



PLANNING COMMISSION & TOWN COUNCIL
Joint Public Hearing & Regular Meeting
Cape Charles Civic Center
March 1, 2016
6:00 p.m.

At 6:00 p.m. Vice Chairman Mike Strub, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Vice Chairman Strub, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali and Sandra Salopek. Chairman Dennis McCoy and Commissioner Bill Stramm were not in attendance. Also in attendance were Town Manager Brent Manuel, Town Planner Larry DiRe and Town Clerk Libby Hume. There were six members of the public in attendance.

Mayor George Proto, having established a quorum, called to order the Public Hearing and Meeting of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Godwin, Wendell and Councilwoman Natali. Councilman Brown was not in attendance.

Town Planner Larry DiRe provided an overview of the proposed Zoning Ordinance text and map amendments. (Please see attached.)

PUBLIC HEARING COMMENTS:

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

Motion made by Andy Buchholz, seconded by Sandra Salopek, to close the Planning Commission Public Hearing. The motion was approved by unanimous vote.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to close the Town Council Public Hearing. The motion was approved by unanimous vote.

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

PUBLIC COMMENTS:

Karen Gay, 506 Monroe Avenue

Ms. Gay spoke in favor of designating a portion of the beach to allow dogs. She distributed a photograph of a dog in an alley taken while she was walking around the Town and described that the dog was in a pen with a shed with 3" - 5" of standing water. Animal Control looked at the conditions when it was dry and informed her it was legal. She asked the Planning Commission to think about this situation and whether they thought it was humane. She concluded by encouraging public discussion of the issue regarding adequate treatment of a pet.

Gwen Parker, 709 Prestwick Turn

Ms. Parker stated that she agreed with Ms. Gay and added that the dogs were standing in excrement and were left there day after day.

Town Clerk Libby Hume read a letter submitted by Linda J. Burke of 516 Madison Avenue. (Please see attached.)

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

CONSENT AGENDA

With the Town Council in attendance to discuss the Northampton County Zoning Ordinance, it was recommended to move New Business Item 6A ahead of Old Business.

Motion made by Andy Buchholz, seconded by Dan Burke, to move New Business Item 6A – Review of Northampton County proposed Town Edge-1 and Town Edge-Commercial General District Land Uses before Old Business. The motion was approved by unanimous vote.

The Commissioners reviewed the minutes for the February 2, 2016 Regular Meeting and the February 22, 2016 Comprehensive Plan Public Input Session.

Libby Hume stated that Bill Stramm submitted comments via email and had noted a typographical correction to page 2 of the February 2, 2016 Regular Meeting minutes.

Motion made by Joan Natali, seconded by Sandra Salopek, to approve the minutes from the February 2, 2016 Regular Meeting as amended and the February 22, 2016 Comprehensive Plan Public Input Session as presented. The motion was unanimously approved.

REPORTS

Larry DiRe reported that he did not have anything to add to his written report and updated the Commission stating that the property owner of 207 Mason Avenue had contacted him and Code Official Jeb Brady regarding the conditional use permit.

NEW BUSINESS

Review of Northampton County Proposed Town Edge-1 and Town Edge-Commercial General District Land Uses:

Larry DiRe stated that the Northampton County Board of Supervisors (BOS) adopted the current zoning ordinance in December 2015. In January 2016, the new BOS voted to repeal the decision and revert back to the Zoning Ordinances from 2009, 2000 and 1983. The first step of the process was the March 9, 2016 Public Hearing with a comment period until March 21, 2016.

The Commission and Council reviewed the current and 2009 zoning maps of the Town Edge areas and the listing of uses in these areas. There was much discussion regarding the issue and the draft Historic Town Edge Corridor Overlay (HTE) which was provided to the BOS and County Planning Commission on several occasions over the last few years, the latest was submitted along with two Town Council resolutions which were adopted on May 22, 2014. Mayor Proto asked that the HTE be emailed to the Council and Commissioners.

After further discussion, the Commissioners were charged with comparing the County's Town Edge language with the HTE at their April 5th meeting in order to make a recommendation to Council regarding how the Town should move forward to begin discussions with the County Planning Commission and BOS. There was some discussion regarding another possible joint meeting with the Council and Commission in order to expedite the process.

