



PLANNING COMMISSION & TOWN COUNCIL
Joint Public Hearing
Cape Charles Civic Center
December 6, 2022
6:00 p.m.

At 6:07 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Kenneth Butta, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. There was one vacancy on the Commission. Also, in attendance were Anne Darby, Michael Stapor, and Noah Foster from Summit Engineering & Design. Planning/Zoning Administrator Katie Nunez, and Planning Technician Tracy Outten. There were 11 members of the public in attendance and 6 viewers on Facebook.

Mayor William "Smitty" Dize, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Dize, present were Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Vice Mayor Bennett had a work conflict so was not in attendance. Also, in attendance were Mayor-elect Adam Charney, Councilman-elect Ken Butta, Town Manager John Hozey, and Town Clerk Libby Hume.

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

PUBLIC HEARING PUBLIC COMMENTS:

Chairman Stramm read the Notice of Public Hearings for each item, then opened the floor for comments.

- A. Joint public hearing to receive comment on the recommendation and adoption of the proposed revisions to the Comprehensive Plan. The Comprehensive Plan is a guide for future development in the Town of Cape Charles. It outlines where the Town and its residents are at the time of its creation, where they want to go in the future, and the steps it will take to get there. This document, upon adoption by Town Council, will update and supersede the previous Comprehensive Plan, adopted in 2009 and amended in 2016. The Comprehensive Plan has been updated in the categories of Housing, Economy, Transportation, Community Facilities and Services, Environmental and Land Use which includes proposed revisions to the Future Land Use Map and accompanying Future Land Use categories, which will be used to make future changes to the Town's Zoning Map. The Comprehensive Plan document does contain an updated Zoning Map that reflects all zoning map amendments approved by town Council between July 10, 2008, when the Zoning Map was last adopted, through July 21, 2022 when the most recent zoning map amendment was approved; this Zoning Map is included and requested to be ratified only as a representation of previously approved actions of Town Council for zoning map amendments. There are no proposed zoning map amendments reflected or included on the zoning map.

Ms. Anne Darby provided an overview of the update process to date

L. D. Davis, resident/property owner

Ms. Davis addressed the Planning Commission and Town Council regarding the proposed Future Land Use Designations for the corner lots on the south side of Randolph Avenue. (Please see attached.)

Bill Bridgeforth, resident/property owner

Mr. Bridgeforth stated that he had been in Cape Charles for nine years and applauded the Council and Planning Commission for the great job done with the Town over the years. He asked that

Randolph Avenue be kept as residential. He understood that the gentleman living across the street from him wanted to turn his property into commercial use. This would be easy to do if this proposal were passed, but he and the residents on Randolph Avenue would prefer Randolph to remain as residential. He was okay with Strawberry Street and Fig Street having some commercial properties but the south side of Randolph needed to remain residential.

Joe Fehrer, resident/property owner

Mr. Fehrer reiterated Mr. Bridgeforth's comments and thanked the Council and Commissioners for their time. Regarding the Future Land Use Map, he would also like to suggest that the corner lots of Randolph Avenue remain in their current zoning designations. He realized that there were some currently zoned commercial or commercial/residential properties which could remain, but please do not extend the commercial zoning on Randolph Avenue. If a property owner wished to change their zoning, there was a process in place. Please reconsider the land use designations for the corner lots fronting Randolph Avenue.

Nancy Perry, resident

Ms. Perry stated that she was a fairly new resident. She had lived and worked in Portsmouth for 20 years and had always wanted to move here. She expressed her agreement with the previous speakers by applauding all the work done by the Planning Commissioners and Town Council. The one exception was the desire to rezone the corner lots on Randolph Avenue as mixed use. Randolph Avenue was the gateway into the Town and once this change was made, there would be a ripple effect throughout town. She asked that this recommendation be tabled until further review could be done, and that the plan be approved without the rezoning of Randolph Avenue. She also commented that the way this information was placed in the Comprehensive Plan, she had to look closely at the map to see this recommendation. She wished it would have been more transparent.

Katie Nunez read three comments submitted in writing from the Historic District Civic League, Cynthia Woodmansee, and Robert Suppa. (Please see attached.)

