



PLANNING COMMISSION

Regular Meeting

Town Hall

September 10, 2013

At 6:08 p.m. in the Town Hall, 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 Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were four members of the public in attendance.

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

PUBLIC COMMENTS

Frank Wendell, 515 Monroe Avenue

Mr. Wendell asked Rob Testerman if he had found any information regarding any other localities using FAR. Rob Testerman replied that he was still waiting to hear back from the other localities that he had contacted.

Mr. Wendell stated that Rob Testerman was going to get guidance from the Virginia and National Planners Associations and asked whether that had been done. Rob Testerman replied that he had requested input from members of the associations.

Mr. Wendell went on to state that in the 12 years that he had not been on the Town Council, he had only attended one meeting which was about the proposed construction on the Tavi property and added that he felt that it would be wonderful to see the property be used and that it was important to protect the viewsheds. Mr. Wendell continued to state that he had researched the Internet regarding FAR and found a number of articles. Many of the articles stated that FAR was not recommended for residential neighborhoods. Mr. Wendell asked if the Tavi property were to have been built as proposed several years ago, what the FAR would have been for the project and added that it would be a good exercise for the Planning Commission to compare. Mr. Wendell concluded by stating that he would hate to see this issue move forward without more research and the Town have regrets regarding its decision.

There were no other comments from the public nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Motion made by Joan Natali, seconded by Andy Buchholz, to accept the agenda format as presented. The motion was unanimously approved.

The Commissioners reviewed the minutes for the August 6, 2013 Regular Meeting and the August 19, 2013 Joint Meeting with the Northampton County Planning Commission.

Motion made by Bill Stramm, seconded by Mike Strub, to approve the minutes from the August 6, 2013 Regular Meeting and the August 19, 2013 Joint Meeting with the Northampton County Planning Commission as presented. The motion was unanimously approved.

REPORTS

Rob Testerman reported the following: i) VDOT had completed their sidewalk repair project. Mike Strub asked about some areas in Town where holes had been left in the streets and sidewalks. Rob Testerman stated that he would check with Public Works Director Dave Fauber regarding this issue; ii) He was in the process of revising land use applications, which include conditional use permits, rezonings, zoning clearances, etc., and procedures to streamline the administrative process; iii) He was still working to revise the draft zoning map that was reviewed at the July meeting. Due to time constraints and other work load, he had not been able to complete the revisions as yet; iv) The Historic District Review Board met on August 20 and approved the proposal for the former Cape Charles School by a vote of 3 to 1, with one member absent from the meeting. The Board would meet on September 17 to hold a public hearing to change its by-laws; v) The Wetlands Board would be holding a public hearing and meeting on September 23 to review plans for shoreline hardening at Aqua; vi) The Board of Zoning Appeals would be holding a public hearing and meeting on September 24 to review an issue with a home in Bay Creek; and vii) At its August 15 meeting, the Town Council affirmed that in developing the Planning Commission's work plan, the Comprehensive Plan update and the Town Entrance Corridor Overlay District remain the top priorities of the Commission.

Rob Testerman added that he and Town Manager Heather Arcos met with Elaine Meil, executive director of the Accomack-Northampton Planning District Commission (ANPDC) regarding their assistance with the Comprehensive Plan update process. The ANPDC would facilitate the public hearings and meetings to obtain input from the citizens, etc. The ANPDC would be able to begin their work in January 2014 so now would be a good time for the Commissioners to review the current Comprehensive Plan and discuss the main issues which need to be updated.

