



PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
June 2, 2015
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 Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek and Michael Strub. Commissioner Bill Stramm 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.

PUBLIC COMMENTS:

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

CONSENT AGENDA

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

The Commissioners reviewed the minutes for the May 5, 2015 Regular Meeting.

Motion made by Joan Natali, seconded by Andy Buchholz, to approve the minutes from the May 5, 2015 Regular Meeting as presented. The motion was unanimously approved.

REPORTS

Larry DiRe reported the following: i) The Historic District Review Board (HDRB) met on May 19th and approved four Certificates of Appropriateness (COA) one of which was for the chimney removal at the Civic Center. A grant application was submitted to the Department of Historic Resources to provide training workshops. The grant required no local funding match; ii) Town Council approved the Harbor Development Certificate for renovations to the former Northampton Hotel building at 1 Mason Avenue; iii) The Board of Zoning Appeals held a public hearing and meeting on May 21st and approved side yard, rear yard, and distance to main building setback variances for an accessory building on 119 Fig Street which was a non-conforming residential lot; iv) Staff continued with the Zoning Ordinance review and several items were on the agenda for review by the Commissioners; and v) Two zoning clearances were issued.

OLD BUSINESS

A. Draft Tourism Zone Ordinance Review

The Commissioners reviewed the revised language in the draft Tourism Zone Ordinance and there was much discussion regarding possible incentives and the criteria regarding the minimum value of capital improvements.

The Commissioners agreed that a set percentage of the portion of the paid tax (real estate, BPOL, etc.) would be reasonable regardless of the amount of the capital improvement. There was some discussion regarding a possible scale where the qualified business could receive a rebate of 50% of the appropriate tax paid for years one through five, 25% for the next several years, with the percentage being reduced up to a possible 20-year period.

After much discussion, the Commissioners felt that a minimum capital investment of \$2K would be reasonable. The current draft ordinance separated existing businesses from new businesses and seasonal businesses from full-time businesses. The Commissioners would discuss the need for separate categories further at the July meeting. Larry DiRe would also brief the treasurer of the discussion to obtain her input.

B. *Comprehensive Plan Comments*

Joan Natali recommended scheduling a Comprehensive Plan Work Session with Elaine Meil to review Councilman Bennett's comments. Libby Hume stated that she had emailed Ms. Meil regarding her availability on June 22nd but had not yet received a response. The Commissioners agreed to schedule a work session for Monday, June 22, 2015, beginning at 6:00 p.m.

NEW BUSINESS

A. *Accessory Dwelling Units in Residential District*

Larry DiRe stated that the current Comprehensive Plan promoted accessory dwelling units to add diversity of housing types and affordable housing options; however, the Town's Zoning Ordinance prohibited accessory buildings being used as dwelling units. Several years ago, the Planning Commission studied the issue and made a recommendation to allow accessory dwelling units as a conditional use but the Town Council voted not to allow accessory dwelling units. Copies of draft ordinance sections were included in the agenda packet for review.

There was much discussion regarding this topic and possible setback issues, minimum square footage, etc. Joan Natali noted that the walkability study done by the Eastern Shore Healthy Communities partnership talked about accessory dwelling units, small houses, etc. Joan Natali added that Libby Hume had located the video from this study which could be shown to the Commissioners at a future meeting.

The general consensus was to move forward with the review of the draft ordinance regarding accessory dwelling units.

B. *Zoning Ordinance Review*

Larry DiRe stated that in an effort to saving advertising costs for public hearings, a number of text amendments would be grouped together into one public hearing and he would defer to the Commissioners regarding the number of text amendments to include in one hearing.

The Commissioners reviewed a number of sections of the Zoning Ordinance which were outdated or conflicted with other Town documents as follows:

- i) Article III, § 3.2.I, pages 5-6 – contained a typographical error where the numbers were inconsistent. The Commissioners agreed that the numbering error needed to be corrected to show the correct sequence of numbers.
- ii) Article IV, § 4.2.I, page 25; Article III, § 3.2.C.6.c, page 3; Article III, § 3.2.I.7, page 7; and Article III, § 3.6.F.1.g, page 18 – Larry DiRe pointed out inconsistencies in requiring underground utility lines. Several of the noted sections stated that the utility lines “shall” be installed underground, but Article III, § 3.2.I.7 “encouraged” the lines be installed underground.

Dan Burke requested that staff contact other localities to see how they handled utility lines. Joan Natali suggested that Code Official Jeb Brady be invited to the next meeting to provide his insight on the issue.

- iii) Definition of “Bedrooms” – Larry DiRe stated that currently there was no definition for a “bedroom” in the Zoning Ordinance and recommended obtaining Jeb Brady’s input on that as well. A draft definition would be presented for review at the next meeting.
- iv) Article III, § 3.2.C.6.c, page 3 identified § 4.8.E.2 as the Table of Parking Standards but there was no section numbered 4.8.E.2. The Table of Parking Standards was actually § 4.5.1. The Commissioners instructed staff to correct the error.
- v) Article IV, Section 4.1.B, and § 4.1.E.9 regarding campaign signs – Larry DiRe read his recommended draft language regarding non-election campaign signs. The Commissioners agreed with the recommendation.
- vi) Article IV § 4.1.B, page 4; Article II § 2.9, page 30; and Article IV Table H.1.b, page 16 – These sections addressed the size for free-standing signs. There was much discussion regarding signs and the method of measurement. The current ordinance was based upon the International Zoning Code. The Commissioners reached a general consensus that a geometric standard would be better and easier to understand and manage.

There was also much discussion regarding the free-standing sign for the Cape Charles Lofts and Larry DiRe explained that the sign conformed to the current ordinance.

- vii) Article II § 2.3.7 – Larry DiRe stated that the current Zoning Ordinance did not contain language regarding resolving potential conflicting provisions of the Zoning Ordinance with the exception of the floodplain ordinance which stated that the most restrictive provision would prevail. The Commissioners were in agreement that language needed to be added deferring to the most restrictive provision.

C. Satellite Dish Ordinance Review

Due to time restrictions, Dennis McCoy asked the Commissioners if they would be agreeable to postponing discussion regarding the satellite dish ordinance until the July meeting. The Commissioners were in agreement.

ANNOUNCEMENTS

There were no announcements.

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

Chairman Dennis McCoy

Town Clerk