Motion made by Commissioner Grossman, seconded by Commissioner Holloway, to close the public hearing for the Comprehensive Plan. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to close the public hearing for the Comprehensive Plan. The motion was approved by unanimous vote.

- B. Joint public hearing to receive comment on a re-affirmation of the Historic District Overlay Map (Zoning Map Amendment [ZMA] 2022-02) and to amend Cape Charles Zoning Ordinance Section 8.3 (Inventory of Landmarks and Contributing Properties Established) to include a new paragraph describing the Historic District Overlay.

Katie Nunez stated that through the process of researching this information, the official records were inadequate. We knew the Historic District Overlay Map was approved but there were not actual Town Council meeting minutes to verify the area. It had been submitted to the State and approved. This information was being included to re-affirm the area. The only change was to merge the two overlay maps for Historic and Harbor Areas into one, more useful map. The description of the boundaries was also being added as it was essential to ensure there would be no future confusion.

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

Motion made by Commissioner Grossman, seconded by Commissioner Strub, to close the public hearing for the Historic District Overlay Map and associated text amendments. The

motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to close the public hearing for the Historic District Overlay Map and associated text amendments. The motion was approved by unanimous vote.

Commissioner Stramm read the public hearing notices for items C. through K. for these items to be handled under one public hearing.

- C. Zoning Text Amendment (ZTA) 2022-02 application from the town of Cape Charles to Amend Section 3.2 (District Regulations - Single Family Residential District R-1) (I – Development Standards) (6) – Delete the following: ~~Vinyl siding will be permitted as long as each individual clapboard is no wider than five inches.~~
Section 3.6 (District Regulations – Commercial District C-1) (F – Development/Redevelopment Standards: (1.e) – Delete the following: ~~aluminum or vinyl siding.~~
- D. Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to amend Section 8.3 (Inventory of Landmarks and Contributing Properties Established) as follows: The Town of Cape Charles has established as part of this ordinance a map covering the area included in the Historic District, based on the criteria set forth in this ordinance **and fully described under within Section 8.3 as described in ZMA 2022-02 and further contained in Chapter 1 of the Newly Revised Historic District Guidelines as adopted by the Town Council on (Date to be inserted)** and this map shall be as much a part of this ordinance as if fully described herein. Pending further amendment of this ordinance, the period of significance for the Town will be from 1883 to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). **Said listing as prepared in 2019 of all contributing and non-contributing properties will be attached as an Exhibit to the newly revised Historic District Guidelines** as identified in the National Register, structures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The map may be amended from time to time in the same manner as the zoning district map.
- E. Zoning Text Amendment (ZTA) 2022-04 application from the Town of Cape Charles to Amend Section 8.4 – Application of the District; Relation to Other Zoning Districts to add to the end of the paragraph the following: **Where the overlay district and its Design Guidelines present stricter standard, the stricter standard prevails pursuant to Code of Virginia Section 15.2-2306.**
- F. Zoning Text Amendment 2022-005 to amend Section 8.8 (Historic Board: Terms) by adding the following: The members of the Historic District Review Board shall be appointed by the Town Council. The Membership shall consist of five citizens, at least three of whom shall be residents of the local historic district; **said appointments are at the will of Town Council.**
- G. Zoning Text Amendment (ZTA) 2022-06 application from the Town of Cape Charles to Amend Section 8.14 (E) Historic District Review Board; Powers and Duties **to insert the month and year of the newly revised Historic District Guidelines, once adopted by Town Council.**
- H. Zoning Text Amendment (ZTA) 2022-07 application from the Town of Cape Charles to delete Section 8.20 – Design Guidelines: Recommendations for Review Items since guidelines have been included in the newly proposed guideline:

~~(D) Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.~~

~~(E) Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures.~~

- I. Zoning Text Amendment (ZTA) 2022-08 application from the Town of Cape Charles to amend Section 8.20 (A) as follows: The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board **and staff shall** ~~may~~ utilize the pre-application review process as defined in Section 8.25.A.
- J. Zoning Text Amendment (ZTA) 2022-09 application from the Town of Cape Charles to amend Section 8.25 (A) as follows: Pre-application review: Persons considering action that requires a certificate of appropriateness, as set forth in this ordinance, are ~~to request and/or to review the~~ **fully proposed application and scope of work with Planning & Zoning staff** ~~an informal informational meeting with the Zoning Administrator and at least one member of the Historic District Review Board prior to submitting a formal~~ **completed** application for a certificate of appropriateness. ~~Requests for such informational meetings can be made to the zoning administrator, who will contact a member of the board. The informational meeting will occur within thirty (30) days of receipt of such a request. The purpose of said review with staff of an informational meeting is to review the design guidelines and standards and the procedures for obtaining a certificate of appropriateness. Neither the applicant nor the zoning administrator/ or staff member board member(s) shall be bound by any informational meeting or conceptual review. Zoning administrator can use discretion on the need for a preapplication meeting or the inclusion of a board representative depending on the nature of project proposed;~~
- K. Zoning Text Amendment 2022-10 application from the Town of Cape Charles to amend Section 8.29 – Certificates of Appropriateness as follows: Any certificate issued pursuant to this article shall expire of its own limitation ~~twelve (12)~~ **six (6)** months from the date of issuance if the work authorized thereby is not commenced by the end of such ~~twelve (12)~~ **six (6)** month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of ~~twelve (12)~~ **six (6)** months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the ~~twelve (12)~~ **six (6)** months.

Katie Nunez thanked Chairman Stramm for reading the content of the proposed zoning text amendments relating to the historic district and proceeded as follows: i) These proposed text amendments along with the Historic District Design Guidelines would be going to Town Council for action at their December 15th meeting; ii) The proposed amendments were in making the language consistent with the language in the Guidelines; iii) She noted one correction in the notice for item I, where she inadvertently crossed out “may” instead of “shall.” The intent was to ease the requirement for a pre-application review; iv) The issue of vinyl siding had been a conflict for many years. It was being deleted in the Zoning Ordinance but did not mean that vinyl siding could not be considered. It could potentially be used as an alternative material and the alternative material process was outlined in the Historic District Design Guidelines; v) The updated historic inventory was received and included more accessory structures. The updated inventory would be added to the website to make it easier to determine whether a structure was a contributing or non-contributing structure.

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

Motion made by Commissioner Grossman, seconded by Commissioner Holloway, to close the public hearing for the zoning text amendments. The motion was approved by unanimous vote.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to close the public hearing for the zoning text amendments. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz to adjourn the Town Council Public Hearing. The motion was approved by unanimous vote.

The joint public hearing was adjourned at 6:51 p.m.

Planning Commission Chair

Mayor Dize

Town Clerk

**December 6, 2022 Planning Commission & Town Council Joint Public Hearing
Comments and Information Provided in Writing**

L. D. Davis, resident/property owner

Thank you, Council members and Planning Commissioners for this opportunity to comment.

I live at the corner of Randolph and Peach – I frequently refer to it as Hollywood and Vine as it is one of the busiest intersections in town. I am concerned about the potential change to corner properties on the south side of Randolph. Changing them from residential to a mix of residential and commercial becomes problematic.

The historic district would begin to lose its charm for guests and residents if these changes are made to one of its major thoroughfares. Adding the potential for additional commercial property use on the 2nd widest street in town is a recipe for disaster. Randolph cannot handle the parking needs from existing residences much less the addition of potential commercial establishments.

Please spend your valuable time working to solve the existing parking problems. Please vote “no” to the expansion of commercial properties from Mason to Randolph corners. Once the toothpaste is out of the tube you will never get it back in the tube again.

Historic District Civic League

Subject: Comment on the Cape Charles Comprehensive Plan

- i. The Cape Charles Historic District Civic League conducted a review of the Town of Cape Charles Comprehensive Plan at the monthly meeting on November 28, 2022.
- ii. The Civic League commends the professionalism that went into the preparation of the Comprehensive Plan.
- iii. The Civic League review identified the following incompatibility with the Entrance Corridor into the Historic District.
 - a. On page 64 of the Comprehensive Plan, under the Transportation chapter, there is a reference to the “Accomack-Norhampton Planning District Commission (A-NPDC) Regional Long Range Transportation Plan:”
 - i. One of the projects cited is to “perform a study to assess need and operations for a roundabout” at the intersection of VA 184 (Randolph Avenue) at Fig Street.
 - ii. A roundabout at this intersection seems to be incompatible with a Town Council resolution requesting VDOT to install marked crosswalks to enable those on foot or in wheelchairs a safe way to cross these streets to get to/from Rayfield’s Pharmacy.
 - iii. We recommend that the study be expelled, and that the scope of the study be expanded to study ways to accommodate crosswalk(s) while facilitating vehicular traffic throughout this intersection.