OLD BUSINESS

A. *Section 3.9 Harbor District Modifications, Recommendations to Town Council*

Rob Testerman stated that the ordinance was last reviewed by the Commissioners at their July meeting and the proposed modifications were sent for legal review. The draft ordinance, including recommendations by the legal review, were discussed by the Commissioners as follows: i) Mike Strub suggested that the last sentence in §3.9.B.2. be moved to a separate paragraph "C" since it covered the areas in the District outside of the Mainstreet Mixed Use Area. There was some discussion regarding the definition of Floor Area Ratio (FAR) and Dennis McCoy pointed out that the language in the beginning of §3.9.B.2. was the definition for FAR. It was also suggested that public meetings could be held to help the citizens understand the FAR concept and Dennis McCoy stated that Tom Bonadeo's demonstration using the blocks were the easiest and most effective way to describe the FAR Concept. Bill Stramm stated that he had done some research and found that the cities of Fairfax, Alexandria, Leesburg, and Herndon used FAR and that Chincoteague was looking at it; ii) There was some discussion regarding the possibility that a FAR of 1.25 in the Mainstreet Mixed Use Area was too restrictive with the added requirement of 25% open space and the setbacks. Andy Buchholz stated that the setbacks were included as part of the open space requirement. Joan Natali added that if it was found to be too restrictive, it could be modified, but currently the Town did not have any controls regarding density in this area. Andy Buchholz stated that the Town was trying to avoid what happened in Crisfield, MD. Dan Burke stated that he would like to get feedback from a developer. Andy Buchholz added that a developer would be opposed to this concept because it would restrict the size of a project; and iii) Bill Stramm pointed out a typographical error in §3.9.H.2.b. for a paragraph reference. Joan Natali stated that this would change again with the addition of "C" earlier. This reference would be corrected and the entire document would be checked to ensure correct paragraph references throughout.

Motion made by Bill Stramm, seconded by Andy Buchholz, to recommend Town Council approval for Zoning Ordinance Section 3.9 Harbor District as amended. The motion was unanimously approved.

B. *Sign Ordinance*

The Commissioners continued their review of the Sign Ordinance. Rob Testerman stated that consequences of sign violations needed to be added to §4.1(L) – Violations of Signs. §4.1(D)7 – Maintenance, Repair and Removal touched on this issue calling for the zoning administrator to issue a letter giving the owner of the sign 10 days to bring the sign into compliance or remove it. If the owner did not respond, the zoning administrator could remove the sign at the owner's expense after 10 days. This provision could be added to §4.1(L) to avoid confusion. It would also be added, as previously discussed, that after removal, the Town would hold the sign for 30 days before disposing of it, giving the owner a chance to reclaim the sign. This language would be added to both (D)7 and (L). It was noted that violations would be for the location of the sign, not the content.

There was some discussion regarding political signage. Dennis McCoy stated that political signs were included as an exempt sign but the provisions of §4.1(H)2.f. still had to be followed. Dan Burke stated that he felt that the regulation that a sign could only be displayed for 45 days prior to the election was illegal adding that the instructor at the Planning Commissioner class stated that a political sign could be erected at any time. Andy Buchholz stated that the signs could be placed on private property at any time, but not on public land. Joan Natali stated that she thought other localities permitted the signage 60 days prior to the election. Rob Testerman stated that he would research the timeframe for further discussion at the October meeting.

Other areas of the ordinance were discussed as follows: i) Page 11, #8 – The timeframe for removal of the sign was changed from 30 days to 10 days for consistency. There was some discussion regarding the Town's ability to store the signs for 30 days and the issue with space. Andy Buchholz stated that if the sign was removed from a public area and the owner could not be determined, the Town should remove the sign and destroy it. Mike Strub suggested this language be added to #7 on page 11 and Joan Natali stated that the language should also be added to §4.1(L); ii) The draft notes on page 13, #F.7. stated that "static" displays needed to be defined. Mike Strub stated that a legal review needed to be completed regarding the language; iii) On page 15, the spacing for signs in the Mason Avenue Area were discussed and whether any of the businesses along Mason Avenue had sufficient space to erect a free-standing sign. Joan Natali noted that the Putt Putt Golf on Mason Avenue could have a sign on the north side of the sidewalk. A line was added to Table H.1.b. for Mason Avenue Commercial permitting 1 sign per storefront with a maximum height of 6' and a maximum area of 12 square feet; iv) On page 16, a typographical change was noted in #6. There was some discussion regarding the 20 square foot size permitted by #4 for properties of 10 acres or less. The consensus was that if a sign of this size was erected and the Town received complaints regarding the size, this issue could be revisited; and v) On page 17, #d, Joan Natali suggested the a portion of the language be changed to read "shall be allowed" vs. "shall not be prohibited."

