



**PLANNING COMMISSION/TOWN COUNCIL
Joint Public Hearing &
PLANNING COMMISSION
Regular Meeting
Cape Charles Town Hall
December 6, 2016
6:00 p.m.**

At 6:00 p.m. 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. Also in attendance were Town Manager Brent Manuel, Town Planner Larry DiRe and Town Clerk Libby Hume. There were four members of the public in attendance.

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 Vice Chairman Michael Strub, and Commissioners Andy Buchholz, Dan Burke, Sandra Salopek and Bill Stramm. Commissioner Keith Kostek was not in attendance.

CAPE CHARLES COMPREHENSIVE PLAN UPDATE PUBLIC HEARING COMMENTS:

Jone Gittinger, 4 Tazewell Avenue

Ms. Gittinger addressed the Planning Commission and Town Council regarding accessory dwelling units. (Please see attached.)

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

Dennis McCoy closed the Planning Commission Public Hearing.

Motion made by Councilman Bennett, seconded by Councilman Brown, to adjourn the Town Council Public Hearing regarding the proposed Comprehensive Plan Update. 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

Dennis McCoy advised the Commissioners that he received a request to modify the agenda moving the New Business item before Old Business.

Motion made by Michael Strub, seconded by Sandra Salopek, to approve the agenda format as amended. The motion was approved by unanimous vote.

The Commissioners reviewed the minutes from the November 1, 2016 Planning Commission Regular Meeting.

Motion made by Bill Stramm, seconded by Andy Buchholz, to approve the minutes from the November 1, 2016 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.

NEW BUSINESS

A. *Conditional Use Permit Application for second floor residential unit above first floor commercial at 3 Fig Street (Kellogg Building):*

Larry DiRe stated that a conditional use permit (CUP) application was received for a residential dwelling unit above the first floor commercial units at 3 Fig Street. The property is in the Commercial-2 zoning district which per Article III, Section 3.7.C. permitted residential dwelling units “provided that no such dwelling is located at street level and all dwelling units have direct access to the street level.” Prior to approval of a CUP, the Planning Commission and Town Council must hold a public hearing regarding the CUP application. The applicant must meet all procedural obligations before beginning work on the residential unit. Upon approval of the CUP, the applicant would have one year to demonstrate progress toward completion of the project. All construction must conform to the appropriate Town codes.

Motion made by Andy Buchholz, seconded by Bill Stramm, to schedule a joint public hearing with the Town Council on January 3, 2017. The motion was approved by unanimous vote.

OLD BUSINESS

A. *Amendments to Cape Charles Comprehensive Plan adopted June 11, 2009:*

Larry DiRe stated that the Town Council wanted to amend Section IV.1 - Town Council Priorities to remove the current text and replace with priorities to be determined at their December 10 Strategic Planning Work Session.

Motion made by Michael Strub, seconded by Sandra Salopek, to adopt Resolution 20161206 recommending Town Council approval of the proposed Comprehensive Plan Update with an amendment, as requested by the Town Council, replacing the current language in Section IV.1 with language to be provided by the Town Council after their December 10 Strategic Planning Work Session. The motion was approved by unanimous vote. Buchholz, yes; Burke, yes; Salopek, yes; Stramm, yes; Strub, yes.

B. *Planning Documents Review – 1996 Preservation Plan:*

Larry DiRe stated that, due to the age of some of the documents referenced in the Comprehensive Plan, Town Council requested that the Commission review the documents to evaluate their importance and either update the documents accordingly or archive them for historical reference. The 1996 Preservation Plan was being reviewed this evening. Larry DiRe stated that much of the plan had been completed and recommended that the entire document be archived. If the Planning Commissioners felt that a preservation plan was needed, a new plan could be drafted.

Dennis McCoy asked Larry DiRe to provide a high level series of objectives for a new preservation plan for review by the Commission. Larry DiRe agreed and asked that the Commission provide him with 90 days to review and compile the list of objectives.

There was some discussion regarding other town documents for review. Larry DiRe added that the Historic Overlay ordinance had not been reviewed in a number of years and stated that he would bring that document to the Commission for review in the 90 day timeframe as well.

Larry DiRe went on to report the following: i) The new Zoning Map, showing the recent changes, needed to be adopted; and ii) A new survey of the historic district was being completed with grant funding. He planned to apply for more grant funding next year for Phase 2 which would consider extending the current historic district to include the former Rosenwald School property.

Motion made by Bill Stramm, seconded by Sandra Salopek, to archive the 1996 Preservation Plan and give Larry DiRe 90 days to bring back recommendations for a new preservation plan. The motion was approved by unanimous vote.

Dennis McCoy explained to Ms. Gittinger that although the Comprehensive Plan recommended accessory dwelling units, the zoning ordinance prohibited them. Larry DiRe gave Ms. Gittinger and the Commissioners the background regarding previous attempts by the Planning Commission to obtain Council approval to permit accessory dwelling units. A zoning ordinance text amendment would require public hearings by the Planning Commission and the Town Council, followed by a Planning Commission recommendation to the Council and action by the Town Council to amend the zoning ordinance.

ANNOUNCEMENTS

Larry DiRe informed the Commissioners that the Historic District Review Board (HDRB) meeting would be held on Tuesday, December 13, beginning at 5:00 p.m. At about 6:00 p.m., Mr. Marcus Pollard, a private consultant working on the state grant, would be presenting information regarding the update to the historical district survey. The current survey was completed in 1989 and a lot had changed in the town since that time. Also on the agenda for the December 13 HDRB meeting, were an application for historic renovation to 401 Mason Avenue, the former gas station, and the property at 535 Plum Street.

Motion made by Dan Burke, seconded by Bill Stramm, 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
December 6, 2016**

Jone Gittinger, 4 Tazewell Avenue

12-6-16

Good evening,

My name is Jone Gittinger and I live here in CC at 4 Tazewell with my husband Bruce and our son Joe.

I am here tonight to discuss accessory dwelling units.

We would like to build a garage in the rear of our home. We live on a double lot so space is not a problem. The building will match the prevailing style and character of our home. We are hoping to have a small efficiency apartment on top of the garage where our son Joe can live. The apartment would be very modest, with a shower and toilet in the bathroom and a microwave and a small refrigerator.

Our son, whom we adopted from Russia 20 years ago, is intellectually disabled. His birth mother abused alcohol resulting in his disability. Have you met him? He worked at Kelly's Pub for one year and now works at both the Christian School and Vance's Furniture Company. He is a great guy and we are hoping to provide him a bit more independence by allowing him to live on our property, yet in his own space.

I am hoping the issue of accessory dwelling units would be approved on a case-by-case basis and that there would be a possibility for us to move forward with our plan to give our son a small space above our proposed garage.

Thank you for allowing me to speak at your meeting.

Sincerely,


Jone Gittinger