

**December 8, 2009
3:00 p.m.**

PRESENT: Thomas H. Byerly, Chairman
Kitra A. Shiflett, Vice-Chairman
Stephen N. Bridge
Wayne F. Hite
James W. Curd
Kyle Leonard

ABSENT: Taylor Cole

STAFF: Dale L. Cobb, Director of Community Development
Becky Earhart, Senior Planner
Doug Wolfe, County Engineer
John Wilkinson, Zoning Administrator
Jessica Staples, Administrative Secretary

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ORDINANCE REVIEW

Mr. Byerly called the December 8, 2009 Worksession to order. He turned the meeting over to Community Development Staff.

Mr. Wolfe discussed proposed changes to the current Floodplain Ordinance. For the purpose of the worksession, the Planning Commission received a handout concerning these revisions. Mr. Wolfe explained two separate ordinances are presented. The first is the comprehensive rewrite of the Floodplain Overlay District as advertised. He indicated that no one submitted comments on these regulations. He stated the second is an interim ordinance with seven (7) amendments that if adopted, will bring the existing ordinance into compliance with the Federal Emergency Management Agency (FEMA) requirements. If the Commission is uncomfortable with adopting the comprehensive rewrite at this time, the Commission can recommend the interim ordinance to the Board of Supervisors for approval. However, the County must pass changes to bring the floodplain ordinance into compliance with FEMA by January 10, 2010.

Mr. Byerly asked if there were any major changes made to the maps.

Mr. Wolfe stated there were no new studies or base elevations. He explained the maps were converted into digital format and combined with the maps for the Cities of

Staunton and Waynesboro. He stated there were some subtle shifts and explained there were some homes and parcels that are now in the floodplain that were not before.

Mr. Byerly asked if these parcels will require flood insurance.

Mr. Wolfe stated the requirement is decided by the lending agency.

Ms. Shiflett asked if these property owners have been notified.

Mr. Wilkinson stated yes the lending agencies have been notified.

Mrs. Earhart indicated the Commission would take an official action on the floodplain overlay district during its regular meeting.

§25-4. Definitions. Mr. Cobb stated the definition of animal unit was deferred from the Commission's previous worksession.

Ms. Shiflett stated the definition of animal unit according to Virginia Tech does not address the issues of the Zoning Ordinance.

Ms. Earhart stated the only need for an animal unit definition would be if the Commission was to retain the draft provision that limits agriculture on agriculture lots less than five (5) acres.

Mr. Bridge asked staff what major complaints had been received concerning agriculture.

Mr. Cobb stated complaints have been received concerning large amounts of agriculture on small lots. He stated however there have also been complaints concerning agriculture being in small confinement areas on large agricultural lots.

Ms. Earhart stated there has been concern from the public with the Zoning Ordinance limiting agriculture on property zoned agriculture with regard to having the ability to grow one's food, etc.

Mr. Leonard stated he does not feel it is too restrictive to limit agriculture on lots less than five (5) acres.

Ms. Shiflett asked if staff receives enough complaints to justify limiting agriculture on small lots.

Mr. Wilkinson stated staff does not track the number of complaints concerning agriculture because it has not been regulated in the past. He noted staff has received complaints concerning the smell and runoff caused by these animals on small lots.

Mr. Cobb stated the majority of complaints received by staff are concerning junk and inoperable vehicles followed by high grass.

Mr. Leonard asked if staff feels agriculture should be limited on small acre tracts.

Mr. Cobb stated yes.

Ms. Earhart stated the current draft ordinance will not solve all of the complaints received concerning agriculture. She stated as Mr. Cobb explained, the problem is not the total acreage of the parcel, but the size of the area where the animals are kept.

Mr. Cobb stated with that being the case, the Planning Commission can recommend where the pens are to be located (i.e. setback requirements). He stated it would be more difficult to enforce, but it can be done.

Mr. Leonard recommended leaving the ordinance as drafted and if future problems arise revisit the issue.

