



PLANNING COMMISSION

Regular Meeting

Town Hall

July 9, 2013

At approximately 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Commissioner Andy Buchholz arrived at 6:04 p.m. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were two members of the public in attendance.

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

PUBLIC COMMENTS

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

CONSENT AGENDA

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

The Commissioners reviewed the minutes for the June 4, 2013 Regular Meeting. Dan Burke stated that during the discussion regarding potential businesses on Route 13, it was noted that if a Rite Aid Pharmacy were to locate along the highway, the Town could potentially lose Rayfield's Pharmacy and asked that specific language regarding the loss of Rayfield's be added to the minutes.

Motion made by Sandra Salopek, seconded by Mike Strub, to approve the minutes from the June 4, 2013 Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Rob Testerman reported the following: i) The Historic District Review Board met on June 18 to review the application for the old Cape Charles School. The decision was tabled until the August meeting so additional information could be reviewed. A new application for review at the July 16th meeting had been received for an addition and accessory building at 114 Randolph Avenue. This project was previously approved by the Board in 2011 but the approval expired since no work had been done within 12 months; ii) VDOT continued the sidewalk project. If anyone asked about the work being done, they should be referred to Dave Fauber; iii) He and Heather Arcos met with Charles McSwain and Peter Stith of Northampton County Planning regarding the Town's concerns on commercial development along Route 13, near Route 184 and the impact it could have on the Town businesses. The County and Town would continue to work together regarding this matter. The County was currently updating their Comprehensive Plan. A meeting was being held this evening to present information to the Board of Supervisors. The County could not give us specific details since the plan was not finalized but informed us that the minutes from the meeting would be on their website fairly quickly. Bill Stramm stated that he attended the July 2nd County Planning Commission meeting and it seemed that they were still working on formatting, not the content and added that it would be beneficial for our Planning Commission to use the County's Comprehensive Plan for input. Dennis McCoy stated that the County's plan would be beneficial for the Town Edge area but he was not sure how useful any of the other items would be. Rob Testerman stated that he would contact the County regarding a joint meeting with the County Planning Commission; iv) In

the past, he worked closely with Eastern Shore Healthy Communities. The group selected Cape Charles as one of four awardees to receive demarcation for a walking trail in Town in an effort to promote healthy lifestyles. The signs were funded through a mini-grant. The group would get the necessary permits from VDOT and pay for the signage; v) The conditional use permit for 712 Randolph was approved by the Town Council at their June 20th meeting; vi) He was reviewing the Town's land use applications, including conditional use permits, rezonings, zoning clearance, etc. and procedures and would revise them if necessary to enable a more streamlined process. He would also develop a checklist for staff with timelines, etc. to make the process easier for the applicants to understand; vii) The Town received preliminary FIRM maps from FEMA. FEMA would be contacting the Town to schedule a formal community coordination meeting. This was an agenda item so more details would be provided during the meeting; and viii) Kyle Prendergast, the JMU intern, created a new Cape Charles Zoning Map. This item would also be discussed in detail during the meeting.

OLD BUSINESS

A. *Density in the Harbor District Zone – FAR*

Rob Testerman stated that he had been reading through the meeting minutes and it seemed that the density issue for the Harbor District Zone was about ready to go to public hearing and if the Commissioners were comfortable with the proposed changes, a joint public hearing with the Town Council could be scheduled in August. Dan Burke asked Rob Testerman his opinion regarding the floor area ratio (FAR) concept. Rob Testerman stated that he did not use it in Accomack County but that it seemed to be good for the Town. Dennis McCoy added that the FAR concept would make sure that the applicant abided with the open space and parking regulations. Andy Buchholz agreed that FAR would fit the Town's use regarding open space and parking. Dan Burke added that he read on the internet that FAR would be an advantage for people owning two adjacent lots. Andy Buchholz stated that that was not true since both lots would have to abide by the setbacks, etc. Rob Testerman agreed with Andy Buchholz and added that the property owner would have to apply to vacate the property lines in order to not have to abide by the setbacks for each lot. There was much discussion regarding the Tavi property, the setbacks associated with the property and their previous plan for underground parking which under FAR would be counted as part of the floor space.

