are incorrect to some degree. Some of these errors would be seen as critical because if recorded it would result in the creation of an unbuildable lot. We have devised language that would require an in-house administrative review that will look at the basics for recording a buildable lot with adequate ingress/egress without requiring everything that would be expected of what we currently consider a major or minor subdivision. We envision this administrative review to be a streamlined and inexpensive. Our intention is not to put more restrictions on people but to make sure land is being divided properly and in accordance with current land use regulations.

The paragraph titles indicate what paragraph of the Memo sent by Mr. Poulson on February 23, 2009 I am referring to.(Please see attached)

1st Paragraph- OK

2nd Paragraph- OK

3rd Paragraph- the proposed amendments would not change what entity acts as the “subdivision agent.” The proposed language would however change at what point the entities act as the subdivision agent. By approving the proposed language, Council, just as it did with the current ordinance, would be designating the subdivision agents for the town.

4th Paragraph- Agreed

5th Paragraph- I cannot comment as I have only been involved with one subdivision where the Planning Commission was the subdivision agent. If this is a concern I would suggest putting a reasonable time limit with which the Planning Commission should review application. However

if it is not the Planning Commission but the developer who is 'slowing down' the process the time limit provision should not kick in.

6th Paragraph- Again there is no major conceptual change as to who the subdivision agent is, rather the modification is at what point (i.e. division of land into 4 parcels) does the subdivision agent change from being the zoning administrator to the planning commission.

7th Paragraph- Agreed, this is one of the central tenets of the amendments. The idea is that all division of land needs to be reviewed even if it is an in-house administrative review that makes sure a developer is not creating an illegal lot and has adequate easements.

8th Paragraph- I remember being a part of a meeting at Mr. Poulson's office to discuss roads, several months ago. It is my understanding, and it was what was later approved, that the language pertaining to roads was adopted for both major and minor subdivisions (See Sections 14.09(a) and 15.05(a)). The proposed language would not change the road requirements for any division of land. Any division of land under four lots is not even considered a subdivision and everything 4 and over would be covered by the road requirements that are currently in place. If so desired road requirements could be added for the administratively reviewed two (2) or three (3) lots.

9th Paragraph- In September 2007, Council approved the roads subdivision ordinance which has a provision that permits the subdivision agent to allow private roads if they met a series of requirements. This road subdivision was adopted for both major and minor subdivisions. (See Sections 14.09(a) and 15.05(a) first paragraph)

10th Paragraph- Conceptually the current and proposed ordinances are similar in that there is a cutoff as to when the Planning Commission acts as the subdivision agent, and when the zoning administrator acts as the subdivision agent. A change is that the proposed language would include a requirement that all division of land be reviewed either by the Planning Commission or Zoning Administrator. I believe a copy of the proposed ordinance without the strikethroughs and highlighting will make it much easier to comprehend.