Mr. Hite stated he agrees with Mr. Leonard. He supports the ordinance concerning limited agriculture as drafted.

Mr. Cobb asked the Commission thoughts on whether or not to measure the entire parcel or only the fenced in portion.

Mr. Bridge stated common sense would be to limit agriculture on small lots, but he does not support being so restrictive based on the few complaints received by staff.

Mr. Leonard asked if the language can be worded so the condition of the area is considered as opposed to the size of the area.

Mr. Cobb stated the condition would be left up to the Zoning Administrator's discretion.

Mr. Leonard questioned if there was a way to quantify the condition in "black or white".

Ms. Shiflett commented it may not always be the case. She gave this year's weather conditions as an example. Even the best husbandry locations are muddy with the amount of rain and snow the county has received.

Mr. Cobb stated staff has not received enough of those types of complaints to put a burden on staff.

Mr. Leonard stated the time of year and weather conditions would determine the amount of complaints staff would receive.

Mr. Curd recommended adding miniatures to the species of agricultural animals. He stated he feels it is necessary when enforcing limited agriculture to measure the fenced in portion of the parcel. He asked staff how difficult it would be to enforce.

Mr. Cobb stated it is going to be difficult for staff to go onto private property to measure the fenced in portion of a lot. He stated it is easier to determine acreage of the entire parcel as the information is accessible through the Real Estate Office.

Mr. Curd stated there is no need to have a definition of limited agriculture if the fenced area provision is going to be difficult to enforce.

Mr. Leonard asked staff's recommendation. He asked if there are enough complaints received warrant the regulations.

Mr. Cobb stated the issue is whether or not there is a need to measure animal units as a definition for limited agriculture and if so, is the requirement going to be acreage for the entire parcel, or the fenced in portion.

Ms. Shiflett stated enforcing animal units is too difficult for what is trying to be accomplished.

Mr. Hite stated it is too difficult to enforce.

Mr. Bridge asked if there is no enforcement how is it handled.

Mr. Wilkinson stated civil action.

Mr. Cobb stated while enforcement would be difficult, the number of these types of complaints received is not enough that staff cannot enforce.

The Commission recommended the language concerning animal unit as drafted with the addition of miniatures to the definition of animal unit.

There was discussion on whether or not to measure the fenced in portion or the entire lot.

Mr. Cobb stated staff will need to discuss how to legally enforce fencing with the County Attorney if the Commission desires to recommend measuring the fenced in portion of the parcel as limited agriculture.

Mr. Leonard asked if animal unit is measured per lot acre or per confined acre. He supports measuring the unit per lot acre.

Mr. Hite supports confined acreage. He stated for those that are truly farming as a livelihood, there will not be an issue.

Mr. Byerly asked the Commission's standing on whether or not to measure the fenced area as limited agriculture.

Mr. Bridge stated while it may be more difficult to enforce, in order for the requirement of limited agriculture to have any meaning, the fenced in portion of the lot needs to be measured.

Mr. Hite agrees with Mr. Bridge.

Ms. Earhart stated measuring the confined portion of the lot will restrict 4-H projects.

There was discussion on exempting these projects.

The Commission deferred a decision concerning the definition of animal unit with regard to limited agriculture until later in the meeting.

§25-4. Modify definition of townhouse. Mr. Cobb explained the definition of a townhouse has been modified to read, *“A one story family dwelling in a row of at least three (3) such units in which each unit has its own front and rear or side access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls”*.

The Planning Commission supports the modified definition.

§25-4. Modify definition of shopping center. The Planning Commission had recommended deferring a decision until today’s worksession.

Ms. Earhart explained the draft ordinance defined a shopping center with a reference to anchor stores. She stated the proposed definition is one used by Fairfax County. She explained it came from a recommendation made by a rezoning applicant. The proposed definition is as follows, *“Any group of two or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one continuous commercial area. For the purpose of this Ordinance, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.”*

The Planning Commission supports staff’s recommendation.

