

Planning Commission

Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

October 4, 2016

6:00 P.M.

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
 - c. Reports
5. Old Business
 - a. Proposed reverse-angle parking on Bay Avenue update
 - b. Review proposed draft text amendment to Article III Section 3.15.B limited access commercial activity in Open Space District
 - c. Set date for Comprehensive Plan joint public hearing with Town Council
6. New Business
 - a. None
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
September 6, 2016
6:00 p.m.

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Vice Chairman Michael Strub, and Commissioners Andy Buchholz, Dan Burke, Keith Kostek, Sandra Salopek and Bill Stramm. Also in attendance were Town Planner Larry DiRe, Town Clerk Libby Hume and Town Manager Brent Manuel. There was one member of the public in attendance.

A moment of silence was observed which was followed by the recitation of the Pledge of Allegiance.

REGULAR MEETING PUBLIC COMMENTS:

There were no public comments to be heard nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Motion made by Bill Stramm, seconded by Dan Burke, to approve the agenda format as presented. The motion was approved by unanimous vote.

The Commissioners reviewed the minutes for the August 15, 2016 Joint Planning Commission and Town Council Public Hearing and the Planning Commission Regular Meeting. Bill Stramm noted a typographical error on page 2. Michael Strub requested that the minutes for Old Business item C – Proposed Draft Text Amendment to Article III, Section 3.15.B-Limited Access Commercial Activity in Open Space District reflect discussion regarding litter along with clarification of other language in the same paragraph.

Motion made by Sandra Salopek, seconded by Bill Stramm, to approve the minutes from the August 15, 2016 Joint Planning Commission and Town Council Public Hearing and Planning Commission Regular Meeting as amended. The motion was approved by unanimous vote.

REPORTS

Larry DiRe stated that he did not have anything to add to his written report.

Andy Buchholz asked about the status of accessory dwellings. Larry DiRe stated that accessory dwellings were included as part of the comprehensive plan. There was conflict between the comprehensive plan, which promoted accessory dwellings, and the town ordinance, which prohibited them. The topic was on the list for a Town Council work session.

OLD BUSINESS

A. *Set Date for Comprehensive Plan Joint Public Hearing with Town Council:*

Motion made by Michael Strub, seconded by Dan Burke, to schedule a joint public hearing with the Town Council on November 1, 2016 to hear comments regarding the Comprehensive Plan. The motion was approved by unanimous vote.

B. *Proposed Draft Text Amendment to Article III, Section 3.15.B Limited Access Commercial Activity in Open Space District:*

Larry DiRe began by clarifying that the attachment included in the agenda packet was the farmer's market policies, not the vendor agreement as noted on the staff report. Larry DiRe continued to state that he had spoken with the executive director of the museum regarding the following: i) An on-site manager was present for every market day; ii) The number of vendors of particular categories of goods was limited to ensure diversity at the market; iii) The on-site manager ensured that each vendor was providing only the type of goods for which the vendor received approval; iv) All vendors held appropriate insurance; v) All vendors were required to participate in a specific number of market days. Failure to meet that participation rate resulted in loss of vendor privilege and space; vi) All vendors were required to set up and break down during specific time periods before and after the market activities; vii) There was limited on-site consumption, resulting in limited accumulation and discarding of garbage; viii) Vendors of consumable goods were more successful than vendors of crafts and collectibles; ix) There were a number of prohibited activities including smoking, hawking and promoting political activities; and x) All vendors signed formal agreements.

The Commissioners went on to review the proposed language and there was much discussion regarding the following: i) The calculation of the 6 square foot wording area for the flags and banners; ii) The required hours of operation should begin earlier than noon, possibly 9:00 a.m. or 10:00 a.m.; iii) Whether the town had enough resources for an on-site manager. The part-time person in the recreation department or even someone connected with the Main Street program could possibly assist; iv) The possibility of one individual purchasing all the available vendor spots; v) Limiting the number of vendors offering the same items similar to the farmer's market policy; vi) Requiring vendors to make a commitment similar to the farmer's market policy; vii) The charges for BPOL tax and/or peddler's license; viii) The amount of litter associated with food vendors – paper, plastic, etc. which could affect the appearance of the town and get blown into the water; ix) Enforcement of the policies including the vendor attendance rate and the timeframe for enforcement. Exemptions could be made for weather and other emergencies; x) The seasonal timeframe and required hours could be reviewed after the first year and modified if needed; xi) Subleasing of vendor spaces would not be permitted; xii) This project would be more like a food court at the mall vs. the farmer's market since there were picnic tables were located at the beach; xiii) Vendors would be required to provide proof of insurance, especially the vendors with rentals, in case of injuries; xiv) A possible provision for prorated refunds in cases where this type of business did not work for a particular vendor; xv) Existing businesses would be permitted to operate a mobile cart selling similar items under their current business license; and xvi) Vendor reporting of sales to the town to pay the appropriate taxes.

Motion made by Andy Buchholz, seconded by Dan Burke, to amend the hours in proposed Section 3.15.B to "9:00 a.m. to sunset." The motion was approved by unanimous vote.