Mayor Proto stated that a meeting with the BOS needed to be scheduled for general discussion to open up communications with the new BOS. The Town could then make a recommendation to work together regarding the Town Edge language.

Town Manager Brent Manuel reminded the Council regarding the pending litigation against the County. The BOS were committed to reverting back to the previous zoning ordinance. The Town would still have the opportunity to work with the County moving forward.

Mayor Proto stated that he felt the 2009 Town Edge zoning map was more of a risk than the one approved in 2015. There was more discussion regarding possible uses in this area.

Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to adjourn the Town Council Meeting. The motion was approved by unanimous vote.

B. Potential Location for Dog Beach

Larry DiRe stated that the issue regarding dogs accessing public property in general and the Town beach in particular had been discussed in the past and last year a committee of residents studied the issue of dog recreation and activity around the Town. Several months ago, a resident addressed the Commission regarding the need for dog-friendly facilities in Town, including at the beach. There were benefits to having a designated time and place allowing dogs at the beach, especially in regards to furthering tourism marketing to travelers specifically interested in bringing their dogs with them on vacation. Staff performed a brief review of practices and regulations associated with dog-friendly beaches across the county and communities and public agencies in California and Florida were among the most prominent and well-regulated.

There was much discussion regarding this issue as follows: i) Whether the designated area on the beach would be exclusive for dogs 24 hours each day and if so, some type of physical barrier or fence to separate the dog beach to prevent dogs from getting to the other areas of the beach; ii) Whether to dogs would be permitted to be off-leash only in the water and tide and if on sand, should dogs be leashed and/or under the physical control of their owner(s); iii) Insurance issues; iv) Cleaning the area; v) A possible review of the report from California. Larry DiRe stated that it was 67 pages and that he would email it to the Commissioners; vi) Legal recourse if there were any problems; vii) Possibly broadening the scope of this topic to include a dog park and the ethical treatment of animals. The Commission could research and draft language for recommendation to the Town Council. Larry DiRe stated that he would research the Code of Virginia since Virginia was a Dillon Rule State to determine whether the Town had the ability to regulate the treatment of animals. This issue would be revisited at the April meeting.

OLD BUSINESS

A. Zoning Ordinance Text and Map Amendments

A public hearing was held earlier in the evening with no public comments received.

Motion made by Dan Burke, seconded by Joan Natali, to make a recommendation to Town Council to approve all amendments as presented. The motion was approved by unanimous vote.

B. Draft Comprehensive Plan

The Commissioners reviewed notes and suggested language from Ms. Elaine Meil, executive director of the Accomack-Northampton Planning District Commission, incorporating the public comments received at the February 22, 2016 Comprehensive Plan Public Input Session.

Motion made by Joan Natali, seconded by Dan Burke, to incorporate the changes as discussed into the Comprehensive Plan and forward the Draft Comprehensive Plan to Town Council for their review. The motion was approved by unanimous vote.

C. Zoning Ordinance Article III, Section 3.6.B.35

The Commissioners reviewed some of the by-right uses in the Specialty Commercial (SC) District which allowed no conditional uses. Larry DiRe stated that any type of business could open by-right in Cape Charles.

There was some general discussion regarding the following: i) The uniqueness of the Town and surrounding area, especially for tourism; ii) Cape Charles was a transient town and there were a lot of businesses that weren't currently here but could potentially come here based on the seasonal nature. The Town had potential for "mom & pop" businesses; iii) There was a need for additional choices for food. There were not enough restaurants and many people did not want to wait for hours to get a table. If the food in a restaurant was good, people would possibly wait. Many restaurant owners were opposed to food trucks, but typically, food trucks would not affect the business for a restaurant. There was some discussion regarding restaurants that were unprepared last season and ran out of food on a number of occasions; iv) A strategy was needed for a business plan. The Town needed to show what could be done in Cape Charles vs. what could not be done. It would be helpful to have this information available to the public; v) There could be unintended consequences such as tax issues with more non-profits coming into the Town and taking properties off the tax roll. The Town should not restrict the type of business coming into the commercial district; vi) The possibility of removing some of the by-right uses and requiring conditional uses; vii) The current Zoning Ordinance included language regarding the design of churches but should not be regulating places of worship. There was discussion regarding the possibility of changing the terminology "churches" to "places of public assembly;" and viii) There was some discussion regarding "equestrian trails and facilities" which was a by-right use in the SC District. There wasn't any location in Town that could accommodate such a use. There was also a law regarding the number of horses permitted per acre.

