



PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
October 4, 2016
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 Vice Chairman Michael Strub, and Commissioners Andy Buchholz, Dan Burke, Keith Kostek and Bill Stramm. Commissioner Sandra Salopek 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:

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

CONSENT AGENDA

Larry DiRe informed the Commissioners that the draft Tourism Zone Ordinance which was forwarded to the attorney for their review in mid-December was received by the town on September 29th. The marked up version was forwarded to the Commissioners on October 3rd. Larry DiRe continued to state that although this item was not on the agenda, if the Commission had an interest in reviewing the revisions provided by the attorney, it could be added as a consent agenda item.

Motion made by Bill Stramm, seconded by Andy Buchholz, to add Tourism Zone Ordinance discussion to the agenda at the end of Old Business. The motion was approved by majority vote with Dan Burke opposed.

The Commissioners reviewed the minutes for the September 6, 2016 Planning Commission Regular Meeting. Michael Strub noted a typographical error on page 2.

Motion made by Michael Strub, seconded by Bill Stramm, to approve the minutes from the September 6, 2016 Planning Commission Regular Meeting as amended. The motion was approved by unanimous vote.

REPORTS

Larry DiRe stated that he did not have anything to add to his written report.

Dennis McCoy reminded all in attendance that the elections for chair and co-chair would be held at the November meeting.

Andy Buchholz asked about the meeting with VDOT. Larry DiRe responded that he had the information in his office. There was movement regarding the Route 13 Safety Plan. A couple of meetings were held last fall and the comment period closed in December. The report covered Route 13 from the Chesapeake Bay Bridge Tunnel to the Maryland border and two locations by Cape Charles were cited – the areas by the Food Lion and Eyre Hall. The crash data by the Food Lion was too low to warrant another traffic signal at Food Lion but engineering could be done to improve the corridor. There was a proposal to put in an access road from the Food Lion to business 13 on the Cheriton side of the traffic light. Andy Buchholz added that information had been posted to VDOT's website and many of the median cuts were being closed due to problems.

OLD BUSINESS

A. *Proposed Reverse-Angle Parking on Bay Avenue Update:*

Larry DiRe stated that the 1999 comprehensive parking study showed a parallel parking stall count of 66 for the west side of Bay Avenue. Staff conducted a street-specific review of the 1999 parking study in April 2016 and agreed with the number of 66 parking stalls which was used as the threshold for this summer's parking count. Staff conducted observations and counts of the parking along various segments of Bay Avenue from Friday, June 10, through Sunday, September 11. There was no meaningful parking count to consider prior to 11:00 a.m. or after 6:00 p.m. Bay Avenue was broken into three sections – the west side from Washington Avenue to the pavilion, the west side from the pavilion south to Mason Avenue, and the east side from Tazewell Avenue to Jefferson Avenue. Out of 44 observations, the 66 count was exceeded 14 times or 31.8%. The cumulative 2015 and 2016 counts showed 126 individual observations with 35 instances when the count exceeded 66. A two-year total of 27.78% of observations exceeded the 66 vehicle standard. Larry DiRe concluded by stating that he stood by his report from 2015 as follows: i) He could not recommend moving forward with implementing reverse-angle parking on the west side of Bay Avenue; ii) He recommended that the town's public safety officers be brought into the discussion as a source of public safety perspective and to balance any urban planning or design perspective; and iii) He recommended striping of Bay Avenue pedestrian crosswalks at the beach access points and the installation of speed limit and pedestrian crossing signage on the median for both north and south bound motorists.