§25-4. Add definition of a parking facility. Mr. Cobb stated the current definition of “parking area” should be changed to “parking facility”. He stated staff has recommended the following definition of parking facility to read: *“Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles*

including parking lots (including aisleways and travel lanes), garages, private driveways, but not including access drives”.

The Commission supports the revised definition of a parking facility.

§25-22 and 23. Sketch plans. Mr. Cobb explained it was suggested to change wording to require the survey after the footer inspections to verify that setbacks have been met. He stated staff has revised the text.

The Planning Commission supports staff’s recommendation.

§25-31.F. Mr. Cobb explained a public concern was that requiring compliance with the new parking ordinance if a lot is increased by 50% may eliminate business expansion. He stated staff has noted this is a policy decision and the Commission had recommended deferring the decision until today’s worksession. For the purpose of the worksession, the Commission referred to “Attachment D” for all the landscaping of parking lot related issues.

The Commission supports the requirement as advertised.

§25-32. A. and B. A diagram was given to the Commission depicting these requirements. The Commission referred to “Attachments D and D1” for the purpose of the worksession. Mr. Wolfe explained there was a public request to reduce a travel lane from 18’ to 15’ or less when there is no vehicle parking adjacent to the lane. The request was also to be able to design to VDOT minimum standards for channelized entrances (right-in and/or right-out only). Mr. Wolfe stated staff has checked with the Fire Chief who indicated the county needs the 18’ travel lane in case fire or emergency vehicles need to get behind buildings. Also, building occupants change and if the new occupant needs access and cannot meet the requirement, the building cannot be used for the new business. Staff recommends retaining the 18’ minimum width around buildings.

Mr. Bridge recommended leaving the language as drafted.

The Planning Commission concurs with the recommendation.

§25-32. B. Access drives. Mr. Cobb explained language was added as requested that clarifies for alleys accessing parking lots or parking for anything other than single-family, two-family, or townhouses for sale, would need to meet the access drive standard (§25-32. B) otherwise, the standard 12’ alley is the minimum requirement.

The Planning Commission concurs.

§25-33.B. sidewalks adjacent to parking spaces. Mr. Cobb explained the new language has been modified to read: *B. All pedestrian walkways which are adjacent to vehicles parked in an orientation other than parallel to the walkway and are either: 1) not grade*

separate by a standard curb; or 2) are less than five feet (5') in width; shall be protected with wheel stops located in each space to prevent vehicles from overhanging into the pedestrian walkway. Wheel stops shall be defined as concrete parking blocks, landscape timbers, railroad ties, or similar devices."

The Planning Commission supports the modified requirement.

§25-33.E. Surfacing. Mr. Cobb explained aisleways was added to the requirement. He stated the Planning Commission recommended leaving the paving requirement as drafted with the clarification as follows: *E. Surfacing. All required parking and aisleways in a business and industrial zoned district for a business or industrial use and in a multi-family zoned district for a multi-family use shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, and peak parking."*

The Planning Commission supports the modified requirement.

§25-38. Landscaping. "Attachment D and D2". Mr. Cobb stated staff has recommended requiring landscaping and for the landscaping to be maintained by the property owner. He stated Valley Conservation Council has had Better Models recommendations for many years and the county had a Design Principles study completed four (4) years ago. The study recommends a higher standard for development of business and industrial sites. The landscaping requirement is consistent with those recommendations. Mr. Cobb explained staff has commented the requirement of 100 square feet will work on lots where there are two (2) rows of parking abutting each other; however, to make it easier for the single rows, staff recommends reducing the minimum size of an island to 70 square feet and reducing the amount of landscaping materials to two (2) different types of materials. However, he stated it is a policy decision on whether or not to require landscaping in parking lots.

Mr. Wolfe stated if the Commission recommends keeping the landscaping requirements, the next decision is whether or not to require the property owner to maintain these requirements.

Ms. Earhart stated staff recommends if the Commission is not going to require the property owner to maintain the landscaping, then there is not much point in requiring a business to landscape to begin with.

Mr. Wolfe explained the diagram referred to as "Attachment D-2".

