

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

October 8, 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 September 10, 2013 meeting minutes
2. Subdivision Ordinance – Sidewalks/Trails
 - Review current standards for possible updates
3. Information/Discussion Items
 - Wastewater Advisory Committee Public Outreach
4. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN

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PLANNING COMMISSION MEETING 10 September 2013 MINUTES

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix, Vice Chair
Mr. Tripp Muth, Councilman
Mr. Michael Dendler

Mr. Jeff Potts

William Neville, Planning Director

Members Absent:

Mr. Steve Katsetos

Mr. Spiro Papadopoulos

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm in the Council Chambers

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

PUBLIC PARTICIPATION

One (1) member of the public was present.

Chairman Rosenberger congratulated Commissioner Dendler for successfully completing the PLAN Virginia training course. Commissioner Dendler expressed his appreciation to the Town for encouraging him and covering the costs.

AGENDA REVIEW/DISCLOSURES

Councilman Muth moved approval of the agenda as presented, seconded by Commissioner Dendler. The agenda was unanimously approved.

1. Approval of the June 11, 2013 meeting minutes

Councilman Muth moved for approval of the minutes, seconded by Commissioner Potts. The motion passed unanimously.

2. Sign Ordinance Amendment – Sec. 7.13 Commercial Districts

- Review Town Council changes from 8/15/13 workshop meeting

Chairman Rosenberger summarized the issues considered at the last Town Council workshop meeting. Town Planner Neville confirmed that the Council agreed with the recommendations presented by the Commission.

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Mr. Neville described minor changes proposed by Council to the sections that apply to multiple businesses in a single building such that each business is permitted 20 square feet of building mounted sign and 20 square feet of freestanding sign in addition to the maximum 100 square feet allowed per building. In order to accommodate this additional signage, the maximum sign area for the permitted freestanding sign was increased to 128 square feet. No change to freestanding sign height was proposed.

Commissioners discussed the understanding that there should be no more than 2 freestanding signs per lot, even if there are more than two main structures on a larger lot. It was noted that Mr. Poulson's comments on the final version of the Ordinance will likely be considered at the same time as the public hearing.

The revised Commercial Sign Ordinance (Section 7.13) is advertised for a joint public hearing on October 7th at 7pm. Chairman Rosenberger requested Commissioners to attend this joint meeting with Council as well as the regular meeting of the Planning Commission on October 8th.

3. Subdivision Ordinance – Zoning Permit Review

- Revise Standards for minimum review of all subdivisions (3 lots or less)

Chairman Rosenberger introduced the topic of a proposed revision to the Subdivision Ordinance for a minimum review of all subdivisions, including three lots or less, by picking up where former Planner Jared Anderson left off in a memo dated April 2009. The concern is how to allow for a Town review to prevent the recording of non-conforming lots.

Mr. Neville distributed a memo dated February 2009 from Town Attorney Poulson that tied in with Mr. Anderson's work. He suggested that the discussion at the time had focused on whether subdivision review should be completed by the Commission or by Staff. In addition, sample ordinance language from the Town of Warrenton was handed out to show how an informal sketch plan review can be incorporated into the required subdivision process. He noted that Cape Charles had recently revised its ordinance to define subdivisions as 2 lots or more.

Mr. Neville requested direction from the Commissioners about what process is needed for Chincoteague before more time is spent on preparing possible ordinance revisions. Councilman Muth clarified that the intent is to require a review for conformance but give applicants a break on subdivisions of 3 lots or less.

Chairman Rosenberger asked about the process for combining lots or lot lines. Everyone agreed that vacating lot lines is very difficult compared to being able to create simple subdivisions with no review. This is a good reason for establishing a method to prevent non-conforming or non-buildable lots from being created.

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Commissioner Potts argued that is the landowner's risk and problem, not the Town's responsibility.

Councilman Muth asked if this would create a new step in the subdivision process. Mr. Neville stated that the question is whether to create a formal or informal review step in the ordinance. Commissioner Potts asked about how it will be enforced – by asking Mr. Cooper at the Courthouse to watch out for plats from Chincoteague, and if Mr. Lewis' signature is not on it, don't record it?