Bill Stramm asked about the proposed language regarding Mainstreet Mixed Use stating that the area needed to be better defined and asked whether the Mainstreet Mixed Use area could be shown on the Zoning Map as a different color than the remainder of the Harbor District. Rob Testerman stated that in order to show the area as a different color, the area would have to be rezoned as its own district. There was much discussion regarding the proposed language under Section 3.9.B. Joan Natali stated that the Mainstreet Mixed Use area was basically the south side of Mason Avenue and suggested that the boundaries be stated in this section in order to better define the area. Possible language could be "the south side of Mason Avenue from Bay Avenue to the railroad property around Peach Street, bound on the south side by the railroad property and on the north side by the middle of Mason Avenue." After further discussion, Rob Testerman asked the Commissioners if they wanted him to draft the revised language per their discussion or whether the Commissioners wanted to draft the language. Joan Natali stated that in the past, the Commissioners discussed an issue and provided their thoughts to the Planner who drafted the language for the Commissioners to review and approve.

The commissioners continued their review of the proposed changes to Section 3.9. Joan Natali expressed her concern regarding the requirement that all blocks in the Mainstreet Mixed Use Area be equal to the blocks on the north side of Mason Avenue and that the existing viewsheds be maintained and whether this could be construed as the Town taking private property to continue the roads/viewsheds. Andy Buchholz stated that this would be an issue with Pine Street and Harbor Avenue. Joan Natali went on to state that we needed to be careful regarding

the language we use and added that the old grocery store building was at the end of Strawberry Street. Joan Natali stated that she felt that a legal opinion was needed before the language was finalized. Bill Stramm agreed that the Commission needed to know the legal ramifications before moving forward.

Rob Testerman stated that he would draft the revised language for Section 3.9.B. per this evening's discussion. Dennis McCoy stated that the language could be circulated to the Commissioners via email for their review and comments.

Motion made by Joan Natali, seconded by Dan Burke, to schedule a joint public hearing with the Town Council upon receipt of a favorable review of the proposed language by legal counsel. The motion was approved by unanimous vote.

B. Sign Ordinance

There was much discussion regarding signs being placed around Town and the truck in the July 4th parade which was also parked on the side of Mason Avenue with the signage during the holiday weekend. Andy Buchholz mentioned that the County was also having issues with wrapped vehicles which served as the equivalent of moving billboards. Rob Testerman stated that Section 4.1 of the Zoning Ordinance spelled out the regulations but there was a problem with enforcement. Andy Buchholz stated that the Town used to require a sign permit but it seemed that no one was enforcing the permit regulation. Currently, the ordinance stated that a letter would be sent to the sign or property owner, but nothing else. Dennis McCoy stated that that was the reason the Commission was reviewing the Sign Ordinance. Joan Natali read an excerpt from Arlington's sign ordinance where it stated that the city officials would remove illegally placed signs, impound them and assess a charge to the owners.

Rob Testerman stated that currently, the Town charged \$50 for a sign permit for a business and there was no charge for residential. The higher fee could be charged for those that applied for permits after the fact.

Rob Testerman went on to state that he included the staff report and minutes from the March 3, 2013 meeting since it had been several months since the Commission had discussed the sign ordinance. Andy Buchholz reiterated that the Town needed to get back to issuing sign permits with numbers and added that he required permits before he would hang a sign and for businesses, the permits should be required to be hung inside the business along with the business license. Andy Buchholz also brought up that time limits needed to be designated for temporary sign permits. There was also discussion regarding signs on vehicles and Joan Natali suggested that signs on vehicles could be defined to advertise the business of the vehicle owner.

The Town's current ordinance stated that political signs could be placed 45 days prior to the election and must be removed within 7 days after the election. There was much discussion regarding political signage.