Mr. Byerly noted the cost of requiring landscape.

Mr. Bridge asked the goal of this requirement.

Mr. Wolfe stated the goal is to break up large expansive parking lots for climatic and water runoff. He stated there have been several site plan submittals since the proposed

ordinance requirements. Mr. Wolfe stated all the plans have voluntarily met the requirement.

Regarding the amount of required landscape. Mr. Cobb asked the Commission if they support the five percent (5%) as advertised, or require 15 sq. ft. The Planning Commission recommended requiring 15 sq. ft. for every required parking space.

The size of parking islands within the parking lots. The Planning Commission recommended reducing the requirement to at least 70 sq. ft. and retaining the requirements on perimeter landscaping and maintenance of landscaping.

Amount of different types of landscaping materials. The Planning Commission recommended reducing the requirement to two (2) different types of required material.

§25-44. Signs. Mr. Cobb stated the modified definition of a sign is as follows: *“Any exterior display of any letter, words, numerals, materials, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible from the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface, or any other thing, including but not limited to vehicles, buildings, barns, the ground, any rock, tree, or other natural object, which display is primarily intended for visibility beyond the boundaries of the parcel of land on which the same is located.”*

The Planning Commission supports the modified definition of a sign.

The Commission referred to “Attachment E”. With regard to banner signs, Mr. Wilkinson stated per the recommendation of the Commission the chart indicates that banners are allowed (since they are temporary signs) and as such are permitted in residential districts with limitations as to size and adding a requirement for directional rural home business signs.

The Commission supports the modifications contained in Attachment C.

§25-54.1.N. Commercial vehicles. Mr. Cobb explained the Commission had deferred the discussion until today’s worksession. He referred to “Attachments F1 and F2” for more details on options for regulating commercial vehicles in residential districts.

Mr. Cobb stated the majority of the complaints received concerning commercial vehicles are in regard to vehicles being parked on streets in residential neighborhoods. He stated at this time they are not regulated. He stated staff is suggesting three (3) options. The first would be to continue to not regulate, or second, to prohibit them in residential districts all together, or third, allow them in residential areas, but to prohibit them from parking on street.

With regard to allowing these vehicles in residential districts, Mr. Wilkinson noted one option would include keeping a semi-tractor on site, as long as it is parked in the driveway.

Ms. Earhart noted requiring large commercial trucks to be parked off street may address the safety issue, but not the nuisance issue.

There was discussion concerning restricting certain types of commercial vehicles based on lot size.

Mr. Leonard noted several localities including Albemarle, Rockingham, and Botetourt did not permit tractors and trailers in residential neighborhoods.

Mr. Hite noted there needs to be some type of regulation, but he did not support the regulation being too restrictive. He questioned the amount of complaints received regarding commercial vehicles being parked in residential neighborhoods.

Mr. Wilkinson stated while the office does receive these types of complaints, there is little the Zoning Department can do as the ordinance does not regulate these types of vehicles in residential districts. He stated if the vehicles are blocking traffic, the complaints are forwarded to the Sheriff's Department.

Mr. Cobb explained the reason for the proposed requirement is because staff does receive these types of complaints and currently there are no regulations.

Ms. Shiflett stated she would prefer the minimum acre requirement to be reduced.

Mr. Cobb stated another option would be to not have a minimum acreage requirement and to allow the tractor to be parked in residential, but not the trailer.

The Commission recommended in residentially zoned districts to have no more than one (1) commercial vehicle per dwelling and they shall be allowed with the following limitations:

1. No semi-trailer of a tractor-trailer truck, solid waste collection vehicle, construction equipment, cement-mixer truck, or dump trucks or wreckers with a gross weight of 12,000 pounds or more, or similar such vehicles or equipment shall be permitted.
2. Any commercial vehicle parked shall be owned and/or operated only by an occupant of the dwelling at which it is parked.
3. The commercial vehicle may not be parked or stored on a public street or right-of-way or in front yards except on the driveway.