Chairman Rosenberger offered that this was the goal to make sure that any subdivision plat or deed contains a signature block that must be completed before it is recorded. Commissioner Potts pointed out the difficulty in telling a State employee what to do. Councilman Muth added that it would not be possible to enforce if it is not a requirement of our Ordinance.

Commissioner Potts believes that this change would create more problems that it would solve by adding another required signature into an already complicated property sale/transfer system. Chairman Rosenberger reviewed the problems that had been identified in the past with flag lots, access easements, utility easements and lot sizes. Getting these issues right are protection for the buyer.

Discussion continued including family subdivisions as an example of limited subdivisions that can be completed by right in Virginia. Chairman Rosenberger confirmed that Mr. Lewis is currently providing a service during office hours that includes an informal review of any development proposal. Councilman Muth established that a certification or signature by Mr. Lewis would require a formal review and payment of a fee.

Commissioner Potts pointed out that the problem with a non-conforming lot only occurs when someone tries to build on it. Mr. Neville added that Health Department approval of drainfield areas has recently proven to be a problem with small lot subdivisions. Discussion continued about whether non-conforming lots should be considered buildable or non-buildable. Commissioner Potts instructed that minimum lot size in the County before land was annexed into the Town was 7,500 square feet compared to 12,000/15,000 square feet today.

Councilman Muth compared the addition of a voluntary review in the Ordinance with what is already occurring today with Mr. Lewis' informal reviews. Commissioner Potts stated that a voluntary review would not be enforceable, and Councilman Muth concluded that there would not be a reason to change the ordinance.

Chairman Rosenberger asked if there was a problem that needed to be addressed, or not. Several recent examples were mentioned. Mr. Neville responded that a regular review of the Subdivision Ordinance, and any problems that may have come up, is the right thing to do.

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No action was taken. It was agreed that the next meeting would address the overall Subdivision and Development Ordinance and which sections may need to be reviewed (site plan requirements, parking, timing of Health Department approvals, wastewater treatment and collection facilities, fill/grading/drainage)

4. Zoning Ordinance Review

- Definition of Fence

Zoning Official Kenny Lewis requested Planning Commission review of a landowner's project to repair and protect his property from storm damage which includes placement of a low concrete block wall along the property line. The question is whether the line of blocks should be considered as a fence under the provisions of the Zoning Ordinance.

Mr. Neville described the activities and proposed use of the low wall. He explained that it did not exceed 2 feet in height and was below the permitting threshold of the Building Code as a structure. Staff has determined that it should be considered as a retaining wall since there is fill activity to one side and one purpose is to prevent the fill from eroding onto the adjacent property.

Commissioners discussed the purpose and function of the low block wall and determined that it should not be considered a fence, and that its function is most similar to riprap stones used for erosion control and slope stabilization with a change of grade. This situation was also compared to a bulkhead that may project above grade along a property edge.

Discussion continued on the topic of 100 year flood elevations, base flood elevations, drainage and stormwater ordinances. Councilman Muth spoke about the various permits that affect building construction to make the point that this low wall should not be considered under the building permit. Chairman Rosenberger mentioned potential drainage impacts to adjoining properties and the lack of Town Ordinance criteria to address the issue.

Mr. Neville reviewed the guidance provided by FEMA and the schedule to adopt new ordinance criteria and draft floodplain maps over the next year. He made the appeal that FEMA's hazard mitigation programs should not be overruled by FEMA's flood insurance program so that a property owner or Town cannot protect its property from storm damage. He suggested that a balance of what is reasonable needs to be established for the community.

Commissioners continued to evaluate the differences between a fence and the low concrete block wall to confirm their opinion that it should not be considered as a fence. Mr. Neville stated that he would share this finding with Mr. Lewis.

5. Information/Discussion Items

- FEMA draft Flood Insurance Rate Maps

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Preliminary Draft FIRMs were reviewed and comments sent to FEMA on August 28th. Corrected maps will be provided for Community Outreach meetings beginning sometime in October with a 90 day appeal period. Changes to Flood Insurance will be discussed at a meeting on September 25th.

