



**PLANNING COMMISSION/TOWN COUNCIL
Joint Public Hearing &
PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
January 3, 2017
6:00 p.m.**

At 6:00 p.m., Chairman Dennis McCoy, having established a quorum, called to order the Joint Public Hearing with the Town Council and Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Dan Burke, Keith Kostek, Sandra Salopek and Bill Stramm. Vice Chairman Michael Strub was not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. There were four members of the public in attendance.

Mayor George Proto, having established a quorum, called to order the Joint Public Hearing with the Planning Commission. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown and Buchholz, and Councilwomen Natali and Sullivan.

1 FIG STREET CONDITIONAL USE PERMIT APPLICATION PUBLIC COMMENTS:

Kabler, David, 10352 Church Neck Rd

Mr. Kabler addressed the Planning Commission and Town Council recommending Council approval of the conditional use permit application for 1 Fig Street, also known as the Kellogg Building. (Please see attached.)

Town Clerk Libby Hume read comments submitted in writing by Greg and Laura Lohse, current owners of the Kellogg Building, 1 Fig Street. (Please see attached.)

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

There was some discussion regarding the discrepancy in the address of the subject property. Larry DiRe stated that he was using the 911 address which was 1 Fig Street.

Motion made by Dan Burke, seconded by Bill Stramm, to close the Planning Commission Public Hearing. The motion was approved by unanimous vote.

Motion made by Councilman Brown, seconded by Councilman Bennett, to adjourn the Town Council Public Hearing. The motion was approved by unanimous vote.

The Joint Public Hearing adjourned at 6:05 p.m.

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

REGULAR MEETING PUBLIC COMMENTS:

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

CONSENT AGENDA

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

Dan Burke requested that the anti-tethering ordinance be added to the February meeting agenda.

The Commissioners reviewed the minutes from the December 6, 2016 Planning Commission/Town Council Joint Public Hearing and Planning Commission Regular Meeting.

Motion made by Sandra Salopek, seconded by Dan Burke, to approve the minutes from the December 6, 2016 Planning Commission/Town Council Joint Public Hearing and Planning Commission Regular Meeting as presented. The motion was approved by unanimous vote.

REPORTS

Larry DiRe stated that he did not have anything new to add to his submitted report. There were no questions from the Commissioners.

OLD BUSINESS

A. *Conditional Use Permit Application for second floor residential unit above first floor commercial at 1 Fig Street (Kellogg Building):*

Dennis McCoy stated that two public comments were heard at the public hearing and asked whether there were any questions or further discussion warranted.

Motion made by Dan Burke, seconded by Andy Buchholz, to recommend Town Council approval of the conditional use permit application for 1 Fig Street as submitted. The motion was approved by unanimous vote.

B. *Proposed Draft Historic Town Entrance Design Criteria:*

Larry DiRe stated that this item was a follow-up from the October 25, 2016 joint meeting with the Town Council and the Northampton County Board of Supervisors (BOS). The BOS suggested that the Cape Charles Planning review the Historic Town Entrance (HTE) ordinance language to include design criteria. Larry DiRe recommended moving forward with the construction materials and architectural treatments already required for the Town's entrance gateway, Commercial-3 zoning district, as well as including specific language regarding dark sky lighting standards and the underground installation of all utilities, but not extending Town parking requirements. Signage should remain under the County's legislation, with the provision that all signage be illuminated with downward-facing lights and no free-standing or ground-mounted signage exceeding the Mason Avenue commercial sign maximum height of six-feet above grade. Animated and changeable signs should not be permitted along the HTE.

There was much discussion regarding the following: i) Possible change to the speed limit on Stone Road if development starts along the road. Speed could become an issue by the water tower once the renovation of the former Cape Charles Collision building was completed; ii) The entire corner at Routes 13 and 184 was currently zoned commercial; iii) A more general approach, vs. the specific details being proposed to the County, was needed regarding the architectural requirements. Continuity was needed. A transition area was needed coming into the town. The town didn't have any control over much of the property on the south side of Stone Road since it belonged to the railroad; iv) Cape Charles was the only incorporated

town in the county without a presence on Route 13. Cheriton got a lot of revenue from the traffic along Route 13 and much of the revenue received help pay for their new playground and parking lot; and v) The Commissioners were in agreement with the staff recommendation regarding underground utilities and dark sky compliance.

Larry Dire would report back to the Town Council.

C. *Planning Documents Review – 2020 Transportation Plan (1999); Sidewalk and Curb Assessment (2006):*

Larry DiRe stated that, as part of the Comprehensive Plan review process, Town Council directed staff to develop a process to evaluate the importance of existing planning documents identified in the Comprehensive Plan. Council expressed concern over the age of the documents listed as references. A monthly review of certain documents was being performed by the Commission.

The 2020 Transportation Plan dated from 1999. In 2011, the Accomack-Northampton Planning District Commission updated the VTrans 2035 document, which was a broad-based, state-wide transportation planning document. Revisions were currently being made for the VTrans 2040 document.

At the December 10, 2016 Town Council Strategic Planning Work Session, the Council decided that an updated sidewalk plan was a priority and included that plan in Section IV-Implementation of the 2016 Comprehensive Plan Update. An updated sidewalk plan would be developed by staff as directed by the Town Manager.

Motion made by Bill Stramm, seconded by Dan Burke, to approve staff's recommendation to classify the 2020 Transportation Plan and the 2006 Sidewalk and Curb Assessment as archival only. The motion was approved by unanimous vote.