There was some discussion regarding the following: i) Excess parking was on the east side of Bay Avenue and along some of the side streets within the town. No complaints had been received from residents; ii) It was noted that boats and boat trailers, which were parked legally on the streets, took up a lot of space. The town could only ticket boats and trailers if they posed a safety hazard; iii) Some golf carts parked perpendicular to the curb vs. parallel which resulted in more space for vehicles to park; iv) There was some debate regarding the raising of the medians on Bay Avenue. If reverse-angle parking was instituted on Bay Avenue, vehicles would be able to drive over the medians since they were level with the street. At times when Bay Avenue flooded, the raised medians could pose a problem; v) VDOT needed to be contacted regarding adding handicap parking spaces along Mason Avenue. There were only two handicap parking spaces – by the library and Lemon Tree Gallery; vi) The number of vehicles parking along Bay Avenue was trending up and the town needed to keep an eye on this issue. Michael Strub requested that vehicle counts needed to be done every summer; and vii) Striping needed to be done for the pedestrian crosswalks.

Motion made by Andy Buchholz, seconded by Dan Burke, to submit an application to VDOT to stripe the pedestrian crosswalks at beach access points on Bay Avenue. The motion was approved by unanimous vote.

B. *Proposed Draft Text Amendment to Article III, Section 3.15.B Limited Access Commercial Activity in Open Space District:*

Larry DiRe stated that he revised the draft language changing the hours to 9:00 a.m. through sunset as discussed at the September meeting. He went on to state that he had spoken to other department heads and the recreation department was amenable to having the part time person assist with verification of the vendors in attendance on a daily basis. He spoke with the treasurer regarding the need to amend the peddler license regulations. There was much discussion regarding the peddler's license in regards to the fees, reporting of sales, the tracking of cash purchases, and the need to think things through and be careful so as not to create any unintentional harm to the existing businesses. There was further discussion as follows: i) If a vendor sold out, were they obligated to stay the rest of the day due to the timeframe stated in the draft ordinance? It could not be held against a vendor if they sold out and had to leave early. Attendance could possibly be enforced on weekends only. This

language was taken from the farmer's market guidelines. This project was more complex than the farmer's market; ii) Consider restrictions on glass bottles; iii) Consider possibly restricting to just food vendors; iii) This could initially be done as a pilot program for a 12-18 month period; and iv) The Commission requested that this language be presented to the Town Council to obtain their feedback to see if it was something that they wanted to pursue. It was suggested that this item and the animal humanity ordinance be scheduled for a November Town Council work session.

C. *Set Date for Comprehensive Plan Joint Public Hearing with Town Council:*

Larry DiRe stated that the draft Comprehensive Plan was reviewed by the Town Council at a special meeting on September 29, 2016. There were several items that still needed to be addressed as follows: i) Recent zoning changes were approved for a parcel from mixed-use harbor district, changing it to industrial; ii) The Comprehensive Plan referred to future harbor dredging. With the completion of the dredging project, this language needed to be updated; iii) Eventacular was no longer viable and needed to be removed; iv) Language needed to be added regarding the Main Street Initiative; v) The Town Council Priorities needed to be updated from 2009. Andy Buchholz informed the Town Council that the Commission needed their guidance regarding that section; vi) The age of the supporting documents were between 10-20 years old and a plan was needed to either retire or update those documents; and vii) Things were moving so fast in town that it was difficult to keep the language up to date. The Town Council wanted to make sure that the Comprehensive Plan reflected the current status of the town.

Motion made by Dan Burke, seconded by Bill Stramm, to set Tuesday, December 6, 2016, as the date for the joint public hearing with the Town Council to hear comments regarding the draft Comprehensive Plan. The motion was approved by unanimous vote.

D. *Review Attorney Revisions to Draft Tourism Zone Ordinance:*

Larry DiRe stated that the attorney questioned the clause in § XX-6.7 which required the business to repay the total amount of the rebate received if the business were to move out of the town to conduct business in another location within three years after the expiration of all incentive periods. A number of procedural changes were made by the attorney as well.

After much discussion regarding the clause in § XX-6.7, the Commissioners agreed to delete the clause.

Motion made by Bill Stramm, seconded by Dan Burke, to forward the Tourism Zone ordinance to the Town Council as amended. The motion was approved by unanimous vote.

NEW BUSINESS

There was no New Business to review.

ANNOUNCEMENTS

There were no announcements.

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

Chairman Dennis McCoy

Town Clerk