§25-58 and other Administrative Permit sections throughout the ordinance. Mr. Cobb stated after discussion with the County Attorney, it was recommended specific impacts on the neighborhood be listed in case a permit needs to be revoked. It was also

suggested to add a self-certification to the permit that states the applicant is in compliance with the standards and is not having an undue adverse impact on the neighborhood.

Ms. Earhart explained the specific standards to be added back into the proposed draft. She stated the modified language will read, "*Administrative Permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes and vibration*".

The Planning Commission concurs.

§25-Article VIII. Elimination of the Exclusive Agriculture District. The Planning Commission referred to "Attachment G" for suggested revision to the General Agriculture and Exclusive Agriculture guidelines and "Attachment H" for the Rural Home Business options. Mr. Cobb noted the County Attorney has advised reinstating the Exclusive Agriculture zoning and making changes to that district will require advertisement for another public hearing.

Ms. Earhart noted at the Planning Commission's worksession on November 19, 2009 there was lengthy discussion on the agricultural districts and it was decided to reinstate the Exclusive Agriculture District back into the ordinance. She asked the Commission if there were any changes or recommendations to the Exclusive and General Agriculture Districts knowing these changes are going to require advertising. There was discussion regarding limited agriculture. Ms. Earhart asked the Commission if limited agriculture would pertain to both agricultural districts and if so, what would be the limitations.

Mr. Byerly stated at the Commission's Worksession on November 19, 2009, the vote was 4-3 in favor of retaining the Exclusive Agriculture District. He asked the Commission if they wanted to offer any further comments on the Exclusive Agriculture District.

With regard to Exclusive Agriculture, Mr. Leonard stated he is concerned with the perceived protection. With the Planning Commission's decision to retain the Exclusive Agriculture District, he questioned what benefits would be given to property owners. If the protection is only perceived, nothing has been accomplished.

Mr. Byerly stated incentives should be offered for those parcels in the Exclusive Agriculture District.

Mr. Bridge stated there needs to be a difference between the two (2) districts. He asked that an additional recommendation be made to the Board of Supervisors that a significant amount of residents in the County wish to have an Exclusive Agriculture District and the Commission realizes additional research needs to be put into the district in order for it to be different and "worthwhile".

Mr. Leonard stated the Exclusive Agriculture District should be evaluated and more public comments and input received.

Ms. Earhart noted changes the Planning Commission has recommended regarding the Exclusive Agriculture District will require a public hearing. She stated staff will have to review with the County Attorney as to whether or not the Commission can recommend changes be made to only those parcels zoned General Agriculture and Exclusive Agriculture remain the same without having to require a public hearing.

The Planning Commission recommended retaining the two (2) existing agriculture districts and looking at the issue of agricultural zoning holistically utilizing a committee approach.

§25-71. Purposes. Ms. Earhart read the following modified language, *A. The "General Agriculture District" is intended to allow an area to be devoted to agriculture use; to conserve, protect, and encourage the development, improvement and preservation of agricultural land for the production of food and other agricultural products; to retain major areas of natural ground cover for conservation purposes; to preserve the scenic, historic, and cultural resources in these areas, and to retain forests and wildlife areas. B. The principal purposes of this district may be accomplished by maintaining the existing agricultural lands and preventing the encroachment of incompatible land uses; while allowing development to occur at a reasonable density. C. Non-farm residents should recognize that in this district they are located in an agricultural environment where the "right to farm" and "right to practice forestry" has been established as public policy. D. This district is also intended to minimize the demand for unanticipated public improvements and services, such as public sewer and water, by reducing development densities and discouraging large scale development."*

The Planning Commission concurs.

§25-73 and 74. Rural Home Business. The Planning Commission referred to "Attachment H". Ms. Earhart reviewed the revised standards for a Rural Home Business. She explained the Rural Home Business will give property owners an option to conduct business on their parcel if they meet certain standards without having to apply for a Special Use Permit.

The Commission concurs.