The Commissioners proceeded to review the draft Sign Ordinance provided in the packet and additional changes were made as follows: i) Under Section 4.1.B – Definitions, the size for a Free-Standing Sign, a Menu Board and a Sandwich Board would be added to show a "maximum of 10 square feet" per page 2 of the March 5, 2013 minutes; ii) In Table H.1.b. "Single-family residential" was changed to "Residential Subdivisions;" iii) Under Section 4.1.H.2.f, item (1) the size of political signs was clarified to show 4 square feet "per sign." There was some discussion regarding the number of political signs permitted on a residential property and it was decided not to limit the number of signs since typically an election included more than one position, i.e., Governor, Senator, Delegate, etc., and an individual could place signs for several people in their yard. There was much discussion regarding other types of temporary signs that would not be

considered political or real estate. Libby Hume suggested adding another category “g” for “Other Temporary Signs” for those temporary signs that did not fit in any of the other categories. The Commissioners agreed and this category could be limited to one sign per yard; iv) In Section 4.1.H.3.g. – Menu Boards, the sign dimensions were removed and a limitation of one sign per business was added; and v) In Section 4.1.H.3.h. – Sandwich Boards, the size not to exceed 10 square feet and the limitation of one sign per storefront were added.

Rob Testerman stated that he would research ordinances from other localities regarding enforcement of the sign ordinances. Joan Natali noted that some ordinances quote the State Code. Sandra Salopek added that there could be some information in the Small Town Planning Handbook that she received at the Certified Planning Commissioner’s Class.

NEW BUSINESS

A. *Meeting Structure Discussion*

Rob Testerman stated that he wanted to discuss how meetings were run and explained that when he was working for Accomack County, for ordinance reviews, the Commission went through the ordinance item by item and discussed the issue and made any necessary changes. Dan Burke stated that in the past, Tom Bonadeo prepared the documentation and provided it to the Commissioners several days prior to the meeting.

Mike Strub recommended a separate meeting to discuss this item in detail.

There was some discussion regarding the comprehensive plan review and process. Rob Testerman stated that he had discussed this with Heather Arcos in regards to using the Accomack-Northampton Planning District Commission or other consultants. Joan Natali stated that the Planning Commission revamped the entire Comprehensive Plan in 2009 to make the document more user-friendly. The work was done in-house and took quite a long time. The Commissioners met several times each month and the meetings lasted four to five hours each. Dan Burke stated that he did not think consultants were needed. Dennis McCoy countered stating that consultants would help facilitate the information collection and public sessions, etc., which were very time consuming. Rob Testerman stated that he would be providing more information regarding the Comprehensive Plan update in the future and agreed that it would be more beneficial to schedule a separate meeting to continue this discussion. A special meeting was scheduled for Monday, July 29th, at 6:00 p.m.

B. *New Zoning Map*

The Commissioners reviewed the new Zoning Map which was updated by JMU intern Kyle Prendergast and noted several corrections as follows: i) Arnie’s Loop in Bay Creek was not shown; ii) The Legend needed to be defined as done in the 2008 map; iii) Some commercial areas were missing in Bay Creek such as the Coach House/Golf Shop, Pool area, tennis courts, and maintenance building. These areas were designated as Open Space on the map which could not include buildings; iv) No detail or road names in the New Quarter village of Bay Creek; v) The road going into Creekside Lane had a different name which was not shown; and vi) Park Row in the Historic District was not shown. Rob Testerman stated that he would make the noted corrections for review again by the Commissioners.

C. *FIRM Maps*

The Commissioners reviewed the preliminary Flood Insurance Rate Maps provided by FEMA. Rob Testerman stated that the Town had 30 days to review the maps for non-technical things such as road names. FEMA would be contacting the Town to schedule a formal meeting. The Town would have 90 days after that meeting to review and provide input. The Town had 6 months after the maps had been finalized to update the Flood Ordinance. Rob Testerman pointed out the differences between the new map and the map from 2008. In 2008, the

majority of the Historic District was in the AE zone which required flood insurance. The new map only included the area along the beachfront in the AE zone. The Commissioners reviewed several maps including the Historic District and Bay Creek development. Rob Testerman stated that FEMA should have the map posted online soon and asked the Commissioners to email him any comments.

ANNOUNCEMENTS

There were no announcements.

Motion made by Joan Natali, seconded by Andy Buchholz, to adjourn the Planning Commission meeting. The motion was approved by unanimous vote.

Chairman Dennis McCoy

Town Clerk