



PLANNING COMMISSION

Regular Meeting

Town Hall

October 1, 2013

At 6:00 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 two members of the public in attendance.

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

PUBLIC COMMENTS

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

CONSENT AGENDA

Dennis McCoy asked that an item be added under New Business for discussion of the Comprehensive Plan update process.

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

The Commissioners reviewed the minutes for the September 10, 2013 Joint Public Hearing with the Town Council and the September 10, 2013 Regular Meeting.

Joan Natali stated that Councilman Wendell made his comments as a private citizen of the Town so the minutes should reflect "Mr." Wendell vs. "Councilman Wendell." Joan Natali also noted a typographical correction and suggested several items for clarification.

Motion made by Joan Natali, seconded by Bill Stramm, to approve the minutes from the September 10, 2013 Joint Public Hearing with the Town Council as presented and the minutes from the September 10, 2013 Regular Meeting as modified. The motion was unanimously approved.

REPORTS

Rob Testerman reported the following: i) The Historic District Review Board (HDRB) met on September 17th and held a public hearing to revise its by-laws and approved an application for 209 Jefferson Avenue, which was a noncontributing structure, to construct an addition on the rear of the house. The Board approved the revision of the by-laws. Dan Burke asked why the HDRB needed to review an application for a noncontributing structure. Rob Testerman stated that the structure was in the Historic District and needed to be consistent with the guidelines; ii) Two new applications had been received for the Historic District Review Board (HDRB). One was for an addition to the rear of 309 Mason Avenue and the other was for a small addition to a house on Jefferson Avenue; and iii) Information was received from the Accomack-Northampton Planning District Commission (ANPDC) regarding the Comprehensive Plan update. The Town Council still needed to approve sending a request to the ANPDC for a quote and scope of work. Once the details were worked out, the information would be provided to the Commission for review. Dennis McCoy stated that at least

one Commissioner needed to be in attendance at the charette meetings. Joan Natali asked if a Commissioner was in attendance at a charette meeting, could they provide input as a private citizen? There was some discussion regarding this question and it was determined that they were also citizens of the Town and could provide their input. Rob Testerman stated that due to the ANPDC's schedule, they would be able to begin working on this project in January 2014. Dennis McCoy added that it would be beneficial if the Commissioners could get through their review of the Comprehensive Plan sections by that time.

Joan Natali stated that the Town Council had asked Rob Testerman to apply Floor Area Ratio (FAR) to the existing buildings on the north side of Mason to compare to the proposed FAR for the south side of the street. The Council had expressed their concern that the proposed 1.25 was too restrictive. Bill Stramm stated that he remembered former Town Planner Tom Bonadeo saying that all the buildings, with the exception of the Wilson Building, fit into the 1.25 FAR. Dan Burke asked about the FAR for the previously proposed development of the Tavi property. Rob Testerman stated that he had estimated a FAR of approximately 2.25, not including the underground parking. After further discussion, Rob Testerman stated that if changes were made to the proposed zoning ordinance language making the process less restrictive, another public hearing would not have to be held, but if the changes were more restrictive, another public hearing would have to be held prior to adoption.

OLD BUSINESS

A. Sign Ordinance – Continue discussion on the draft modifications of the sign regulations

The Commissioners continued their review of the Sign Ordinance. Rob Testerman stated that a copy had been sent to Mr. George Proto of the Cape Charles Business Association (CCBA) to share with the association for their review.

Dan Burke asked about the language in § 4.1.B. – Definitions for “Electrically activated” animated signs and where the language came from. Libby Hume stated that originally, this version of the sign ordinance was taken from the 2012 International Zoning Code. There was some discussion regarding this item and the Commissioners agreed to delete the second half of the definition under “Flashing.”

Joan Natali asked Rob Testerman to research penalties for repeat offences. Would the Town have to repeat the enforcement process if an individual removed the sign but replaced it after a week or so? The ordinance was being changed so the Town could remove the illegal sign(s), but could the Town assess a fine? Joan Natali went on to state that the Town would send a letter of violation notifying the sign owner giving them 10 days to comply and asked what was the next step if the owner did not comply. Rob Testerman stated that under the current ordinance, the letter gave the sign owner 30 days to remove the sign. If they did not comply, the Town would have to go to court charging the sign owner with a Class 4 Misdemeanor. Due to legal fees, the Town did not typically proceed in this manner. Rob Testerman added that he would check with other localities to see how they handled illegal signs and whether they assessed fines for non-compliance.

After further discussion, the Commissioners agreed to include language regarding repeated offenses in § 4.1.L. Rob Testerman would draft the language and email it to the Commissioners for their review prior to forwarding the sign ordinance for legal review.

B. Historic Town Entrance Corridor Overlay District – Resume discussion on the draft district

Rob Testerman suggested that, while revisiting Northampton County's 2010 draft Historic Town Entrance Corridor Overlay District language, the Commission expand the focus of the district to look at the uses allowed as well as expand the draft district to Route 13. While the Commission needed to look at Routes 13, 184 and 642 regarding uses, the Town could not nor

should attempt to regulate setbacks, site access, plantings, signage, etc. on Route 13 through this document. At the September 10, 2013 meeting, the Commissioners were tasked with preparing lists of business types that would be complementary and detrimental to businesses in the Town. Rob Testerman stated that the lists could be incorporated into the uses. Those uses which were considered detrimental to businesses in Town should be listed as allowed by conditional use. If this were the case, the business owners in Town, the Planning Commissioners and anyone else would be provided the opportunity to give both the Northampton County Planning Commission and Board of Supervisors their input on those proposals. Rob Testerman continued to state that, as far as the Town was concerned, those businesses that could be detrimental to businesses in the Town would ideally not be allowed in the district; however, he did not think the Town would get much support from the County if we proposed to completely ban those uses along Route 13.