NEW BUSINESS

A. *Comments for September 21, 2016 Meeting with the Northampton County Planning Commission:*

Larry DiRe stated that the letter from Northampton County Planning Commission Chairperson Jackie Chatmon addressed to Mayor Proto and Vice Mayor Bannon spoke for itself. The mayor would have five minutes to address the six questions included in the letter. The Cape Charles Planning Commission spent many hours working on the Historic Town Entrance Corridor Overlay (HTE) which was submitted to the County on several occasions. The final submittal was done by a resolution adopted by the Town Council. The County Planning Commission was now soliciting input regarding language for the Town Edge.

Discussion continued as follows: i) Dan Burke expressed his concern regarding agricultural areas and the possibility of chicken farms which were an issue in Accomack County; ii) The first five questions were answered in the HTE language. Town Clerk Libby Hume would email copies of the HTE language to the Commission; iii) The Commissioners were not in favor of a joint planning commission for Northampton and Accomack Counties as recommended in question six, although a partnership with the County regarding commercial development was desirable; and iv) It was noted that the majority of information requested was included in the HTE and the Cape Charles Comprehensive Plan and it was suggested that the County Planning Commission be advised to read the town's comprehensive plan.

ANNOUNCEMENTS

There were no announcements.

Motion made by Dan Burke, seconded by Sandra Salopek, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.

Chairman Dennis McCoy

Town Clerk

Planning Commission Staff Report

From: Larry DiRe 
Date: October 4, 2016
Item: 4c-Staff Report
Attachments: None

1. No update on the project approved under a conditional use permit for 207 Mason Avenue.
2. Staff attended the Transportation Technical Advisory Committee meeting at the VDOT Accomac residency office on Tuesday September 27th. That meeting was sponsored by the Accomack- Northampton Planning District Commission.
3. The Historic District Review Board received two applications for Certificate of Appropriateness to consider at their September 20th regular monthly meeting. Both were for new or rebuilt residential front porches, and both were approved. Certificate of Appropriateness application for new single family home construction in the Residential - 1 District continued from the August meeting was approved pending the submittal and review of amended plans.
4. As required by Article 3 Section 1 of the Planning Commission By-laws, the November 1st regular meeting will be election day for Chair and Vice-Chair.
5. The Harbor Area Review Board had no business and did not meet.
6. The Wetlands and Coastal Dunes Board met in a regular session on September 26th to finalize their draft recommendations for beach sand management practices. The Board's chair presented the draft recommendations to Town Council at the September 15th Council regular meeting.
7. The Board of Zoning Appeals had no business and did not meet.

Planning Commission Staff Report

From: Larry DiRe 
Date: October 4, 2016
Item: 5a-Proposed reverse-angle parking on Bay Avenue update
Attachments: None

Item Specifics

The following reverse-angle parking-related passages were taken from the Town Comprehensive Plan:

Section II.8. Transportation (page 12) reads as follows: “Mason Avenue and Bay Avenue street improvements should be evaluated and include addition of bicycle lanes, reverse-angle parking and aesthetic improvements to promote safety and increase parking spaces.”

Policies and Descriptions 10. Extend the concept of the historic grid network to new development (page 25) “The historic grid system works well in the core of the Town and should be extended into new development including street width, turning radii and diagonal parking”

Section III- C.4 (page 42) “Identified Mason Avenue Complete Street improvements include conversion of parallel parking to reverse-angel parking on one side of the street, addition of bicycle lane(s), reduction in lane width to calm traffic, provision of accessible parking, and aesthetic improvements that promote pedestrian safety. Bay Avenue is a priority for Complete Street improvements after Mason Avenue planning has been completed.”

Section IV Implementation IV.1 Town Council Priorities (page 58) “Develop Town Parking Solutions”

The 1999 Town-wide comprehensive parking study shows a parallel parking stall count of sixty-six for the west side of Bay Avenue. Staff conducted a street-specific review of the 1999 parking study in April 2016 and found the number of sixty-six stalls holds. Two road conditions not considered in 1999, but common now that are likely influencing both the real and perceived parking pressures on Bay Avenue and the side streets east to Harbor Avenue, are the proliferation of golf carts and the number of boat\boat trailers. The former condition involves a vehicle smaller than a typical road sedan, and so can account for more vehicles without necessarily accounting for decreased available curb space. The latter condition involves a decrease in side street curb parking space and potentially puts more vehicles on Bay Avenue.

Discussion

Between Friday June 10th and Sunday September 11th staff conducted observations and counts of the parking along various segments of Bay Avenue. Observations were conducted at varying times between 11:00 am and 4:00 pm. There is no meaningful parking count to consider prior to 11:00 am or after 6:00 pm. Bay Avenue was broken into three sections – Washington Avenue to the Pavillion (west side); Pavillion south (west side); and Tazewell Avenue to Jefferson Avenue (east side). The standard count of sixty-six motor vehicle, of all kinds, was used as the threshold beyond which the west side parallel parking pattern supply would experience excess demand pressure. The sixty-six count of parallel parking stalls comes from the 1999 town-wide parking study. That count also serves as a constant. Lacking defined parking stalls or blocks, the current state of parallel parking does not make for the most efficient use of space. Defined spaces or blocks would make the parallel parking pattern more rational.