11th Paragraph- Agreed

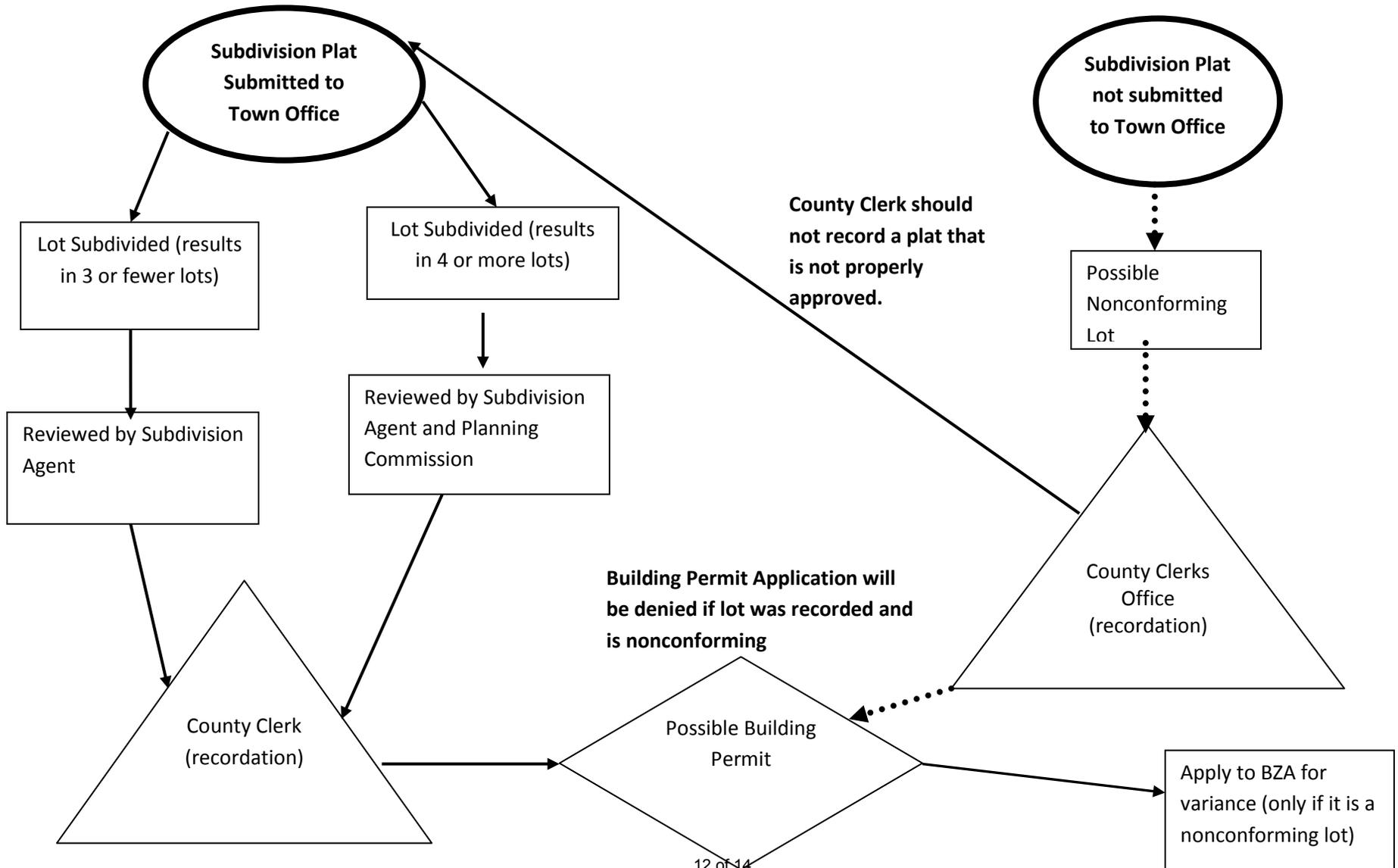
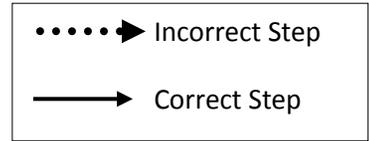
Sections 10 & 11.01 and 11.02- I agree

Section 13 I agree with Mr. Poulson's language. However, the General Assembly in 2008 allowed for the inclusion of "stepchild" to §15.2-2244. I would recommend the following amendment in the last sentence "...who is a natural or legally defined offspring (son or daughter), *stepchild*, spouse, sibling..."

It would appear that we have addressed all of the mandatory provisions as set forth by §15.2-2241 of the State Code of Virginia, most of which is included in the Town's Introduction to the Land Subdivision and Development Ordinance.

Hypothetical Diagram-Subdivision Ordinance

Plat Recordation Process





STAFF REPORT

To: Planning Commission
From: Bill Neville, Director of Planning
Date: September 6, 2013
Subject: Zoning Ordinance Review

❖ Definition of 'Fence'

As a result of an ongoing review of development activity that includes filling, grading and a possible retaining wall structure, Zoning Administrator Lewis has requested that the Planning Commission provide direction on the applicability of the zoning term 'fence'.

Sec. 2.62.Fence. Any manmade object or set of objects, which serves as, but is not limited to, a means of separating, demarcating, obstructing or barricading properties or parts of properties.

Sec. 3.1.Uses permitted by right. (R-1 District)

3.1.5. Fences.

(1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least thirty percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.



Rear Yard



Front Yard