Councilman Muth asked about increases in Flood Insurance rates even with a possibly lower Base Flood Elevation on Chincoteague Island. Mr. Neville responded that the map changes may help to reduce the increase in rates, and discussed possible issues to discuss with FEMA during the appeal period.

- VA Stormwater Regulations

Chairman Rosenberger reviewed information that had been provided at a recent training meeting. He advised that stormwater requirements will be a significant development issue for the future. Commissioner Dendler commented on good stewardship versus cost issues. Mr. Neville added the concern for administration of a new program at the County level.

- Wallops Joint Land Use Study

Mr. Neville informed the Commission that the next JLUS meeting will start to look at a matrix of impacts and land uses around the base.

- Design Guidelines/Architectural Study

Chairman Rosenberger mentioned receiving a letter from Laura Lentz expressing her interest in working with the Commission to review architectural plans or prepare guidelines. He recommended that there is not an immediate need for a review committee to focus on this issue and will respond to the letter. Councilman Muth encouraged a voluntary program which offers good design ideas to people who are interested.

6. Commission Members Announcements or Comments

Councilman Muth asked about the bike path along Ocean Boulevard extended. Mr. Neville informed the Commission that the bridge over Fowling Gut will be completed in October and can be opened for use. Additional funds from USFWS were discussed that may be available to extend bike lanes along Maddox Boulevard from the Circle to AJ's.

The next meeting is scheduled for October 8, 2013.

ADJOURN

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

Mr. Raymond R. Rosenberger Sr., Chairman



STAFF REPORT

To: Planning Commission
From: Bill Neville, Director of Planning
Date: October 8, 2013
Subject: Subdivision Ordinance Review

❖ Sidewalks/Crosswalks and Trails

Sidewalk construction in the Town of Chincoteague is a required element of a major subdivision application; however the greatest need is to complete disconnected sections along existing roadways and to extend the sidewalk system into areas previously annexed from Accomack County.

The current Town Policy on sidewalks offers/requires a shared cost with the adjacent landowner. This policy has the effect of limiting new sidewalk projects under the ongoing street maintenance program because of setting a precedent for 100% Town contribution.

Sidewalk Policy

The cost of installing sidewalks and drive aprons shall be shared equally by both the Town and the owners (or agents) according to the following provisions:

1. Width. *The width of the sidewalk and the drive apron shall be five feet (5').*
2. Length. *The standard length of the drive apron shall be fifteen feet (15'); if the owner desires a longer drive apron, then the difference in the total length and fifteen feet (15') shall be born entirely by the owner.*
3. Right-of-way. *The width of the road shall be maintained at a minimum of thirty feet. (30').*
 - a. *If the road right-of way is a minimum of forty feet (40'), the sidewalk and drive apron may be placed abutting the owner's property line.*
 - b. *If the road right-of-way is less than forty feet (40'), an easement of five feet (5') of the owner's property along the property line must be deeded to the Town upon which to install the sidewalk and drive apron.*
4. Other. *Any manmade or natural structures within the area where the sidewalk and/or drive apron is to be located, shall be removed entirely at the owner's expense.*

The Subdivision and Development Ordinance should address when sidewalks are required to be constructed by a developer or landowner, where they should be built (trail in a rural section road), and what are the standards for construction.

14.09. Improvements required to be provided in a major subdivision. The following improvements shall be provided by the developer in a major subdivision as a prerequisite for recordation of the final plat, as may be required:

5. Sidewalks, curbs, gutters and driveway aprons. Concrete structures shall be installed within the right-of-way and conform to the specifications of the Town of Chincoteague Drawing Number 35, "Miscellaneous Concrete Work." If curb ramps are utilized they shall conform to the requirements of the Americans with Disabilities Act.

Section 16. Design standards.

16.01. Mutual responsibility. There is a mutual responsibility between the developer and the Town of Chincoteague to divide the land in any subdivision so as to provide for a harmonious and efficient land use pattern.

Commissioners are requested to review the Subdivision Ordinance standards and provide direction to Staff whether these sections are adequate to meet the needs of the Town or if amendments are recommended.