



PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
August 4, 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, Joan Natali, Sandra Salopek and Bill Stramm. Commissioners Dan Burke and Michael Strub were not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. There were five members of the public in attendance.

PUBLIC COMMENTS:

Steve Michel, 10 Peach Street

Mr. Michel addressed the Planning Commission regarding the proposed zoning map amendment, the proposed inclusion of "brew pub" in the restaurant definition, and a proposed brew pub in town. (Please see attached.)

Bill Prickett, 210 Tazewell Avenue

Mr. Prickett addressed the Planning Commission expressing his opposition to reverse-angle parking adding that he had also submitted written comments to be read into the record.

Town Clerk Libby Hume read the emails submitted by Mr. Prickett. (Please see attached.)

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

CONSENT AGENDA

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

The Commissioners reviewed the minutes for the July 7, 2015 Regular Meeting and the July 13, 2015 Planning Commission Comprehensive Plan Meeting.

Motion made by Joan Natali, seconded by Bill Stramm, to approve the minutes from the July 7, 2015 Regular Meeting and the July 13, 2015 Comprehensive Plan Meeting as presented. The motion was unanimously approved.

REPORTS

Larry DiRe reported the following: i) An overview of the status of the sign ordinance in light of the June ruling by the Supreme Court but the decision did not rule all sign ordinance unconstitutional. Staff was reviewing the town's ordinance which was mostly in line with the issued guidelines. Staff was awaiting further recommendations from the Virginia Municipal League; and ii) The Board of Zoning Appeals would meet on August 5th to consider an application to conduct a non-conforming commercial operation at 309 Jefferson Avenue, which was the former Samples barber shop.

OLD BUSINESS

A. *Draft Text Amendment for "Bedroom" definition*

Larry DiRe stated that the Zoning Ordinance referenced bedrooms in the Table of Parking Standards to determine the number of required off-street parking spaces for certain residential and residential/commercial uses, however the term was not defined. Larry DiRe went on to read the proposed definition to be added to Article II Section 2.9. There was much discussion regarding the proposed language as follows: i) If the language were to be adopted, staff would have to scrutinize the number of bedrooms on a property, especially since the water/sewer connection fees were based on the number of bedrooms. It would be possible for a property owner to pay a connection fee for less than two bedrooms and convert an existing room into a bedroom; ii) Should the language address the size of the bedroom or the number of people residing in the bedroom? The Commissioners asked staff to research any existing guidelines regarding the number of occupants in a bedroom depending on size of the room.

B. *Draft Accessory Dwelling Units Ordinance Review*

Larry DiRe stated that while specifically prohibited in the Zoning Ordinance, accessory dwelling units were promoted in the Comprehensive Plan. Both documents address the need to promote affordable housing.

There was much discussion regarding Section 4.2.K.A regarding the physical characteristics, mainly the recommended occupancy of a unit based on the floor area. Andy Buchholz stated that this issue went back to the definition of bedroom and the discussion of the previous agenda topic and added that the language needed to be consistent in regards to the size and number of occupants permitted. After further discussion, Andy Buchholz suggested removal of the language regarding "appliances" from the definition of bedroom.

Larry DiRe stated that this issue would be brought back for further discussion after the review of bedroom sizes was performed in order to make the language in these two sections more consistent.

C. *Draft Tourism Zone Ordinance Review*

Larry DiRe stated that the changes made at the July 7th meeting were incorporated into the proposed language provided for further review this evening. There was much discussion as follows:

Section XX-2 – Administration: The treasurer also needed to be involved in the review and verification process. Joan Natali suggested a team consisting of the town manager, planner and treasurer working together to review the criteria and to ensure compliance.

Section XX-6 – Economic stimulus credits and enforcement:

- Item (a)(4): i) Larry DiRe explained that he used the hours worked by one full-time (35 hours) and two part-time (25 hours each) employees to determine the minimum qualified staff hours; ii) the credit of the facility and connection fees would only apply to new buildings; and iii) receipts and tax returns would be submitted for verification purposes.

Larry DiRe stated that he would review the information with the treasurer to obtain her input.

