

Planning Commission

Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

December 1, 2020 6:00 P.M.

1. Call to Order
 - a. Roll call and establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
5. Unfinished Business
 - a. None
6. New Business
 - a. Annual Election of Officers
 - b. Town Zoning Ordinance text amendment discussion
7. Other Business
8. Announcements
9. Adjourn



DRAFT
PLANNING COMMISSION
Joint Public Hearing with Town Council &
Regular Meeting
Cape Charles Civic Center
October 6, 2020
6:00 p.m.

At 6:00 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 Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. There was one vacancy on the commission. Also, in attendance were Town Planner Allyson Finchum, Planning Technician Tracy Outten, and the applicants. There were two members of the public in attendance.

Vice Mayor Steve Bennett, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Vice-Mayor Bennett, present were Councilmen Bannon, Buchholz, and Grossman, and Councilwoman Holloway. Mayor Dize and Councilman Follmer were not in attendance. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume.

PUBLIC HEARING PUBLIC COMMENTS:

Chairman Stramm read the Notice of Public Hearings and opened the floor for comments. There were no public comments to be heard nor any written comments submitted prior to the public hearings.

Motion made by Paul Grossman, seconded by Michael Strub, to close the public hearing portion of the Planning Commission meeting. 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.

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

PUBLIC COMMENTS:

There were no public comments.

CONSENT AGENDA

Motion made by Paul Grossman, seconded by Jim Holloway, to approve the consent agenda as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS

- A. *Application for conditional use permit: to allow an accessory dwelling unit at 401 Madison Avenue – review and make recommendation to Town Council.*

Bill Stramm briefly talked about what was discussed at last month's meeting.

Discussion was as follows: (i) Dennis McCoy read the cover letter and reiterated that the zoning ordinance had a thirty day stay requirement for accessory dwelling units. Scott Simms, applicant, said the accessory dwelling unit would be used for family overflow. Bill Stramm read the zoning ordinance; (ii) Scott Simms asked if people could stay in the unit without a conditional use permit; no. Robin Simms, applicant, wanted to know if they rented

the unit for a year could the unit then be used for overflow. Diane D'Amico answered no, the ordinance said the period of stay had to be thirty days. Michael Strub explained that the approval was not based on if the unit was rented but was based on the length of stay; (iii) Paul Grossman said the intended purpose for accessory dwelling units per the comprehensive plan was to provide affordable housing not extra bedrooms for guest; and (iv) Allyson Finchum would explain the qualifications for an accessory dwelling unit to the applicants.

Motion made by Paul Grossman, seconded by Michael Strub, to defer the recommendation for the Conditional Use Permit to allow an accessory dwelling unit at 401 Madison Avenue. The motion was approved by unanimous vote.

Diane D'Amico would like the planning commission to get serious about what accessory dwelling units were for and stop telling applicants what to do. She thought the commissioners needed to have a united front and an agreement that accessory dwelling units were for long term. Dennis McCoy agreed.

NEW BUSINESS

There was no new business.

OTHER BUSINESS

- Planning Commission Work Session - October 20, 2020, 3:00 p.m.
- Bill Stramm said the November Regular meeting day was on Election Day and holiday for Town Staff. The regular meeting would be conducted on Wednesday, November 4, 2020.
- Planning Commission Work Session – November 17, 2020
- Bill Stramm would like the 2008 Comprehensive Plan to be available on the town's web site.

ANNOUNCEMENTS

There were no announcements.

Motion made by Jim Holloway, seconded by Paul Grossman, to adjourn the Planning Commission Public Hearing and Regular Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 7:03 p.m.

Chairman Bill Stramm

Planning Technician



DRAFT
PLANNING COMMISSION
Work Session
Cape Charles Civic Center
October 20, 2020
3:00 p.m.

At 3:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Diane D'Amico, Paul Grossman, Dennis McCoy, and Michael Strub. Jim Holloway was not in attendance. There was one vacancy on the commission. Also, in attendance were Town Planner Allyson Finchum and Planning Technician Tracy Outten. There were no members of the public in attendance.

APPROVAL OF AGENDA

Motion made by Michael Strub, seconded by Paul Grossman, to approve the agenda format as presented. The motion was approved by unanimous vote.

ORDER OF BUSINESS

A. *Comprehensive Plan Update*

- i. Table of Contents
- ii. Introduction
- iii. Housing

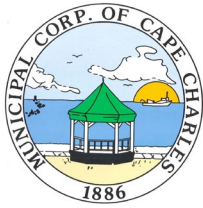
Paul Grossman went through the drafts for the table of contents, introduction, and housing chapter. He said to email any comments to him.