Rob Testerman stated that at the last meeting, the Commissioners had mentioned that the business owners should be invited to attend a meeting to review the sign ordinance and asked whether the Commissioners wanted to invite them to the October regular meeting or schedule a special meeting. There was some discussion and Joan Natali suggested holding a work session to get input from the businesses. After further discussion, it was agreed that a letter be sent to George Proto, President of the Cape Charles Business Association, inviting the businesses to attend either the October or November meeting.

Dan Burke brought up that he felt that the 30 day timeframe for special promotion, event and grand opening signs addressed on page 17, #c.2, was excessive and should be no more than 10 days. There was much discussion regarding this item and it was noted that most organizations typically placed their special event signage up one week prior to the event with the exception of the Cape Charles Christian School for their Crabby Blues Festival. No changes were made to this section at this time.

NEW BUSINESS

A. *Route 13 Business Discussion*

Rob Testerman stated this item was a follow up to the August 19 joint meeting with the Northampton County Planning Commission and as a first step, the Commission needed to think about types of businesses that they felt would be appropriate as well as those that would be inappropriate along Route 13 near the intersection with Route 184. The County Planning Commission requested a list of the types of businesses to be compiled for their consideration while updating their Comprehensive Plan and Zoning Ordinances.

Joan Natali added that this was our opportunity to provide input to the County. We needed to take this opportunity or keep quiet if the County adopts something that we did not agree with.

Rob Testerman stated that localities could dictate the types of businesses to allow and not allow and added as an example that strip clubs were businesses and many localities did not allow them.

Joan Natali stated that the Town's Zoning Ordinance shows "By-Right" businesses, etc. by district and the County could also do that.

Dennis McCoy suggested that the Commissioners think about businesses along Route 13 which would make people stay and explore vs. a fast food or other restaurant. Some possibilities were outlet malls, hotels, etc.

Dan Burke stated that the Town staff did a great job cleaning up the crape myrtles and added that the Tavi property on Route 184 was an eye sore and asked why something couldn't be done about that. Joan Natali suggested he contact Willie Randall, Northampton County District 1 Supervisor, since the Tavi property was not in the Town's limits.

Andy Buchholz stated that the County needed to deal with improving the school system and the healthcare issues before people would consider moving here.

Dan Burke stated that an emergency medical care facility would be good on the highway and added that a hotel would harm the B&Bs in Town. Joan Natali commented that B&Bs and hotels have different clientele.

Bill Stramm stated that commercial development brought jobs to the area. Andy Buchholz stated that economic development was more important than building a strip mall. We needed to bring educated people into the area and that could not be done without good schools and healthcare. We needed to look at the big picture vs. the small area along Route 13.

Rob Testerman brought the discussion back to the list for the County reiterating that this was the Town's opportunity to give our input. Rob Testerman asked the Commissioners to think of their list of businesses over the next few weeks for further discussion at the October meeting and added that the Commissioners should also begin their review of the Comprehensive Plan to determine the areas that needed updating. Joan Natali stated that it was a long document and suggested the Commission start with sections 1-3 for this month.

OTHER

Dan Burke commented that there were a lot of people in Town over the Labor Day holiday weekend.

Mike Strub stated that over the last several years, two joint meetings were held with the County Planning Commission. It was nice meeting with them to discuss various issues and suggested that joint meetings be planned at least on an annual basis. Rob Testerman stated that he would contact the County Planner and added that he felt the County was interested in continuing the communication between the two Commissions.

Joan Natali agreed and expressed her disappointment that the Town missed the County Planning Commission's public hearings adding that we needed to organize to provide our input to the County at their public hearings. Libby Hume stated that part of the issue was that our Planning Commission met the same night at the County Planning Commission and we were not provided their agendas until days prior to our meetings. Joan Natali stated that we might consider changing the date of our meetings and added that we needed to be more proactive and work together.

ANNOUNCEMENTS

There were no announcements.

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

Chairman Dennis McCoy

Town Clerk