



PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
March 7, 2017
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, Keith Kostek, 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.

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

PUBLIC COMMENTS:

Russell Goodrich, Pastor of Cape Charles Baptist Church, 509 Randolph Avenue

Pastor Goodrich addressed the Planning Commission with a request to replace the basketball equipment on the church property. Copies of Pastor Goodrich's request was distributed to the Commissioners. (Please see attached.)

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

After Pastor Goodrich left the meeting, there was much discussion regarding the following: i) Basketball courts were removed from the Comprehensive Plan but were permitted in the Zoning Ordinance by conditional use; ii) The basketball/game court would be on private property in the R-1 district, the lot could accommodate the court, the area was fenced in and usage could be controlled; iii) Staff needed to be proactive and follow-up with Pastor Goodrich regarding his request. The town needed to maintain a relationship with someone willing to do something to benefit the town; and iv) This item would be added to the April meeting agenda for further discussion.

CONSENT AGENDA

Motion made by Michael Strub, seconded by Andy Buchholz, to approve the agenda format as presented. The motion was approved by unanimous vote.

The Commissioners reviewed the minutes from the February 7, 2017 Planning Commission Regular Meeting.

Motion made by Andy Buchholz, seconded by Dan Burke, to approve the minutes from the February 7, 2017 Planning Commission Regular Meeting as presented. The motion was approved by unanimous vote.

REPORTS

Larry DiRe reported the following: i) All the building permits issued to the owner of 207 Mason Avenue, related to the second and third floor residential units approved by conditional use permit, expired in December 2016. To date, the owner had not filed for new permits and currently there was no work being done in association with the residential development. If no

additional permits were applied for by April 7, 2017, the conditional use permit would expire. On February 28, 2017, a letter was mailed to the property owner, by regular and certified mail, notifying them of the April 7, 2017 deadline; ii) Staff had been in contact with the design team for the proposed brew pub on Stone Road. As of February 24, the designer and staff had discussed the proposed parking lot plan, items needed for a complete site plan, potential VDOT issues pertaining to commercial entrance and exit points, and the construction materials and design review and approval process required by Article III, Section 3.8.F. Staff planned to have that review as part of the March 21, 2017 Historic District Review Board (HDRB) meeting. The Town Council named the HDRB as the board to review plan submittals in the C-3 district. There was some discussion regarding a wastewater plan since their effluent would be nutrient rich. The plan should include a method to reclaim it and not have it go into the wastewater. Much discussion followed regarding the estimated timeframe for opening the brew pub and possible services.

OLD BUSINESS

A. *Fiscal Year 2017-2018 Capital Improvement Plan Review:*

The Commissioners reviewed the FY 2017-2018 Capital Improvement Plan with discussion as follows: i) Jetty Project – The construction of the fourth breakwater section replaced the jetty project for FYs 2017 and 2018; ii) Art Walk – Portions of the Art Walk could possibly be completed in FY 2018. The Community Enhancement Board would be tasked with this project and could possibly find more grant funding; iii) Auto Read Water Meters – An analysis of the quality of current water meters would be performed. Many of the existing water meters were ancient and not reading correctly. Council would have further discussion regarding the replacement of water meters after completion of the analysis; iv) The New Fueling & Harbor Master’s Dock most likely would not be done in FY 2018 as more grant funding was needed; v) Reverse Angle Parking on Bay Avenue/Restriping Parking Spots – Funding would be included for striping the parking spots. Parking counts would continue throughout the summer season. In past years, there was plenty of parking available at most times. The only times when the parking spots along Bay Avenue were full were on weekends; vi) Dan Burke asked about the renovation of the third floor of the library for town offices and sale of the current Town Hall. Larry DiRe stated that two facility studies were planned of the Town Hall and Library footprints; vii) Andy Buchholz stated that a study was needed on the connection charge and expansion of the water plant adding that, in the summer, especially on July 4, the town regularly exceeded the allotment for water. Larry DiRe stated that Bob Panek and Dave Fauber were reviewing the issue. Andy Buchholz asked about the number of ERCs remaining and added that the water plant would not accommodate the town once it was fully built out; viii) Andy Buchholz suggested that the Multi-Use Trail project could eventually fall under the Main Street Initiative. Larry DiRe stated that he would bring the suggestion to the town manager and treasurer. There was some discussion regarding the future phases; ix) The Commissioners asked about the harbor boat replacement. Libby Hume explained that the current boat was unsafe and needed to be replaced; and x) Larry DiRe informed the Commissioners that the Town Council budget meetings would start on April 6 and offered to get information from Bob Panek and Dave Fauber regarding the town’s water and wastewater capacity.