Cynthia Woodmansee, resident

Re: Updated Comprehensive Plan

Dear Ms. Nunez and Commissioners:

I have followed with interest, the process the town has undertaken to update the vision and governing documents, namely the Comprehensive Plan, Historic District Guidelines, and Zoning Text Amendments. I would like to thank the town’s staff and our elected officials who have taken part in this tedious and laborious process. This type of process is often a thankless task but, the upkeep of these documents is essential for communicating the town’s vision for the future while offering critical guidance for the growth and maintenance of our historically designated town. I particularly appreciate the systematic methodology that was used by various stakeholders to review, compare, and revise these documents. Thank you all who have been involved in this effort.

Within the Updated Comprehensive Plan, I have noted a revision to the Future Land Use Designations section which contemplates a “Historic District Mixed Use” designation for the properties located on the

blocks between Mason and Randolph Avenues. I am assuming these blocks were identified as areas that can serve as transitions from the largely commercial activity of Mason Avenue to predominately residential activity on Randolph Avenue. From my read of the draft Plan, this expanded "Historic District Mixed Use" corridor will include the properties on the south corners of Randolph Avenue.

I think identifying this corridor for mixed use is fine and follows acceptable urban/suburban planning standards but, I also think there should be some clarification around the properties in this corridor that face Randolph Avenue. Because the majority of Randolph Avenue is zoned residential and is to remain so, it could be potentially awkward to have "mixed use" properties on every corner of the south side of the avenue. Aesthetically, it could lead to a patchwork look that has a mixture of commercial and residential buildings and all the specifics that come with each type of property. Practically, it could lead to additional traffic, a greater need for parking, and the diminishment of currently available parking when business owners find the need for loading zones and handicap parking on Randolph Avenue. Additionally, Randolph Avenue is the natural extension of the entry corridor into Cape Charles and is regularly used by our first responders as the main point of ingress and egress to the town. Avoiding the spill over of commercial activity onto Randolph Avenue will help keep this thoroughfare as a clear path for emergency personnel.

It is this aspect of the Comprehensive Plan that may be in need of further address. I would respectfully ask the Planning Commission to consider excluding the properties that face Randolph Avenue from the "mixed use" corridor. In support of this idea, I believe there is a reasonable argument that the properties on Randolph, currently zoned residential, should remain so in order to protect the historically residential nature of the street. This minor alteration to the newly expanded "Historic District Mixed Use" corridor would not necessarily preclude a property owner from applying for an appropriate zoning exception but would clearly signal the desire of the town to retain the residential nature of Randolph Avenue.

I appreciate the opportunity to address the Planning Commission with my concerns and thank you for your work on these important matters.

Robert Suppa, resident

I live on the northeast corner of Peach and Randolph, probably the busiest intersection in the town. It's a major shortcut to Mason Avenue from Randolph it seems. Anytime I look south I can predict the following:

1. There will be a mass of vehicles parked in the middle of the street, some facing east, some facing west, both of which adds to the congested nature fo the street.
2. There will be vehicles and golf carts driving in the wrong direction between Randolph and Mason causing the intersection to become clogged usually when people are trying to walk across the street.
3. There will be delivery trucks of all sizes at all times of the day and evening further complicating the already chaotic scene.
4. Families with little children cross the street wondering if the vehicle approaching them, in a hurry to get to the 2 restaurants or the convenience store, will stop for them while they are in the middle the street. I have seen this happen many times and it still scares me.

That is just 4 examples of the problems on the border of the commercial zone and the residential zone.

Moving the commercial zone further north to include properties on the corners of Randolph Avenue is in my mind, an idea I do not support. Randolph Avenue, historically speaking, is a residential street and should remain that way.

Thank you.