D. *Current Sign Ordinance Language on Signage in the Public Right-of-Way and Proposed Draft Amendment Language:*

Larry DiRe stated that the Town Council was considering a formal, written agreement with the Virginia Department of Transportation (VDOT) for the purpose of granting the Town the authority to remove signs from the VDOT right-of-way and directed staff to bring this matter to the Planning Commission for review and recommendation.

There was much discussion regarding this issue as well as a number of inconsistencies in the town's current sign ordinance and Ordinance 20141009 which temporarily suspended enforcement for a portion of the sign ordinance for businesses located on side streets. The intent of Ordinance 20141009 was to allow the businesses on side streets to display their sandwich boards along Mason Avenue until an appropriate wayfinding sign could be installed. Unfortunately, it had been over two years and the wayfinding signs still were not in place.

The Commissioners reviewed staff's recommendation that the sign ordinance text and any corresponding agreement with VDOT include the following: i) Assign original authority over signage to a singular town agent, and a singular appellate body (Town Manager and Town Council, respectively). The Commissioners felt that the town agent authority should be the zoning administrator vs. the town manager; ii) Install a wayfinding map/sign at a town-owned facility or site in the central business district prior to April 1, 2017 and inform the Commercial-1 District property and business owners that the provisions of Ordinance 20141009 had been met; iii) Amend Article IV of the zoning ordinance by removing Section 4.1.H.2.d in full because it was not content neutral and in conflict with other ordinance

sections; iv) Amend Section 4.1.D.2 to include the following language: "Signage shall not impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility;" and v) Banners installed on the Mason Avenue Town-owned street lamp posts may continue to be placed and removed as needed.

Motion made by Dan Burke, seconded by Andy Buchholz, to approve the staff recommendations as discussed. The motion was approved by unanimous vote.

Motion made by Andy Buchholz, seconded by Bill Stramm, to recommend to Town Council the scheduling of a joint public hearing for a text amendment to identify the zoning administrator as the person responsible for signage-related decisions. The motion was approved by unanimous vote.

E. 2016 Annual Report Review:

Pursuant to Section 15.2-2221.5 of the Code of Virginia, staff prepared the 2016 Annual Planning Commission Report which included: i) a summary of development that occurred in the town in 2016; ii) a listing of all Planning Commission and staff updates that occurred in 2016; iii) a breakdown of different application received by the Planning and Zoning Department; and v) a list of other work items that were reviewed or worked on by the Planning Commission. Larry DiRe stated that, after a review by the Commissioners, the annual report would be presented to the Town Council.

Motion made by Sandra Salopek, seconded by Andy Buchholz, to approve the 2016 Annual Planning Commission Report as presented. The motion was approved by unanimous vote.

NEW BUSINESS

There was no New Business to review.

There was much discussion regarding the town's water and the connection of the Keck Wells. Larry DiRe informed the Commissioners that the connection of the Keck Wells was on the Capital Improvement Plan (CIP) about three years out. Each year, the Town Council reviewed and updated the CIP as part of the budget process.

The Commissioners requested that Town Manager Brent Manuel attend the Planning Commission meetings semi-annually to provide updates to the Commission regarding matters of importance, such as the town's water.

ANNOUNCEMENTS

There were no Announcements.

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

Chairman Dennis McCoy

Mayor Proto

Town Clerk

**Planning Commission/Town Council Joint Public Hearing
Comments Submitted in Writing
January 3, 2017**

Kabler, David – 10352 Church Neck Rd, Machipongo, VA

*David L. Kabler
10352 Church Neck Road
Machipongo, VA 23405*

January 3, 2017

Cape Charles Planning Commission
Cape Charles Town Council
Via email

Ref: 1 Fig St. conditional use permit

Dear Sirs,

Thank you for the opportunity to comment in reference to an application for a conditional use permit for a second floor residential apartment in the Kellogg Building. I want to recommend to you that this use be allowed.

I am very familiar with the Kellogg Building, having handled its sale to the present owners back in 1996, and as the listing agent for the owners in its present obligation under contract of sale to the applicants, Chad and Bev Petras. The Petras' have plans to purchase the property to open it for business as soon as possible with a key part of their plans being able to reside on the second floor while the first floor is kept as commercial space. The financial feasibility, along with other considerations, of residing on the same property as their business is a key factor in the practicality of fulfilling their goals.

I think it is safe to say that such a residential use as proposed and requested by the applicants is key to the overall investment and development of the subject property. The ability to reside in the same property with their business will save hundreds of thousands of dollars that would be required for the applicants to purchase a separate residence for their relocation from Indiana to Cape Charles, Virginia. Further, it is a fact that other commercial properties here in the Town of Cape Charles have residential apartments on the second, third and fourth floors. It would be in keeping with the Town's economic development objectives to allow this conditional use permit.

I hope that you will grant this application for conditional use.

Sincerely yours,

David L. Kabler

Greg and Laura Lohse, Owners of Kellogg Building, 1 Fig Street

To: Cape Charles Planning Commission and Town Council

From: Greg and Laura Lohse

Date: January 2, 2017

Re: Kellogg Building Conditional Use Permit for Second Floor Residential above First Floor Commercial

We respectfully request that you grant a conditional use permit allowing the future owner of the Kellogg Building at 1 Fig Street to build an apartment on the second floor of the building.

We have been using the building as a workshop and were not in need of living quarters upstairs. The potential buyer of the building plans to live above the commercial first floor and use first floor to start a new business in Cape Charles.

Thank you for your consideration of this matter.

Respectfully,
Greg and Laura Lohse
Owners, Kellogg Building