Motion made by Dennis McCoy, seconded by Paul Grossman, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

The meeting adjourned at 4:15 p.m.

Chairman Bill Stramm

Deputy Clerk



DRAFT
PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
November 4, 2020
6:00 p.m.

At 6:00 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 Paul Grossman, Dennis McCoy, and Michael Strub. Diane D'Amico and Jim Holloway were not present. There was one vacancy on the commission. Also, in attendance were Town Planner Allyson Finchum, Planning Technician Tracy Outten, and the applicants. There were no members of the public in attendance.

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

PUBLIC COMMENTS:

There were no public comments.

CONSENT AGENDA

Motion made by Paul Grossman, seconded by Denise McCoy, to approve the consent agenda as presented. The motion was approved by unanimous vote.

Bill Stramm said the elections needed to be on the December agenda.

UNFINISHED BUSINESS

- A. *Application for conditional use permit: to allow an accessory dwelling unit at 401 Madison Avenue – review and make recommendation to Town Council.*

Bill Stramm briefly talked about what was discussed at last month's meeting.

There was much discussion on placing conditions on a conditional use permit.

Motion made by Dennis McCoy, seconded by Michael Strub, to recommend the Town Council approve the Conditional Use Permit to allow an accessory dwelling unit at 401 Madison Avenue with the following conditions: (1) The accessory dwelling shall comply with all local, state and federal regulations; (2) The accessory dwelling shall comply with all provisions of the Town of Cape Charles Zoning Ordinance Article IV, Section 4.2(J) Accessory Dwellings; (3) The accessory dwelling unit shall be limited to no more than a one-bedroom accommodation; (4) The property owner (which shall include title holders and contract purchasers) must occupy either the principal unit or the accessory dwelling unit as a permanent residence. If at any time the owner occupies neither unit, the accessory dwelling unit shall automatically become a non-habitable space, shall not be used as a dwelling, and shall not be rented; (5) The effective period of the conditional use permit shall be three years. At the end of every three years, renewal shall be automatically be extended upon receipt of certification by the Town Planner that the primary dwelling unit remains the principal residence of the owner and that all other conditions met at the time of the original application remain unchanged; (6) The accessory dwelling unit shall not be sold separately from the single-family home; (7) Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a covenant in a form approved by the Town to notify subsequent owners of the

requirements of this permit; and (8) Violation of any of these conditions may result in review and revocation of the Conditional Use Permit by Town Council. The motion was approved by unanimous vote.

NEW BUSINESS

A. *Town Zoning Ordinance text amendment discussion.*

Bill Stramm informed Allyson Finchum that former town planners would bring ordinance update to the commissioners for review.

Allyson Finchum thought the definition for motel needed to be amended and said that Paul Grossman had some suggestions for various updates. (Please see attached.)

Bill Stramm would like a staff report for each amendment.

OTHER BUSINESS

There was no other business.

ANNOUNCEMENTS

There were no announcements.

Motion made by Paul Grossman, seconded by Michael Strub, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 6:42 p.m.

Chairman Bill Stramm

Planning Technician

'Story' and 'Stories' search in Cape Charles Ordinances

Article II

BASEMENT means that portion of a building that is partly or completely below grade. A basement is a level within a building that has its floor surface below the adjoining ground level. ~~Often due to grading conditions, a basement will also be considered as a story above grade, thereby contributing to the building height.~~

CRAWL SPACE is a space between the ceiling of one **story** and floor of the next **story**, which usually contains pipes, ducts, wiring and lighting fixtures, and permits access but is too low for standing.

FLOOR AREA shall mean the gross horizontal areas of a building, including mezzanines and lofts, exclusive of garages, parking structures, basements, open balconies and porches, and equipment and service areas, measured from the exterior face of the exterior walls of a building. *For a half story, the useable floor area shall be considered to be only that portion having a clear height above it of five feet or more.*

STORY is that portion of a building included between the surface of any floor and the surface of the floor above it, then the space between the floor and the ceiling above it. ~~,and including those basements used for principal use.~~

OR

STORY means that portion of a building included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. A basement shall be counted as a story if over 50 percent of its height is above finished grade.