There was much discussion regarding the need to improve the County's school system and available medical facilities after the relocation of Riverside Shore Memorial.

Dennis McCoy asked the Commissioners to list the types of businesses which they felt would complement the businesses in Town and those that would be detrimental.

Complementary:

- Education, possibly a facility like the Sylvan Learning Center
- Medical, urgent care facility, family practice
- Motels/Hotels – There were mixed feelings regarding motels and hotels and the effect they would have on the B&Bs in Town.
- Fast food restaurants
- Antique center
- Outlet mall
- Adult day care facility
- Potato Chip manufacturer
- Insurance providers
- Mortgage companies
- Real estate companies
- Eco-friendly businesses
- Seafood retailer
- Veterinarian
- Dog groomer
- Barber shop
- Dry cleaner
- Tailor

Detrimental:

- Chain drugstores
- Chain restaurants (Chili's, Applebee's, etc.)
- Motels/Hotels – There were mixed feelings regarding motels and hotels and the affect they would have on the B&Bs in Town.

There was much discussion regarding motels and hotels. Andy Buchholz felt that they would put the B&Bs out of business, while Joan Natali felt that both could be successful. Typically, each attracted a very different type of clientele. Cape Charles was being marketed as a wedding destination but there was a need for additional lodging facilities. If the County and Town were to continue investing in tourism, we needed a place for the visitors to stay. Dan Burke added that businesses looking to locate in a particular area looked for hotels in the area to house their

staff. Andy Buchholz stated that Kings Creek Marina was looking at the possibility of building a hotel and Bay Creek had ample space to build a hotel. Bill Stramm stated that people staying at a hotel on the highway would drive around the area and into Town to see the area and eat or shop. Joan Natali added that when she went on road trips, after checking into her hotel, she drove around looking at the area to seek out places to eat, etc.

Sandra Salopek commented that the “Public Beach” sign on Route 13 was good and brought people into Town. The Harbor was now being publicized in regional and national magazines and also brought in numerous boaters and other visitors.

Rob Testerman stated that the draft Historic Town Entrance Corridor Overlay District language was included in the agenda packet. In 2010, the Planning Commission modified the County’s ordinance for Cape Charles and submitted it to the County Planning Commission. The version included in the packet contained the County’s comments to what the Town submitted. The document had not been reviewed since 2010. The County staff was currently working on their zoning ordinance and this might be the opportune time to provide the Town’s input prior to the County approving their new zoning ordinance.

Dennis McCoy stated that the Commissioners needed to review the document and provide input. The Commission needed to work on this document and include it with the other documentation regarding the Town’s input for the overlay district.

NEW BUSINESS

A. *Comprehensive Plan – Update plans/review process*

Dennis McCoy stated that this document was the most visible thing the Planning Commission did for the Town. The document drove the Town and contained the history of the Town. It was also the Commission’s opportunity to talk about health care and other issues pertinent to the Town.

The Commissioners began by reviewing Section I – Vision Statement & Executive Summary and Section II – Settings.

No changes were suggested for Section I.1 – Vision Statement.

Section II – Settings:

Joan Natali noted that things had changed in the Town over the past five years and pointed out that references to Bay Creek Marina needed to be updated to Kings Creek Marina.

Joan Natali added that the 2009 version was completely rewritten with a new approach formatting it so the citizens could understand it when they read it.

Bill Stramm noted that the current Comprehensive Plan listed a number of appendices which were not attached. Bill Stramm added that he researched the Code of Virginia which required the following: i) Review every five years; ii) Transportation Plan must be sent to VDOT. It would be nice to include a streetscape and trail information in the Transportation Plan; iii) A new item – Coastal Resource Management (§ 15.2-2223.2); and iv) Affordable housing. We had some language in the current version but it was not specific. Bill Stramm added that he tried to find Comprehensive Plans from other localities such as Smithfield, West Point, Urbanna, etc.

Rob Testerman stated that once the ANPDC was onboard, the Commission could delve further into the Comprehensive Plan.

Dennis McCoy asked for opinions on moving forward. There was some discussion regarding the review process being done at regular meetings or whether work sessions would be scheduled. Joan Natali stated that the Commission could only review the basics of the current plan and make the obvious corrections. The Commission should not begin work on the rewrite until the ANPDC was able to come on board to help with the charettes, etc. Dennis McCoy stated that the preliminary review process could be done at the regular meetings.

Dennis McCoy asked the Commissioners to go over Sections I and II in detail for further discussion at the November meeting.

Joan Natali stated that the priorities were to i) finalize the Sign Ordinance; ii) work on the Historic Town Entrance Corridor Overlay District and provide the Town's input to the County; and iii) the Comprehensive Plan review.

Rob Testerman added that the Commissioners would also have to work on revising the Flood Plain Ordinance and he would check with Mr. Charley Banks for the Dept. of Environmental Quality for the timeframe.

ANNOUNCEMENTS

There were no announcements.

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

Chairman Dennis McCoy

Town Clerk