



PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
September 1, 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, Joan Natali and Sandra Salopek. Commissioners Bill Stramm and Michael Strub were not in attendance. Also in attendance were Town Planner Larry DiRe, Town Manager Brent Manuel and Town Clerk Libby Hume. There was one member of the public in attendance.

Michael Strub emailed his comments regarding the agenda items. (Please see attached.)

PUBLIC COMMENTS:

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

CONSENT AGENDA

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

The Commissioners reviewed the minutes for the August 4, 2015 Regular Meeting.

Joan Natali noted a typographical correction on page 3 under Item D-Proposed Bay Avenue Reverse-Angle Parking Drawings Review.

Motion made by Joan Natali, seconded by Sandra Salopek, to approve the minutes from the August 4, 2015 Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Larry DiRe provided an update to the U.S. Army Corps of Engineers Harbor Dredge Project regarding the dredge pipe that was initially planned to be above-ground blocking the pedestrian/golf cart access between the Harbor and Mason Avenue. There was a possibility that the dredge pipe could be buried so as not to affect the access except during the times when the pipe was being buried and removed.

Dennis McCoy asked whether there were any new updates to the Supreme Court decision regarding the regulation of signs. Larry DiRe stated that no new updates had been received and he was hoping that the Virginia Municipal League would be providing guidelines for municipalities regarding signage. More information would be provided to the Commission for review at the October meeting.

OLD BUSINESS

A. Draft Comprehensive Plan Comments

Dennis McCoy tabled discussion regarding the Comprehensive Plan since Ms. Elaine Meil of the Accomack-Northampton Planning District Commission was not able to attend this evening.

There was some discussion regarding the Commission's review of the Capital Improvement Plan at a future meeting.

Joan Natali also recommended that the Town Council schedule a work session to prioritize the Planning Commission's upcoming projects.

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

The Commissioners reviewed the proposed text provided by Larry DiRe. Joan Natali suggested the addition of "inn" under the Table of Parking Standards for Residential/Commercial. Joan Natali went on to state that she had done some research online regarding definitions for a bedroom and read excerpts from two of the sites as follows:

1. Entrance – A bedroom needed at least two methods of egress, so it should be accessible from the house (commonly through a door), and then have one other exit (window or door).
2. Ceiling Height – A bedroom ceiling needed to be at least 7' tall. It was okay if some portions of the ceiling were below this level, but at least 50% of the ceiling needed to be a minimum of 7' in height. Most ceilings tended to be at least 8' tall so ceiling height was not usually an issue.
3. Escape – A bedroom must have one other method of egress beyond the entrance point. A door to the exterior worked as an exit point, and so did a window. According to the International Residential Code, a bedroom window could be between 24" and 44" from the floor, it needed at least 5.7 sq ft for the opening, and it must measure no more than 24" high and 20" wide.
4. Size – The room should be at least 70 sq ft and more specifically the room cannot be smaller than 7' in any horizontal direction (sorry, that 1' x 70' room won't work).
5. Closet – A bedroom should probably have a closet but technically the International Residential Code did not mandate a bedroom to have a closet. There were many questions cited regarding this issue.
6. Bedroom – A room designed primarily for sleeping or a room which is expected to routinely provide sleeping accommodations for occupants.

Joan Natali added that she had also read that a bedroom must be on an outside wall which implied that it had to have a window as a second point of egress. There was also discussion regarding the requirements for a fire alarm and smoke detector which could be mandated by the building code.

C. *Draft Accessory Dwelling Units Ordinance Review*

The Commissioners reviewed the proposed text provided by Larry DiRe and there was some discussion regarding "affordable housing" and "work force housing." Joan Natali stated that Chris Bannon attended meetings for the Eastern Shore of Virginia Housing Authority and added that he could possibly assist staff in obtaining some information regarding affordable or work force housing.

D. *Draft Tourism Zone Ordinance Review*

Larry DiRe stated that the treasurer's comments were included on page 5 of the provided materials. There was some discussion regarding the treasurer's comments and felt that they were thorough and well done. Larry DiRe would amend Section 2 of the proposed Tourism Zone Ordinance for review at the October meeting.

E. *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"*

The Commissioners reviewed the draft language provided by Larry DiRe and had no comments regarding the language. Joan Natali stated that the feedback from the City of Virginia Beach was favorable with the exception of parking which could also be a concern for the town for certain times. Andy Buchholz added that the parking issue would vary depending on use of the fitness center.

There was much discussion regarding a brew pub's classification as a restaurant with the brewery as a secondary use.

Larry DiRe expressed his concern with current language in the Zoning Ordinance which stated that the Zoning Administrator would determine whether a commercial or professional use was compatible with the intent of the district. There was much discussion regarding this issue with the final consensus that the language in Article III, Section 3.6.B.36 be modified to state "Any other commercial or professional use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission." If Larry DiRe came across something that could be an issue, he would contact Dennis McCoy to schedule a special meeting of the Planning Commission to review the issue. Joan Natali noted that the third Mondays of each month were reserved as an alternate meeting date for the Commission.

Motion made by Dan Burke, seconded by Andy Buchholz, to approve the modification to Article III, Section 3.6.B.36 as discussed. The motion was unanimously approved.

NEW BUSINESS

There was no New Business to review.

ANNOUNCEMENTS

Larry DiRe stated that he was expecting a conditional use permit application for second and third story apartments in the C-1 district. The application could possibly be available for review in October.

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

Chairman Dennis McCoy

Town Clerk

**Planning Commission Meeting
Comments Submitted in Writing
September 1, 2015**

Commissioner Michael Strub

With regard to parking, if data were available, staff could plot the estimated parking usage over the last three years, and, assuming it has been steadily increasing, make projections for the next 3-5 years to reflect the trend that would make the present parking adequacy short lived and congestion more common, increasing the need for more parking places to accommodate the growth and reverse angle parking to markedly reduce the accidents and injuries from vehicles striking cyclists, pedestrians, and other vehicles.

A brew pub, done smartly, would be an asset to the town. We should address any concerns the town raises.

Mike