

Planning Commission

Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

February 2, 2016

6:00 P.M.

1. Call to Order; Roll Call
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. Planning Commission's work plan for 2016
 - b. Schedule Monday February 22, 2016 as date for Comprehensive Plan draft document public input meeting
 - c. Consideration of text amendment to Zoning Ordinance Article III Section 3.15.A incorporating language from "public area" definition in Article II Section 2.9
6. New Business
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
January 5, 2016
6:00 p.m.

At approximately 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 Commissioners Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Michael Strub. Commissioner Andy Buchholz was not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. 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.

PUBLIC COMMENTS:

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

CONSENT AGENDA

Motion made by Sandra Salopek, seconded by Bill Stramm, to accept the agenda format as presented. The motion was unanimously approved.

The Commissioners reviewed the minutes for the December 1, 2015 Regular Meeting.

Motion made by Bill Stramm, seconded by Joan Natali, to approve the minutes from the December 1, 2015 Regular Meeting as presented. The motion was unanimously approved.

REPORTS

Larry DiRe reported the following: i) The Open Space District ordinance language would be reviewed in March. The current zoning ordinance contained language regarding public areas which could be added to the open space definition; ii) The Historic District Review Board was currently reviewing the Historic District Guidelines. The Board requested a joint meeting with the Planning Commission, possibly in April or May, to discuss the building materials language in the zoning ordinance to ensure the language in the Historic District Guidelines conformed to the zoning ordinance and the building code; iii) The draft Tourism Zone ordinance was sent to the Town's attorney for review. Letters along with a copy of the draft ordinance were mailed to potentially qualified businesses for their review and comments; and iv) There was still an issue of sand erosion of the Sea Breeze Apartments and Bay Vistas properties. This issue was being considered at the state level to determine whether the wave attenuators could be relocated closer to the shoreline.

OLD BUSINESS

A. 2015 Annual Report Review

The Commissioners reviewed the draft 2015 Planning Commission Annual Report which was prepared by staff pursuant to § 15.2-2221.5 of the Code of Virginia. There was some discussion regarding the statistics and several typographical, grammar and punctuation corrections were noted.

Motion made by Michael Strub, seconded by Sandra Salopek, to approve the report and forward to the Town Council for their review. The motion was approved by unanimous vote.

- B. *Schedule Joint Public Hearing for Proposed Zoning Ordinance Text and Map Amendments*
The Commissioners reviewed the summary of proposed zoning ordinance text and map amendments which had been discussed over the past year. A public hearing must be held prior to adoption of the modifications by the Town Council.

Motion made by Bill Stramm, seconded by Dan Burke, to schedule a joint public hearing with the Town Council on March 1, 2016. The motion was approved by unanimous vote.

- C. *Comprehensive Plan Draft Review*
The Commissioners reviewed the draft Comprehensive Plan which incorporated all changes made throughout the multi-year review process. A number of areas were reviewed again to ensure their relevance. There was much discussion regarding Section IV – Implementation regarding the Town Council Priorities and the Capital Improvement Plan (CIP) subsections. It was suggested that the CIP be included in the Comprehensive Plan as an appendix item and that notations be added to the CIP listing showing the status of the projects.

Motion made by Michael Strub, seconded by Bill Stramm, to accept the draft Comprehensive Plan as amended and forward to the Town Council with the recommendation for adoption. The motion was approved by unanimous vote.

- D. *Capital Improvement Plan Review*
The Commissioners reviewed the current CIP. The progress of several of the items was discussed. Joan Natali added that CIP updates were included in the monthly Treasurer’s Report and reviewed at the Town Council Regular Meetings and the information was available on the Town’s website.

NEW BUSINESS

There was no new business to review.

ANNOUNCEMENTS

There were no announcements.

OTHER

Dan Burke asked about the next phase of dredging which was planned over the next several months. Larry DiRe stated that the U.S. Army Corps of Engineers would be dredging the Cherrystone Channel which was outside the jetty. Approximately 100K cubic yards of sand would be placed on the Town’s beach, most likely at the north end, and 100K cubic yards would be placed in the uplands site. Joan Natali stated that Bay Creek was working with the Fish & Wildlife Service trying to get some sand for the Bay Creek South beaches.

Motion made by Joan Natali, seconded by Michael Strub, to adjourn the Planning Commission meeting. The motion was unanimously approved.

Chairman Dennis McCoy

Town Clerk

Planning Commission Staff Report

From: Larry DiRe 
Date: February 2, 2016
Item: 4c-Staff Report
Attachments: None

1. The Town Council approved the application for conditional use permit for 207 Mason Avenue at their January 21st regular monthly meeting. The applicant was notified by email the next morning and by letter several days later.
2. The Historic District Review Board received one application for consideration at their January 19th regular monthly meeting. The application was for a modification to a Certificate of Appropriateness approved in September 2015 allowing for the expansion of an addition to the building. The modification request was approved. The Board continued their review of the Historic District Guidelines document
3. The draft Tourism Zone Ordinance was sent to the Town's attorney for review. The draft Ordinance text and a cover letter were mailed to potentially qualified businesses, currently holding a valid Town business license, for review and comment. To this date staff has received no comments
4. Staff participated in two sign law webinars addressing the context and consequences of the *Reed v Town of Gilbert* ruling. One was sponsored by the National League of Cities and is available through a user login. If any of the Commissioners are interested in watching the video please contact staff for login information. The second was sponsored by Plan Virginia and is available on their youtube page at this link: <https://www.youtube.com/watch?v=udsTbFQ9zMg&feature=youtu.be>
5. Staff has prepared the Planning Department's Fiscal Year 2017 operational budget, and submitted it to the Town treasurer. Staff is requesting an expenditure of \$3,600.00 to purchase iPad Air 2 tablets for the Planning Commissioners; an expenditure of \$4,000.00 for legal review of certain sections of the Zoning Ordinance (sign, variance, subdivision); and an expenditure of \$1,000.00 for technical support from the Accomack-Northampton Planning District Commission for the Comprehensive Plan. If the Comprehensive Plan draft document is adopted before June 30, 2016 that last expenditure request will be withdrawn.
6. The Board of Zoning Appeals had no business and did not meet.
7. The Town issued one zoning clearance this month.