§25-74.E. Landing Strips. The Commission recommended the following changes to the standards: *1. The landing strip or heliport shall be for private aviation aircraft only, limited exclusively to the use of the landowner and his/her family members; commercial operations, including flight training, ground school, aircraft repair, and sales are prohibited. 2. Take-offs and landings are limited to daylight hours. 3. The neighboring area is not characterized by agriculture, residential, commercial, or industrial development which would be adversely impacted by the proposed use. 4. The landing*

strip or heliport is not located in close proximity to an existing airport and/or will not impact commercial flight paths.

§25-74.L. Active Recreation. The Commission recommended adding hours of operation to Standard 4 to read: *The proposed size, the proposed recreational activities, the anticipated number of users, setbacks, parking facilities, lighting, hours of operation, and landscaping is appropriate for this area.*

§25-77.1. Cluster subdivisions. The Commission recommended modifying the cluster provisions in the ordinance to allow them only in Rural Conservation Areas as designated on the County's Comprehensive Plan Policy Area map. The Commission also recommended to the Board looking at establishing a cluster option in Rural Residential or establishing a new district that will allow cluster subdivisions through a rezoning.

§25-77.3 Lot width. The Commission recommended the lot width requirement not be applicable "at all points". The Commission further recommended lot width to read: *"The minimum lot width at the minimum setback line shall be one hundred fifty feet (150)"* and to add a requirement for a width at the rear line to read: *"The minimum lot width at the rear lot line shall be forty feet (40)".* Ms. Earhart noted the County Attorney has advised that making this change would increase the density in General Agriculture and such a change will require advertisement for another public hearing.

§25-138.A.2 and other residential setback sections. The Commission recommended keeping the new twenty foot (20') setback for new private or local streets in subdivisions where a preliminary plat is approved after January 1, 2010 and further recommended language be added to that section that reads: §138.A.2. No building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any private street or any street identified by the Virginia Department of Transportation as a local street than twenty feet (20'). On lots in subdivisions where a master plan or preliminary plat was approved prior to January 1, 2010, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any public or private street than thirty five feet (35').

§25-239.1 B and C. Recreation in Multi-family Residential districts. The Planning Commission referred to "Attachment I" for revisions to the recreational facilities charts.

Mr. Cobb explained per the Commission's recommendation, the definition of playground was added to the ordinance and a playground was given a point value of twenty five (25).

Mr. Byerly asked how staff established the point system.

Ms. Earhart explained the values were compared to other localities' requirements, as well as recommendations from the Parks and Recreation Department.

Mr. Curd inquired whether or not recreation could be done in phases or based on total number of units.

Ms. Earhart answered the recreation could be done in phases and bonding will be covered through this process. She further stated developers will still have flexibility if they chose not to use any of the examples provided in the chart. She stated the point value of items not provided in the chart will be at the discretion of the Director of Community Development.

The Planning Commission concurs with staff's recommendation and the point values provided on the chart.

§25-302. Flex Space. Ms. Earhart noted the County Attorney has advised a change to the advertised draft regarding flex space will require advertisement for another public hearing.

Ms. Shiflett stated she feels there needs to be some oversight for flex space buildings. She supported the list of uses to be permitted by a Special Use Permit in the flex space buildings because there are large trucks and chemicals used in many of the Industrial Districts that might not be compatible with certain businesses.

Mr. Bridge stated the list of uses can have different intensities.

Ms. Shiflett stated if the ordinance is going to state that no more than 25% of the gross floor space of each building shall be used for industrial uses, then the list of permitted industrial uses in the flex space needs to be clear.

Ms. Earhart questioned if flex space is going to be defined as a building type, or if certain uses are to be permitted by right or Special Use Permit the question arises if there is a need for flex space buildings. She explained the Commission needs to decide if flex space is a building type or refers to flexible uses.

Ms. Shiflett supports the uses in flex space buildings permitted by Special Use Permit.

Mr. Wilkinson recommended including a list of limited industrial uses that would be permitted in flex space in General Business.