Larry DiRe would research these issues and report back to the Commissioners at the May meeting.

ANNOUNCEMENTS

There were no announcements.

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

Vice Chairman Mike Strub

Mayor George Proto

Town Clerk

Public Comments Submitted in Writing
March 1, 2016 Planning Commission Meeting

Linda J. Burke, 516 Madison Avenue

To Town Council and Planning Commission:

Thank you for this opportunity to express my views.

I would like to have the north end of the beach designated for dogs as a lot of residents are dog owners and many vacationers bring their dogs with them. Pet friendly resorts are an increasingly popular trend.

Additionally, I would like to see Cape Charles create an ordinance that would ensure the humane treatment of dogs by prohibiting the use of dog pens. I have seen dogs in water up to their chests after a heavy rain in two separate instances. These same dogs were in a shed or some type of dreadful structure during the frigid weather we had over the winter. You will find the indifference these pet owners have for their pets is the same indifference they have concerning the condition of their property. Most kennels or pens are not only inhumane, but are a blight on the neighborhood.

Town Council can draft and pass an ordinance to prevent the inhumane life imposed on these helpless animals. Other municipalities in Virginia have done it. Town Council had the ability, the question is do they want to take a stand and make a difference.

Proposed Zoning Ordinance & Map Amendments

March 1, 2016 Joint Public Hearing & Meeting

The following sections of the Zoning Ordinance of the Town of Cape Charles are proposed for text amendment in order to correct factual or typographical errors, or comply with language in the Code or Virginia, or provide clarity in the administration of the Ordinance.

Article II Section 2.9 (page 26) defines "Municipal Community Center" as "the former Cape Charles High School building." That section shall read "See Neighborhood Community Center."

Article IV Section 4.5.B (page 29) identifies Section 4.8 as "Table of Parking Standards". That section (Section 4.5.B) shall read "Section 4.5.1."

Article III Section 3.2.I (pages 5-6) enumeration reads as follows: "1. Proportions; 3. Scale and Orientation; 4. Roofs; 4. Windows and Doors." This section shall read "2.Scale and Orientation" and "3.Roofs."

Article III Section 3.2.C.3.c (page 3) identifies Section 4.8.E.2 as "Table of Parking Standards". That section (Section 3.2.C.3.c) shall read "Section 4.5.1."

Article II Section 2.5.1.A.6 (page 6) and Article II Section 2.5.5 (page 7) both cite a four-year period of non-occupancy of non-conforming structures. Virginia Code Section 15.2-2307 states a two-year period. These sections shall read "two."

Article II Section 2.3.7 is proposed for the purpose of resolving textual inconsistencies across the zoning ordinance. This section shall read, "Where there is conflict between the provisions or requirements of this ordinance, the more restrictive provisions or requirements shall apply."

Article III Sections 3.5.B.21; 3.6.B.36; 3.7.B.3; and 3.8.B.2 state "compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district." Section 3.9.E.8 states, "Any other use which is compatible in nature with the foregoing permitted and conditional uses and which is determined to be compatible with the intent of the District." These sections (3.5.B.21; 3.6.B.36; 3.7.B.3; and 3.8.B.2) shall read "and is concurred with by the Planning Commission." The revised Section 3.9.E.8 shall read "Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Commissioner determines to be compatible with the intent of the District, and is concurred with by the Planning Commission."

The following parcels are proposed for Zoning District re-identification on the Zoning Map of the Town of Cape Charles to correct a cartography error.

Four Peach Street parcels (83A3-1-599c; 83A3-1-600c; 83A3-1-601b; and 83A3-1-601c) commonly known as 8 Peach Street, 10 Peach Street, and 12 Peach Street, are depicted on the February 2014 zoning map as zoned Residential - 1. Previous maps showed them as Commercial -1, and the historical use of those parcels is commercial.