B. *Planning Documents Review – Master Tree Plan (2006):*

Larry DiRe stated that the Master Tree Plan was one of the older plans contributing to the Comprehensive Plan and the list needed to be reworked since some species were now considered as invasive species. Staff recommended updating the plan since there were many valuable, current and readily available resources provided by the Virginia Department of Forestry and updating of the plan was within the competency and scope of work of the planning department staff. A public process should be used to involve residents, many of whom have expertise as master gardeners and arborists. Updating the street by street

inventory would be a time-consuming activity. Although an update of the plan was not an immediate need, it should be considered a project to be completed by year's end 2019 in preparation of the 2020/2021 Comprehensive Plan update. Joe Fehrer, Chairperson for the Historic District Review Board (HDRB), had provided a lot of useful information to be used for the update. Sandra Salopek added that the HDRB would be holding a work session to discuss trees.

- C. *Planning Documents Review – follow up on sections of the Preservation Plan (1996):*
Larry DiRe stated that following the December 6, 2016 Planning Commission meeting, staff began a more thorough review of the 1999 Preservation Plan. As the town moved into a comprehensive community enhancement program, structured along the lines of the National Main Street Program, certain sections of the 1996 Preservation Plan, specifically chapters six (downtown revitalization) and seven (residential revitalization) could be of assistance in the process and provide some additional perspective and should be reviewed within the context of broader, town-wide discussions of housing and downtown development. Those involved in such discussions could determine the merits of these sections for informing current or future development.
- D. *Additional Proposed Text Amendment for April 4, 2017 Public Hearing:*
The Commissioners reviewed the following sections of the Cape Charles Zoning Ordinance with text amendments approved by the Commission in 2016: Section 2.9-Definitions, Section 3.2.B.8-Permitted Uses, and Section 3.8.E-Development Standard. These sections would be included in the April 4, 2017 public hearing advertisement.
- E. *Historic Town Entrance Design Criteria Construction Materials Review:*
Larry DiRe stated that the Town Council had concerns regarding the type of commercial development that could occur on the parcels from Route 13 to the town boundary and tasked staff to bring the issue back to the Planning Commission to review the construction materials for Historic Town Entrance (HTE) area. These development corridors were under the Northampton County planning and zoning jurisdiction but both the Town Council and Northampton County Board of Supervisors expressed interest in cooperative development of these essential corridors. The Commissioners reviewed Section 3.6.F.1.e of the Cape Charles Zoning Ordinance regarding certain materials which were prohibited within the town for new construction. Larry DiRe recommended that certain construction material prohibited in the town likewise be prohibited in the HTE, specifically concrete block above the foundation, exposed concrete masonry, any type of vertical siding, and metal or wood awnings which were not commonly found within the town limits. The Commissioners were in agreement and much discussion followed regarding steel buildings and the few that were in town, and setbacks required by the county.

NEW BUSINESS

- A. *Board of Zoning Appeals Letter on Size Area of Accessory Buildings:*
Larry DiRe informed the Commissioners that the Board of Zoning Appeals (BZA) suggested a text amendment for Section 4.2.E.8 of the Cape Charles Zoning Ordinance regarding the size of accessory buildings recognizing the variety in area of residential lots, ranging from 2,800 square feet to 60K square feet. Having a static regulation of accessory building size measured in square feet made for a rational disconnect and differing units of analysis. Section 4.2.E.6 set a maximum percentage of total lot square footage coverage, as do various district regulations found in Article III. Having accessory building maximum coverage as a percentage of the total square footage aligned the two measurements. Larry DiRe stated that he was working with the BZA to determine a good percentage for building coverage. A letter from the BZA Chairperson would be presented to the Commission with their

recommendation. The accessory building section draft text amendment would be placed in the queue for further review.

