



PLANNING COMMISSION
Public Hearing & Regular Meeting
Cape Charles Civic Center
August 6, 2019
6:00 p.m.

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Diane D'Amico, Paul Grossman, Dennis McCoy, Sandra Salopek and Michael Strub. Jim Holloway was not in attendance. Also, in attendance were Town Planner Zach Ponds and Deputy Clerk Tracy Outten. There was one member of the public in attendance.

PUBLIC HEARING PUBLIC COMMENTS:

Bill Stramm read the Notice of Public Hearings and opened the floor for comments.

H. Spencer Murray, Senior Vice President-Administration, Canonic Atlantic Company, 16404 Courthouse Road, Eastville

Tracy Outten read a letter submitted on behalf of the regarding the proposed text amendments to the Zoning Ordinance Article II, Section 2.9 and Article III, Section 3.9.

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

Motion made by Michael Strubb, seconded by Paul Grossman, to close the public hearing portion of the Planning Commission meeting. The motion was approved by unanimous vote.

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

Bill Stramm said he would like to discuss New Business first.

Motion made by Paul Grossman, seconded by Dennis McCoy, to approve the agenda format as amended moving New Business ahead of Unfinished Business. The motion was approved by unanimous vote.

The Commissioners reviewed the minutes from the July 2, 2019 Planning Commission Regular Meeting.

Motion made by Michael Strubb, seconded by Diane D'Amico, to approve the minutes from the July 2, 2019 Planning Commission Regular Meeting as presented. The motion was approved by majority vote with Dennis McCoy abstaining.

REPORTS

Zach Ponds reported that he had nothing to add to his written report.

OLD BUSINESS

- A. *Proposed Text Amendments to Zoning Ordinance Article IV, Sections 4.5 and 4.6 – Review.*
Bill Stramm stated that due to the late hour this item would be discussed at the next meeting.

NEW BUSINESS

- A. *Comprehensive Plan Update*
Bill Stramm thanked all the commissioners for coming to the Comprehensive Plan Workshop and informed them that an email with the results had been sent to all attendees.

After some discussion, Bill Stramm said he and Sandra Salopek would be working on a survey to be distributed through all communication networks and he would send out the phase tasks for everyone to look over and give any thoughts or input at the next meeting.

- B. *Proposed Text Amendments to Town Zoning Ordinance Article VIII, Section 8.7 and 8.20 – Review and Make Recommendation to Town Council.*
Bill Stramm read through the proposed changes, thanked Paul Grossman for heading up these changes and said the Town Council had discussed them and was directing the Planning Commission. Paul Grossman suggested looking at these changes separately and wanted to be very clear that Town Council had discussed Section 8.7; but, not Section 8.20.

Motion made by Paul Grossman, seconded by Diane D’Amico, to not accept and to recommend Town Council denial of the proposed text amendments for Town Zoning Ordinance Article VIII, Section 8.7 as presented. The motion was approved by unanimous vote.

Discussion on the proposed text amendments to Article VIII, Section 8.7 was as follows: Paul Grossman explained that this change was brought about because of the inconsistencies in the attendance of the board and their difference of opinions. Some meetings only had three members and the thought at the time was that four would be better. Paul Grossman continued by saying after more research had been done, they found that town council members did not serve on any of the other HDRB. Diane D’Amico said as the HDRB representative she agreed, and this board was a great board. Bill Stramm asked what was to prevent a meeting to only have three members. Paul Grossman answered the participation now from the current members was more solid. Dennis McCoy asked why reluctance was there to have a town council representative. Paul Grossman thought keeping the separation was a better idea.

Paul Grossman said the proposed text amendments to Article VIII, Section 8.20 would allow the Town Council to adopt the HDRB guidelines.

Motion made by Paul Grossman, seconded by Dennis McCoy, to accept and to recommend Town Council approval of the proposed text amendments for Town Zoning Ordinance Article VIII, Sections 8.20 as presented. The motion was approved by unanimous vote.

- C. *Proposed Zoning Map Amendment to the Historic Harbor Area Overlay District; Proposed Text Amendments to Zoning Ordinance Article II, Section 2.9, Article III, Section 3.9 and Section 3.12, and Appendix A, Section 5.6 – Review and Make Recommendations to Town Council.*
Bill Stramm informed the commissioners there had been a harbor working group with three commissioners and members from other town boards and council. Bill suggested going through the changes one-by-one.

Paul Grossman thought that after hearing the Canonic Atlantic Company board comments the sub-committee needed to meet again before a vote was done.

Discussion on the Historic Harbor Overlay District zoning map was as follows: (i) Diane D'Amico would like to have the actual map before any decisions were made. (ii) Diane D'Amico asked if the application had to be reviewed by the Harbor Area Review Board (HARB) and the HDRB who had precedence. Zach Ponds answered that if a property had to go to HARB it might be exempt from the HDRB. (iii) After much discussion on the boundaries of the harbor district and historic district overlays, Zach Ponds would work on the map to make it clearer.

Discussion on the proposed text amendments to Article II, Section 2.9 was as follows: (i) Diane D'Amico said she had a problem with the proposed overlay district definition. She thought removing the words "certain" and "to a greater or lesser degree" would be less confusing. (ii) Some discussion ensued regarding where run-off went. Zach Ponds said that the Department of Environmental Quality had to approve all plans. (iii) Diane D'Amico did not want a lot of underground piping.

