



PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
March 3, 2015
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, Sandra Salopek and Mike Strub. Commissioners Joan Natali and Bill Stramm were not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. There were no members of the public in attendance.

PUBLIC COMMENTS:

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

Dennis McCoy asked Libby Hume to read the comments regarding the Draft Comprehensive Plan submitted by Joan Natali via email. (Please see attached.)

There was much discussion regarding the library. Dan Burke stated that the library had recently been expanded and felt the language regarding expansion needed to be removed.

Andy Buchholz stated that the Comp Plan was a guiding document for the future and as per Joan Natali's comments, the library would need another expansion in the next 5+ years. With the language in the Comp Plan, the issue could be reviewed and addressed when the time came.

Motion made by Dan Burke to remove the third sentence of paragraph 2 on page 12 as discussed. The motion died for lack of a second.

CONSENT AGENDA

Motion made by Sandra Salopek, seconded by Mike Strub, to accept the agenda format as presented. The motion was unanimously approved.

The Commissioners reviewed the minutes for the January 6, 2015 Comprehensive Plan Work Session, the January 12, 2015 Regular Meeting and the February 3, 2015 Joint Public Hearing and Special Meeting with the Town Council.

Motion made by Mike Strub, seconded by Andy Buchholz, to approve the minutes from the January 6, 2015 Comprehensive Plan Work Session, the January 12, 2015 Regular Meeting and the February 3, 2015 Joint Public Hearing and Special Meeting with the Town Council as presented. The motion was unanimously approved.

REPORTS

Larry DiRe reported the following: i) The Historic District Review Board met on February 24th and discussed administrative matters such as the By Laws and fee structure. The election of officers was tabled until March 17th because two members were not in attendance; ii) Three separate property owners in the R-1 district recently contacted his office inquiring about duplex new construction and either subdividing buildings into rental apartments and/or putting a

rental apartment unit above a garage. All were informed by phone and email that the R-1 was for single-family dwellings units only. He went onto Zillow.com and found a lot of incorrect information regarding properties in the R-1 district; iii) VDOT was reviewing the plans submitted by Patrick Hand for the Mason Avenue project and their comments were expected back by mid-March; iv) Staff contacted VDOT regarding reverse angle parking on Mason Avenue from Plum Street westward to Bay Avenue for the north side of the street only. Shoreline Surveyors began the process of preparing a pavement marking plan and staff was preparing the written report to accompany the pavement marking plan for submittal to VDOT; v) Staff was planning to attend the Northampton County Public Information Meeting regarding the proposed revised zoning ordinance and map on Thursday, March 5th, at Kiptopeke Elementary School; vi) Staff was reviewing the Town's zoning ordinance and would bring forward several items for Planning Commission review in the next few months; and vii) The Town's Floodplain Ordinance was approved. The Town was awaiting the official letter and would provide copies to the Commissioners upon receipt.

OLD BUSINESS

A. *Comprehensive Plan Update – Final Review*

The Commissioners reviewed the Comprehensive Plan Update as amended at the January 12th meeting.

Motion made by Dan Burke, seconded by Andy Buchholz, to approve the Comprehensive Plan Update document as the final draft and schedule a Special Joint Meeting on April 7th to review the recommended changes with the Town Council. The motion was unanimously approved.

B. *Tourism Zone*

Larry DiRe stated that the Code of Virginia § 58.1-3851 permitted cities, counties and towns to establish tourism zones and to grant tax incentives and certain regulatory flexibility in the zone. Tax incentives could be provided for up to 20 years and include a reduction of permit fees, user fees, or any type of gross receipts tax. The Town established a Technology Zone in 2011. Initially, the work on the Technology Zone and Tourism Zone were done simultaneously but after the adoption of the Technology Zone, not much work had been done regarding the Tourism Zone. The Commissioners reviewed the last draft provided by former Planner Rob Testerman in September 2014. The last discussion was in regards to the number of employees which would constitute "job creation" and a base line to capitalize "improvements." There was much discussion and several of the Commissioners felt that a minimum capital investment of \$25K was too high for the small tourism-related businesses in Town.

Larry Dire would be meeting with Cape Charles Business Association (CCBA) President Andrew Follmer to obtain his thoughts regarding the base line amount for capital improvements and possible incentives. Andy Buchholz, also vice president of the CCBA, informed the Commissioners that the CCBA would be meeting on Thursday and he would mention this information to them.

A number of inconsistencies in the numbers were pointed out. This document was drafted from language obtained from Tourism Zone ordinances from other localities and it appeared that there were several locations within the document where the numbers had not been updated for the Town of Cape Charles.

Larry DiRe mentioned that the ordinance referred to a procedures manual but he had not located a manual and one would need to be drafted.

The Commissioners agreed that the numbers, including a cap for rebates, needed to be reviewed and the potential impact to the Town and businesses needed to be evaluated. Larry DiRe stated that a team of staff, including the treasurer, would need to review the numbers. The Commissioners agreed that more work was needed before a joint meeting could be scheduled with the Town Council. The Commission agreed that the "Definitions" were sufficient.

NEW BUSINESS

There was no New Business to review.

ANNOUNCEMENTS

There were no announcements.

Motion made by Andy Buchholz, seconded by Dan Burke, to adjourn the Planning Commission meeting. The motion was unanimously approved.

Chairman Dennis McCoy

Town Clerk

Email received from Commissioner Joan Natali:

March 3, 2015, 4:36 PM

Subject: Response to Chairman McCoy's Comprehensive Plan Questions from January 12th Regular Meeting

Question: Page 12, second paragraph – The comment on more space needed for the Library threw us off, so we deleted it.

Response: The library is pretty much at capacity and the 2nd floor is not handicap-accessible. These are two issues the Town will have to deal with, especially if the economy picks up, our populations grows and/or tourism continues to bring more and more visitors to the Town. That may take 2, 5 or more years, but it needs to be monitored, reviewed and addressed, as appropriate, when one or more of these occur. That's why I believe it should be included in the Comp Plan; not removed.

Question: Page 18, III.3.2 Industrial – The prose for the first sentence did not make sense to us and we took our own spin on what it was supposed to say. See also Page 21 Category Industrial (GB,M-1) as another reference to similar prose.

Response: I think your revision is fine.

The following sentence is supposed to be included in any "Harbor" area designation.

"All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation."

Our thought back then was to include this in the unlikely event that the railroad left Cape Charles (an event we hoped would never occur), the railroad property would be re-designated "Harbor Mixed Use."

In our Zoning Ordinance, there is the following statement:

"Any area annexed by the Town of Cape Charles shall, unless otherwise state4d, immediately upon the effective date of such annexation be automatically classified as an R-1 district until a zoning plan for such area has been adopted by the Town Council. The Planning Commission shall prepare and present to the Town Council a zoning plan of the annexed area within six months of the annexation."

We did not want R-1, we wanted the railroad area to be included in the Harbor district and follow all Harbor district requirements. That is why we included that working in the Comp Plan.

I hope this helps.
Joan