Planning Commission Staff Report

From: Larry DiRe 
Date: February 2, 2016
Item: 5a-Planning Commission 2016 Work Plan
Attachments: None

Item Specifics

In past years the Planning Commission and staff have devised annual work plans to effectively guide the Commission's activities. This was most recently done in summer 2013. As several significant projects have now moved from the Planning Commission to the Town Council, staff believes this is an appropriate opportunity to set some work goals for the 2016 calendar year.

Discussion

Certain actions such as processing rezoning and conditional use permit applications will always take precedence, as will directives requested by the Town Council. The work plan is proposed for the purpose of moving forward more general projects, such as document review, in a timely manner.

Staff is presenting the following limited list, and the order is not prioritized.

- Revising the sign ordinance in conformance to the *Reed v Town of Gilbert* ruling
- Revising sections of the variance process and subdivision ordinances
- Developing current Town zoning district and other maps (ie Town-owned parcels, future land use, residential street parking usage)
- Developing procedures to review, update, phase-out previously produced reports, studies, and plans
- Revising the satellite dish ordinance to conform to federal standards
- Meeting with the Historic District Review Board to discuss the zoning ordinance and the historic district guidelines document

Recommendation

Provide direction to staff as necessary.

Planning Commission Staff Report

From: Larry DiRe 
Date: February 2, 2016
Item: 5b-Schedule Monday February 22, 2016 as the date for a public input meeting on the revised draft of Town Comprehensive Plan
Attachments: None

Item Specifics

The Town's Comprehensive Plan has been reviewed as required by Section 15.2-2230 of the Code of Virginia. This review process was conducted as regular business during numerous public meetings. Public comment was a part of each of these meetings. Additionally, drafts of the Comprehensive Plan document have been posted on the Town's website throughout the process. Previous public input meetings were held on November 22, 2014 and December 2, 2014. Since that time the draft Comprehensive Plan document has been reviewed and certain sections revised. A joint work session with the Town Council was held on April 7, 2015 and Council comments were received at that meeting and following that meeting. Those comments were considered at several Planning Commission meetings in 2015, and resulted in several text changes to the draft document. At the January 5, 2016 regular monthly meeting the Planning Commission voted to forward the draft document to Town Council with the recommendation to adopt it.

Discussion

Considering the additional review, input, and revisions the current edition of the draft Comprehensive Plan document varies from the document presented at the time of the 2014 public input sessions. Staff has confirmed the availability of Ms. Elaine Meil from the Accomack-Northampton Planning District Commission for this date.

In the interest of continuing transparency and responsible civic engagement staff is recommending an additional public input meeting on the document as it is currently revised.

Recommendation

Schedule Monday February 22, 2016 as the date for a public input meeting on the revised Comprehensive Plan draft document.

Planning Commission Staff Report

From: Larry DiRe 
Date: February 2, 2016
Item: 5c-Proposed text amendment to Article III Section 3.15.A of the Town Zoning Ordinance
Attachments: None

Item Specifics

At present the only areas in Town zoned as Open Space District are the beach running parallel to and to the immediate west of Bay Avenue, and Central Park (including the playground and tennis courts). Soon the Town will acquire from a private property owner the subdivided parcel on the south side of Mason Avenue that will become the future Strawberry Street Plaza. That parcel is currently in the Mainstreet Mixed Use Area (Zoning Ordinance *Article III Section 3.9.B*) of the Harbor District, but a rezoning to Open Space District may be appropriate and in line with the Comprehensive Plan.

The following Zoning Ordinance sections are relevant to this agenda item:

Article II Section 2.9 (page 29) defines “public area” as “means any park, playground, trail, path, or other recreational area and open space; scenic and historical sites; schools and other public buildings and structures; and other places where the public is directly or indirectly invited to congregate.”

Article II Section 2.9 (page 29) defines “recreation, active” as “means leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.”

Article II Section 2.9 (page 29) defines “recreation, passive” as “means activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar games.”

*Article III Section 3.15.A (page 45) states the following: “**Statement of Intent.** The intent of the Open Space District (OSD) zoning district is to provide opportunities for recreational activities, a network of recreational paths, preserve natural resources and create buffer zones within the town.”*

There are numerous references to open and public space throughout the Comprehensive Plan, particularly in Section III.

Discussion

Staff is bringing the Open Space District *Statement of Intent* language cited above (*Article III Section 3.15.A*) to the Planning Commission for review. Staff’s specific purpose for this is to consider including language that more accurately defines the District’s uses according to those currently being practiced.

Integrating language from the “public area” definition cited above into the *Statement of Intent* language will allow a broader scope of use than in the current language, especially considering the rather narrow definitions for “active” and “passive” recreation as cited above. For example the revised text may read as follows:

Statement of Intent. *The intent of the Open Space District (OSD) zoning district is to provide opportunities for recreational activities, a network of recreational paths, preserve natural resources, accommodate public gatherings and create buffer zones within the town.”*

Recommendation

Provide direction to staff.