Discussion on the proposed text amendments to Article III, Section 3.9 and Section 3.12 was as follows: (i) Dennis McCoy asked why the floor area ratio wording was lined out. Bill Stramm answered because now there was going to be one floor area ratio for all. (ii) Dennis McCoy asked if Section 1.A.II would have an additional burden on Mason Avenue parking because the entrance must be facing Mason Avenue. Bill Stramm said no because this did not mean another entrance could not be added. (iii) Diane D'Amico wanted viewshed explained. Zach Ponds read the proposed definition. (iv) There was some discussion on decreasing the area regulations acreage from fifty to five. Bill Stramm said this would give the developers more options. (v) Diane D'Amico thought that the less impervious surface was better.

Bill Stramm read the proposed change to Appendix A, Section 5.6.

Bill Stramm would like the Canonic Atlantic Company board comments and Diane D'Amico's suggestions to be available for the next sub-committee meeting.

D. Proposed Text Amendments to Zoning Ordinance Article II, Section 2.9 – Definitions – Set a Public Hearing.

Bill Stramm said a public hearing needed to be set for the proposed text amendments to the Town Zoning Ordinance Article II, Section 2.9.

Motion made by Paul Grossman, seconded by Michael Strub, to schedule a public hearing on September 3, 2019. The motion was approved by unanimous vote.

OTHER BUSINESS

There was no other business.

ANNOUNCEMENTS

There were no announcements.

Motion made by Paul Grossman, seconded by Dennis McCoy, to adjourn the Planning Commission Public Hearing and Regular Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 8:15 p.m.

Chairman Bill Stramm

Deputy Clerk

Canonie Atlantic Co.

**16404 Courthouse Road
Post Office Box 1027
Eastville, Virginia 23347
757/678-0440 ext. 516**

July 29, 2019

Mr. Zach Ponds, Town Planner
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Re: Planning Commission Hearings, Tuesday, August 6, 2019
Text Amendments Proposed

Dear Zach:

I am writing on behalf of the Canonie Atlantic Board of Directors. Unfortunately, none of the Board members will be able to attend the August 6th Planning Commission as we have a Canonie Board meeting at that same time.

After a careful review of the excellent work done by the Harbor Committee and a review of the staff report authorized by you, I fully endorse the changes being recommended to the Cape Charles Harbor District. As the Canonie Board has demonstrated in the past, our desire is to work closely with the Town of Cape Charles as the 40-acre parcel rail yard is developed. The changes will allow for more effective marketing and use beneficial to the Town, Canonie Atlantic, and the two counties of the Eastern Shore.

Beneficial Changes (Main Items):

- * Main street mixed use area reduction from 300 feet to 120 feet
- * Required area for a PUD reduced from 50 acres to 5 contiguous areas
- * Impervious surface in a PUD increased from 60 percent to 80 percent
- * Subdivision Ordinance (Appendix A) – block length reduced from 1,200 feet to 600 feet
- * Heights up to 55 feet with conditional use permit

Concerns (Items for Further Consideration):

Section E Conditional Uses

- 6.b. “Dwelling units shall occupy no more than 50 percent of the first floor of any building.”

I have already experienced resistance to this requirement by reputable investors and developers. If the concern is that the Harbor District will only have residential units and no commercial offerings, instead of making this 50 percent restriction to the entire 40-acre district, why not require it only for certain areas; i.e., a street front such as Peach Street when extended to the harbor, or other feasible areas. As this requirement stands, it will diminish the value of the rail property and fail to allow maximum development and tax base for Cape Charles and Northampton County.

- 6.c. “The first floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance.”

Similar to the 50 percent requirement, this will diminish the value and flexibility necessary to achieve the highest and best use in development. A more narrow use of this requirement is highly recommended.

Harbor District Section 3.9.F.3.b.

“No building or structure shall be located within 30 feet of Marina Road, Bayshore Road, or Parcel 83-A-10 (Town property just north of Town Harbor).” This is to allow for the community trail to be built in this area (staff report).

As owners of the Canonie rail yard property, this requirement is highly restrictive and a “trail” with pedestrian traffic may be unsafe and incompatible with adjacent structures. The location of the trail should be further reviewed.

Section 3.9.G Open Space

“Required Open Space – Open space shall be provided equivalent to 25 percent of lot area.”

As indicated in previous discussions with the Cape Charles Council, the Canonie Board understands the importance of view sheds and an effective pedestrian circulation system. However, effective design and development can occur with a percent lower than 25 percent, which has already been noted as problematic. We urge review and some built-in flexibility within this requirement.

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Please accept these comments in the constructive, positive way they are intended and make them a part of the official record.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "H. Spencer Murray". The signature is fluid and cursive, with a large initial "H" and a long, sweeping tail.

H. SPENCER MURRAY
Senior Vice President-Administration

Cc: Donald L. Hart, Jr., Chairman, Canonie Atlantic Co.
John Coker, Canonie Board of Directors
Janice Williams, Asst. Sec'y-Treas.