The parked vehicle counts of Washington to Pavillion and Pavillion south were combined and that sum measured against the sixty-six count standard. The east side parking counts remained as an individual count for the purpose of showing any demand pressure along the residential side of Bay Avenue.

Data reveals the following: out of a total of 44 observations, the sixty-six count was exceeded 14 times, or 31.8% of the observations. The cumulative 2015 and 2016 counts show 126 individual observations, with 35 instances of the count exceeding sixty-six vehicles. A two-year total of 27.78% of observations exceeded the sixty-six vehicle standard. It should be noted that both July 4th and Labor Day holiday weekend experienced periods of cloudy, overcast, and rainy weather. It should also be noted that a number of golf carts parking on the west side of Bay Avenue park perpendicular to the curb, resulting in more space for vehicles to park, compared to those golf carts parking parallel in an eighteen-foot long parking stall.

Recommendation

Following the summer 2015 study, and the lived experience of reverse-angle parking on Mason Avenue, staff wrote the following in the October 6th report to the Planning Commission. Staff stands by this summation today:

Staff recommends that the Planning Commission review the proposed reverse-angle parking project in light of the actual parking demand pressures, likelihood of increased east-side and residential side street parking, and Mason Avenue experience. At this time staff cannot recommend moving forward with implementing reverse-angle parking as the exclusive parking pattern on the west side of Bay Avenue...Staff further recommends that the town's public safety officers be brought into this discussion as a source of public safety perspective, and to balance any urban planning or design perspective.

Staff can recommend striping of Bay Avenue-wide pedestrian crosswalks at beach access points and the installation of speed limit and pedestrian crossing signage on the median for both north and south bound motorists.

Planning Commission Staff Report

From: Larry DiRe 
Date: October 4, 2016
Item: 5b – Proposed draft text amendment to Article III Section 3.15.B limited access commercial activity in the Open Space District

Attachments: None

Item Specifics

The following Zoning Ordinance section addresses potential limited commercial activity within the Open Space District. The Zoning Ordinance contains language that restricts all commercial activity on the Town beach and in Central Park. Over the past several months the Planning Commission has reviewed and discussed various aspects of this proposal including administrative matters such as licensing and enforcement. Last month staff presented information from the Cape Charles Museum's farmer's market program. Following that meeting, staff discussed several administrative matters with other department heads and will work cooperatively if the proposal becomes a text amendment, then subsequently enacted. As discussed last month, if enacted vendors will not be allowed to sublease their space, and vendor attendance will be tracked. The Planning Commission reviewed draft text amendment language at the August 15th and September 6th meetings. The revised draft text is presented below.

Section 3.15.B

The Town recognizes the seasonal nature of this District. Certain limited refreshment and beach-related commercial activity is compatible with the permitted uses listed below. Commercial activity shall be restricted to May 1st through September 15th, between the hours of 9:00 am through sunset. Commercial activity is restricted to the area east (landward) of the toe of the dune to the Boardwalk, south of the pavilion to the fishing pier. Individual vendor sites shall not exceed one-hundred (100) square feet. No commercial activity will be conducted from motor vehicles, and all commercial activity shall exclude the use of external generators and electronic amplification. Signage will not be affixed but may be flags and banners to a maximum of six (6) square feet in area. All vendors are required to abide by the conditions of their business license and failure to do so may result in loss of vending privileges.

Discussion

The proposed draft text amendment to the above cited section is presented for review and comment. Should the Planning Commission find the language acceptable or revise such language and approve recommendation for amendment to the Town Council, a public hearing will be required.

Recommendation

Following discussion provide direction to staff.

Planning Commission Staff Report

From: Larry DiRe 
Date: October 4, 2016
Item: 5c-Set public hearing date for Draft Comprehensive Plan joint public hearing with Town Council
Attachments: None

Item Specifics

The draft Comprehensive Plan document was sent to Town Council for review on March 1st. Before the Comprehensive plan can be adopted by the Council a public hearing is required. The Town Council is scheduled to review the draft document and set a public hearing date when they meet in a Special Meeting on Thursday September 29th. The Council's consideration of this matter delayed from the previously scheduled September 22nd special meeting. That meeting was canceled due to lack of a quorum, and rescheduled for the 29th. If Council sets November 1st as the public hearing date, then no Planning Commission action is necessary. There is ample time during the month of October to meet the public notice requirements for the public hearing. If Council does not set the November 1st date at this meeting, they will not have another legislative meeting until October 20th, which will not allow sufficient time for public notice.

Discussion

Consider dates for the required public hearing.

Recommendation

Following Commission discussion, staff recommends the Planning Commission set Tuesday December 6, 2016 as the date for the required public hearing with the Town Council prior to Council voting to adopt the draft document as the Town's Comprehensive Plan. If Town Council sets November 1st as the public hearing date, no Planning Commission action is necessary and the item should be withdrawn from the agenda.