D. *Proposed Bay Avenue Reverse-Angle Parking Drawings Review*

Larry DiRe stated that there were currently no markings along Bay Avenue to designate parking spaces and it was inefficient use of space. There was much discussion regarding reverse-angle parking vs. pull-in angle parking vs. parallel parking along Bay Avenue. Larry

DiRe stated that he had spoken to a VDOT representative and pull-in angle parking could be an option for Bay Avenue with VDOT review of the speed limit, its having a firm divider, and crash record. There was some discussion as follows: i) The sand bank on the west side of Bay Avenue between the street and boardwalk was a barrier for either pull-in or reverse-angle parking. It was noted that it was being destroyed by people walking on it as well; ii) Additional beach parking was needed because beach goers were parking on the residential streets in front of houses so that the property owners could not park in front of their own house; iii) There was concern with the safety of pull-in angled parking where vehicles would back into the traffic lane and the feeling that there would be more accidents with this type of parking; and iv) Larry DiRe was currently taking twice-a-day traffic counts of the number of cars and golf carts parked along Bay Avenue during the work week. To date, he had three weeks' of information. Larry DiRe added that he was also noting the weather on any given day. The Commissioners requested that the parking counts be continued until the end of the season. The information would be revisited at the October meeting.

NEW BUSINESS

A. *Map Amendment Proposed to Resolve Conflict with Zoning Ordinance Article VIII Section 8.1*

Larry DiRe stated that there were four parcels on Peach Street which were currently zoned as Residential (R-1) but located in commercial structures which were contributing structures to the town's historic district. Staff felt that the zoning was a result of a cartographer's error when the maps were redone in 2013 since the properties had always been commercial. Larry DiRe stated that the 2008 Zoning Map showed the properties as commercial.

After some discussion, Dennis McCoy suggested that, unless anyone had any issues, the zoning map should be corrected to show these properties as commercial. The Commissioners were in agreement.

B. *Proposed Text Amendment to Zoning Ordinance Article II Section 2.9 and Permitted Use in Zoning Ordinance Article III Section 3.6.B - "Brew Pub"*

Larry DiRe stated that he had been contacted by a potential business owner interested in opening a brew pub in the Commercial (C-1) district. Brew pub fell under the classification of "eating and drinking establishments" but was not specifically defined. Larry DiRe read the proposed definition of a brew pub which was taken from the Brewers' Association and added that the predominance of the business would be food and brewing was an accessory use. There was much discussion as follows: i) Brew pubs were becoming very popular and were being opened all over; ii) They would have to meet ABC requirements which state that 50% of the sales must be food; iii) The Virginia Department of Health (VDH) would also inspect and regulate the facility. The Commissioners asked Larry DiRe to contact the VDH regarding regulations; iv) Vats were self-contained and would not emit odor as expressed by Mr. Michel. Several of the Commissioners had eaten in brew pubs and stated that they could not smell any odor from brewing; and v) Any potential odor could be from the spent grains when the vats were emptied and thought needed to be given to the proximity of residential housing to the commercial district. It was noted that restaurants emitted odors as well.

The Commissioners suggested Larry DiRe contact the City of Virginia Beach regarding their zoning and safety issues with brew pubs. It was also noted that there were condominium units in the Virginia Beach Town Centre area located by Gordon Biersch which was a brew pub.

Larry DiRe stated that the language in Article III Section 3.6.B.36 needed to be revised. Dennis McCoy suggested that the item be placed on the agenda for the September meeting for discussion.

ANNOUNCEMENTS

There were no announcements.

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

Chairman Dennis McCoy

Town Clerk

**Planning Commission Meeting
Public Comments Submitted in Writing
August 4, 2015**

Steve Michel, 10 Peach Street

1. My first comment concerns Page 27 of the Planning Commission Staff Report, which deals with the map amendment. When I started restoration of my building in 2005, I was told by the Town Government that the entire building was zoned C-1, but that I could get "conditional use" status for the upstairs residential area. This "common knowledge" was held by many within the town. Together they support the contention that the tax map needs revision to designate these areas as C-1.