B. *“Homestay” Legislation and Current Town Zoning Ordinance Regulations:*

Larry DiRe informed the Commissioners that the General Assembly approved that municipalities maintain local control for regulation for Airbnb and similar rentals. Currently, the town required all short-term accommodations hold a business license, comply with health and safety regulations, and pay transient occupancy taxes. At this time, staff felt that the town’s current regulations were appropriate and no amendments were necessary. After much discussion regarding taxes, inspections, etc., the Commissioners were in agreement. Andy Buchholz added that it put all short-term rental facilities on the same playing field.

C. *Selection of Community Enhancement Board Interview and Selection Committee Member:*

Larry DiRe explained that the Community Enhancement Program would be the town’s Main Street Board and would have nine members with one member each from the Town Council, Planning Commission and HDRB. A selection committee was being formed to interview applicants for the Community Enhancement Board (CEB) and would consist of one representative each from the Town Council, Planning Commission and HDRB, and the members of the Ad Hoc Committee not applying for the CEB.

Dan Burke nominated Michael Strub as the Planning Commission representative on the CEB Selection Committee. Andy Buchholz seconded the nomination. There were no other nominations. Michael Strub was named the Planning Commission representative on the CEB Selection Committee by unanimous vote.

Larry DiRe added that Bill Stramm submitted an email expressing his interest in serving as the Planning Commission representative on the CEB. This item would be discussed at a future Planning Commission meeting.

ANNOUNCEMENTS

Larry DiRe made the following announcements: i) There had been no change in the status of the Tavi property; and ii) He heard from a representative from the U.S. Coast Guard regarding their intention to sell the Winter Quarter property which was the former Coast Guard housing development that had been demolished a number of years ago. The property was a 1.5 acre parcel, roughly equivalent to 11 standard lots in town, zoned R-1 (single-family residential). There was some discussion regarding the permitted size of signage on the property.

Motion made by Andy Buchholz, seconded by Dan Burke, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 7:47 p.m.

Chairman Dennis McCoy

Town Clerk

**Planning Commission Regular Meeting
Comments Provided in Writing
March 7, 2017**

Cape Charles Baptist Church

In the Streets, Meeting Needs, Sharing Jesus' Love

To: Town of Cape Charles / Planning Commission

Subject: Replacement of Basketball Goals on Game Court

Request: Cape Charles Baptist Church is seeking approval from the town to install "In Ground Basketball Post" that are safer for players, and prevents blow overs in times of harsh weather.

Statement:

The portable goals we have are commercial grade and have served the church and town well. We are reaching two years of installing the Game Court and we are very grateful for its daily use by the town's people. Our closest neighbors to the Game Court have been vocal in their support and appreciation for the services it provides, and especially basketball. We are very pleased to report that to date we have no negative reaction to it that we are aware of. The Game Court, and especially its hoops, have witnessed diversity from families playing with their children while vacationing here, to our local people who represent practically every makeup of the town. It's one of our greatest joys to see it used daily.

Our request is to install "In Ground Basketball Goals" due to the portable systems breaking, blowing over, and aging. The bases of the goals are water tanks that hold multiple gallons to support the massive weight overhead. These tanks now leak and are being filled with sand which in turn, alters the factory specs for safety. One unit continues to have a defect which we believe has been the single cause for its glass backboard breaking on several occasions. Replacement for these portable goals is at a cost of \$3,000.00.

Under the town's coding we are compliant as a Game Court. The installation of "In Ground Post" should not change that fact. This year the Game Court will continue to be used for multiple games and activities and will include a new Gaga Pit / King Ball / and Tether Ball.

In point:

We hope "In Ground Posts" will be accepted by the Town's Planning Commission without further action needed and seen as only a Game Court improvement for the safety of its users and for the future upkeep that is provided solely by Cape Charles Baptist Church.

Contact: Pastor Russell Goodrich
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