Mr. Cobb stated the type of permitted uses depends on the site.

Ms. Shiflett questioned the need for oversight of those types of uses whether it be administratively or by Special Use Permit.

Mr. Cobb stated the recommendation is to allow certain types of limited industrial uses in existing buildings. However, the existing building language would need to be revised.

Mr. Leonard questioned what types of limited industrial uses would be allowed in flex space in the General Business District.

Mr. Cobb answered according to the drafted ordinance there will be a list of limited uses allowed as flex space in General Business that will be compatible to that district. He recommended the Commission go through the list of permitted uses in industrial and choose which ones they feel would be compatible in General Business and add those to the list.

Mr. Leonard commented if 25% of the building allows flex space, a list of limited uses would be sufficient. He questioned the need for flex space.

Mr. Cobb stated staff has received numerous requests from developers who would like to have flex space.

Mr. Leonard asked if flex space is permitted, would it be possible to have the applicant go through the Special Use Permit process to request the use that would be allowed.

Mr. Cobb stated language could be included in the ordinance that states uses that are permitted in the General Industrial District could be permitted in flex space in General Business through the Special Use Permit process with certain restrictions.

Ms. Shiflett stated these uses should not be permitted by right.

Mr. Cobb stated the Special Use Permit process will allow more uses in the flex space in General Business because they will be considered on an individual basis. He suggested allowing all permitted uses in General Industrial be permitted in flex space in General Business by Special Use Permit.

Ms. Earhart asked the Commission if they wanted to include the following criteria in flex space; no building shall exceed two (2) stories in height; and dock doors and loading bays shall not be located in front yards' and not more than twenty-five percent (25%) of the gross floor space of each building shall be used for industrial uses. At least seventy-five percent (75%) of the gross floor space of each building shall be used for business purposes; and no outdoor storage permitted; and only permitted in existing buildings.

Mr. Leonard asked why flex space is proposed to only be permitted in existing buildings.

Mr. Cobb stated there are certain buildings in the County where flex space would be most appropriate. He explained the Special Use Permit process and the advertised criteria will eliminate certain uses. Mr. Cobb suggested permitting industrial uses in flex space with a Special Use Permit and eliminating the requirement of only permitting the use in an existing building.

Ms. Shiflett questioned whether or not to allow General Business uses in flex space in General Industrial Districts.

Ms. Earhart voiced concern with the intensity.

Mr. Leonard questioned the criteria limiting the building to only two (2) stories for a building utilizing flex space.

Ms. Earhart stated when the concept of flex space was first reviewed by staff it was from a design standard. The idea was to have business use in the front and industrial in the rear of the building. She explained the discussion seems to be more of “flexible uses” as opposed to flex space.

Ms. Shiflett stated the concepts of flexible uses and flexible spaces have to be integrated.

Ms. Earhart stated flexible space and flexible use are two (2) separate concepts. She stated that based on comments received, developers were not concerned with flexible space as a design type. It was desired to have flexible use of the space.

Mr. Cobb explained there will be limitations on the uses within the Business zoned property as the market price for the land will be higher. However, he explained if it is decided to allow business uses in flex space in General Industrial Districts, it will become a problem as the market price of land is currently less in Industrial Districts. He stated developers will want to put the business uses in that district which will then drive up the price of the industrial zoned land. He cautioned the Commission on supporting allowing business uses as flexible uses of space in Industrial Districts.

Ms. Shiflett suggested restricting the allowable percentages in the districts.

Ms. Earhart reiterated on the design standards of the building in trying to keep the appearance of a business parcel rather than an industrial use.

Mr. Leonard asked if there were any uses permitted in General Business that would be allowed in the flex space in General Industrial.

Mr. Wolfe explained business uses will consist of offices (shall not include office uses with high turnover or high intensity traffic), retail accessory to industrial uses, and light industrial uses.

The Planning Commission broke for dinner. The discussion on the ordinance revisions will continue at the Planning Commission’s Regular Meeting at 7:00 pm.

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Chairman

Secretary