2. The second comment is about Page 32, and the inclusion of a "brew pub" in the restaurant definition. The ordinance allows other types of businesses in a C-1 zone, assuming these businesses are compatible in nature with the "foregoing uses" that are itemized in the ordinance. I do not feel it is compatible in nature.

The brewing process produces off-gasses, including hydrogen sulfide. The smell is similar to rotten eggs. If it were emitted to the atmosphere, say through a brewery stack, it could affect a number of surrounding properties, depending on the wind, and possibly violate a town ordinance covering odors.

In addition, in sufficient concentrations, hydrogen sulfide is toxic, to the point whereby the Virginia Department of Environmental Quality has issued emission limits (see 9 VAC 5-40-1380). This is especially disconcerting to me as my second story residence windows at 10 Peach St. overlook the one story building roof at 8 Peach St. If the definition of restaurant were to be revised, to include brew pub, it is conceivable that the stack of a brew pub at that location could discharge gases right outside my open window.

I therefore request that this issue be investigated further to determine the impact on all residents of the town.

Bill Prickett, 210 Tazewell Avenue (provided via email July 13, 2015)

I am writing again to express my opposition to the implementation of reverse angle (or any angle parking) in Cape Charles.

The parking configuration that has been imposed on Mason Avenue is awkward, dangerous and unnecessary. It is practically universally opposed by the town's residents or at best, grudgingly accepted with a "can't fight City Hall" resignation. Personally, I also find it aesthetically displeasing as it has destroyed the wide view looking westward down the street.

Casual observation shows that even now, in the height of the "tourist" season, there are many available parking spaces along Mason Avenue all day long. The "overflow" parking lot that has been recently created along the railroad tracks sits unused. This was also the case for the most part on July 4th, the busiest day of the year in Cape Charles.

Pull in angle parking poses its own issues among them poor visibility of oncoming traffic when backing out of a parking space adjacent to large SUVs, pickups and vans and backing into oncoming traffic.

Implementing angle parking on Bay Avenue will bring the same problems that have been created on Mason Avenue but with additional issues. In the case of reverse angle, it will result in the destruction of the bank of sand between the roadway and the "boardwalk" since beach goers will be standing on the bank loading and unloading their vehicles or, in the case of large vehicles, backing right into it. On the other hand, pull in angle parking will create the hazard of pedestrians in the travel lane when loading and unloading. Angle parking will also impede the flow of traffic since the travel lane is constricted with angle parking.

There is ample parking available on the east side of Bay Avenue, which on most summer days is barely used. On July 4th, even with the south end of the road closed, there was sufficient parking on both sides of Bay Avenue and on side streets to accommodate the crowds. Admittedly, there were few parking spaces available on the holiday, but this is a one day a year occurrence.

The town has planned, correctly in my opinion to create a parking lot behind the library. If there is a critical parking shortage in the business district, which is highly debatable, then the town should prioritize this project.

I remain skeptical of the rationale for any decision to move ahead with the new parking schemes. They appear to me to be solutions in search of a problem. Perhaps in the future, we will have a dire parking situation in town, but that time is not now. I urge the town to reinstate parallel parking on Mason Avenue and to abandon the idea of angle parking in Bay Avenue. I also recommend signage to direct motorists to the newly created overflow lot and that the town prioritize the creation of a parking lot behind the library.

Yours truly,

Bill Prickett
210 Tazewell Avenue

Bill Prickett, 210 Tazewell Avenue (provided via email August 1, 2015)

As I continue to observe on a daily basis the plentiful availability of parking in the town business district and Bay Avenue, the awkward parking on Mason Avenue and the dangerous intersections of Pine and Mason and Strawberry and Mason, I remain convinced that the Town should abandon the idea of angle parking on Bay Avenue and remove the angle parking on Mason Avenue. I have just returned from both Mason Avenue and Bay Avenue on a beautiful summer Saturday afternoon, with the town full of visitors and the Clam Slam in full swing. I can state unequivocally there are numerous empty parking spaces available in both areas. Perhaps those responsible for making decisions in this matter should take a look themselves.

Yours truly,
Bill Prickett
210 Tazewell Avenue