AND STRIKE STORY ABOVE GRADE [too complicated]

STORY ABOVE GRADE is any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plan where the finished surface of the floor above the basement is: 1. More than 6 feet above grade plane; or 2. More than 6 feet above the finished ground level for more than 50% of the total building perimeter; or 3. More than 12 feet above the finished ground level at any point.

STORY, HALF, means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of the full story.

DWELLING, MOBILE HOME or MANUFACTURED HOME means a special form of one-family dwellings with the following characteristics:

4. intended to be used other than as a component in a structure two or more **stories** in height.

***HEIGHT OF THE MAIN STRUCTURE** is the difference between grade and the highest point of elevation of the building or structure (excluding roof structures such as chimneys or ventilation stacks). Retaining walls cannot be used to raise 'grade' and increase the allowable height of the structure.*

Article III

District: C-1

Scale. When the scale of neighborhood buildings is relatively consistent, new construction should be discouraged from drastically altering these relationships. In the Town of Cape Charles, the two- and three-**story** structure is the norm, and structures which digress from this standard to any great degree seriously impact the character of the Town of Cape Charles. If construction is to be allowed, particular attention should be given to the location, siting, setbacks, and façade treatments of the proposed building. No matter what size of the new building, the base of the building should be scaled to pedestrians.

New construction of one-**story** buildings, such as some convenience stores and fast-food restaurants in commercial districts, intrude upon the character of the Town of Cape Charles and will only be permitted in infill situations and must meet all other development standards. There are many examples of convenience stores and fast-food chain restaurants being successfully integrated into a historic context.

District: R-1

E. Height Regulations. Buildings may be erected up to 2 ½ **stories** and to a height up to 40 feet from the adjacent ground elevation.

District: Harbor, Mainstreet Mixed-Use Area

Each building shall be a minimum of two **stories** and shall have only residential uses above the first floor.

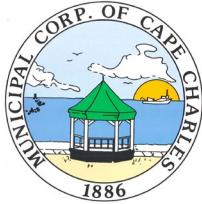
Article IV

Accessory Buildings

5. A two-**story** building shall not be located any closer than five feet (5') to any lot line.

9. Where the main structure possesses no more than one **story** above grade, no accessory structure shall be higher than the main structure.

10. Where the main structure possesses more than one story above grade, no accessory structure shall be higher than two-thirds **the height of the main structure** or twenty-four feet (24'), whichever is lesser.



DRAFT
PLANNING COMMISSION
Work Session
Cape Charles Civic Center
November 17, 2020
3:00 p.m.

At 3:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Diane D'Amico, Paul Grossman, Dennis McCoy, and Michael Strub. Jim Holloway was not in attendance. There was one vacancy on the commission. Also, in attendance were Town Planner Allyson Finchum and Planning Technician Tracy Outten. There were no members of the public in attendance.

APPROVAL OF AGENDA

Motion made by Michael Strub, seconded by Paul Grossman, to approve the agenda format as presented. The motion was approved by unanimous vote.

ORDER OF BUSINESS

- A. *Comprehensive Plan Update*
i. Environment

Michael Strub summarized the comprehensive plan update process.

Discussion on the environment chapter was as follows: (i) Goals and objectives needed to have clear strategies for the town council to differentiate; (ii) The commissioners explained to Allyson Finchum that the planning commission did not have any executive input as they were a recommending body and the town council did the implementation; (iii) Allyson Finchum thought that the capital improvement plan should be married to the comprehensive plan; (iv) Michael Strub said an audience needed to be determined; (v) Paul Grossman suggested the 2008 Comprehensive Plan

After some discussion on objectives and

Motion made by Dennis McCoy, seconded by Paul Grossman, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

The meeting adjourned at 4:15 p.m.

Chairman Bill Stramm

Deputy Clerk



PLANNING COMMISSION STAFF REPORT

Meeting Date: December 1, 2020

Item #: 6A

Specifics:

PLANNING COMMISSION BY-LAWS ARTICLE THREE

Officers and their selection:

3-1 The elected officers of the Planning Commission shall consist of a chairman, and a vice chairman. The Town Clerk, or designee, shall serve as secretary.

3-2 The elected officers of the Planning Commission shall be elected for a one (1) year term by the Commission from the members at the first regular meeting after November 1 each year.

3-3 A candidate receiving a majority vote of a quorum of the Commission shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.

3-4 Vacancies in office shall be filled immediately by regular election procedures.

Recommendation:

Staff recommends Planning Commission elect a member of the Planning Commission for Chair and Vice Chair.

Attachments:

None