



PLANNING COMMISSION

Public Hearing and Regular Meeting

Cape Charles Civic Center
November 9, 2021
6:00 p.m.

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearings 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. Diane D'Amico was not in attendance. Also, in attendance were Interim Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, Town Clerk Libby Hume, and the applicants. There were four members of the public in attendance and thirty-five viewers on Facebook Live.

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

ANNUAL REORGANIZATION OF BOARD

A. Election of Officers for a term of one year: Chairman and Vice-Chairman

Bill Stramm accepted the nomination for Chairman to the Planning Commission.

Motion made by Paul Grossman, seconded by Jim Holloway, to accept the nomination of Bill Stramm for Chairman of the Cape Charles Planning Commission.

Dennis McCoy accepted the nomination for Vice-Chairman to the Planning Commission.

Motion made by Michael Strub, seconded by Paul Grossman, to accept the nomination of Dennis McCoy for Vice-Chairman of the Cape Charles Planning Commission.

AGENDA

Chairman Bill Stramm approved the agenda format and minutes from the Planning Commission August 3, 2021 Regular Session and from the September 7, 2021 Regular Session as presented by unanimous consent.

Chairman Bill Stramm read the Notice of Public Hearings and opened the public hearings.

PUBLIC HEARING:

A. A Conditional Use Permit application from Sam & Amy Scharpf at 410 Harbor Avenue (Tax Map #83A3-2-8-7) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (7) & 4.2 (J)

Katie Nunez read the staff report and pointed out that this was a corner lot, and the applicants would need to obtain a Certificate of Appropriateness from the Historic District Review Board. She thought that was in line with the Comprehensive Plan. Ms. Nunez said the applicants were available by phone for any questions.

Sam Scharpf, owner, stated that the goal was to provide living space for a teacher or another long-term tenant.

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

Motion made by Paul Grossman, seconded by Jim Holloway to close the public hearing for a Conditional Use Permit for an Accessory Dwelling Unit at 410 Harbor Avenue. The motion was approved by unanimous vote.

Motion made by Paul Grossman, seconded by Michael Strub, to recommend Town Council approval of a Conditional Use Permit for an Accessory Dwelling Unit at 410 Harbor Avenue on an application filed by Sam and Amy Scharpf, pursuant to Cape Charles Zoning Ordinance Sections 3.2 (C) (7) and 4.2 (J) with the following conditions: 1) the applicant applies and obtain Historic District Review Board approval for all exterior improvements, in accordance with the Historic District Overlay and Guidance Documents; and 2) the applicant obtains all required permits and approvals from the Building and Planning Departments; and further finds that the Conditional Use Permit (CUP) standards in Section 4.3 are satisfied and that the issuance of the CUP is in general accord with the current Comprehensive Plan. The motion was approved by unanimous vote.

B. A Conditional Use Permit application for a Mini Golf Course from Tom & Katie Austin (contract purchasers) dba Cape Charles Mini Golf, Inc. with consent from property owners (John F. & Loraine A. Huchler & Daniel C. Dabinett) on Randolph Avenue, directly across from Heritage Acres Court (Tax Map #83A4-1-B-26,27,28, & 29): pursuant to CCZO Section 3.8 (B) (2). Katie Nunez read the staff report. Paul Grossman said he counted only nineteen parking spaces not twenty on the plans. Katie Nunez confirmed that the parking requirement has been meant and it was twenty spaces.

Tom and Katie Austin, applicants, explained that the mini-golf course would be fun for all ages. Katie Austin went through the proposed layout and added that they were going for a quaint charm and while having beautiful landscaping.

Discussion and questions were as follows: (i) Michael Strub asked if there would be alcohol sold; yes, beer, wine, and canned cocktails. He added that there were some concerns about the noise and that the residential district deserved to be quiet. The applicants were only proposing speakers and wanted a family atmosphere not a bar scene. (iii) Paul Grossman wanted the applicants to address the concerns that were listed in the staff report. The applicants' comments were as follows: (1) two small speakers located closer to the patio were the only sound system being used; no live music; (2) the proposed black aluminum fence would be 4 feet tall; (3) the 6 feet by 6 feet deep dumpsters would be placed on the southeast corner; (4) The club house would not be an eat in facility and they were thinking about serving sandwiches, chips, ice cream, and other carry out items. Michael Strub wanted to make sure there would be adequate disposal for trash so litter would not become an issue. (5) The closing time would be 9:00 p.m. and could potentially be earlier in the shoulder season. (6) Katie Nunez read her comment. (7) The landscaping would be used as a buffer for noise. (8) Lighting would be dark sky compliant and have a similar design to the Cape Charles Central Park lamp post. Dennis McCoy asked if the bulbs were lighting emitting diode (LED); yes. Jim Holloway asked if the lighting was intended for golf play; no, for landscaping lighting in the course. (9) The sign would be polyvinyl chloride (PVC) and they understood the approval process. (10) MSA, PC Surveyors would be submitting a stormwater site plan. (11) Katie Nunez that the sidewalk requirement needed to be discussed by the Planning Commission and the Town Council. and (iv) Jim Holloway asked if a plan was in place to have a golf cart entrance along the golf cart path that runs along the former rail tracks; no. Bill Stramm stated that that path goes past this property. Ken Butta would like to see a golf cart path run behind the Commercial – 3 District.

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

Motion made by Paul Grossman, seconded by Dennis McCoy, to close the public hearing for a Conditional Use Permit for a Mini-Golf Course on Tax Map #83A4-1-B-26, 83A4-1-B-27, 83A4-1-B-28, and 83A4-1-B-29. The motion was approved by unanimous vote.

Motion made by Paul Grossman, seconded by Jim Holloway, to recommend Town Council approval of a Conditional Use Permit for a Mini-Golf Course on Tax Map #83A4-1-B-26, 83A4-1-B-27, 83A4-1-B-28, and 83A4-1-B-29 on an application filed by Tom & Kate Austin along with all attachments, pursuant to Cape Charles Zoning Ordinance Section 3-8 (B) (2), as determined by the Planning Commission at their meeting on 2/2/2021 that this use type requires a Conditional Use Permit; and that said application is in accordance with the Comprehensive Plan; and said Conditional Use Permit is subject to the following conditions:

- 1) All signage shall comply with the sign requirements in Cape Charles Zoning Ordinance Section 4.1-Sign Regulations and a sign permit application will be filed and approved by the Town prior to any signage being installed.**
- 2) At least 20 parking spaces will be provided as required by Cape Charles Zoning Ordinance Section 4.5 (B) (g) (3).**
- 3) A full lighting plan will be submitted as part of the Final Site Plan that fully complies with Cape Charles Zoning Ordinance Section 4.4 (E) – Exterior Lighting.**
- 4) Final Site Plan is conditional upon affirmative third-party reviews (DEQ, VDOT, Town's Third-Party Reviewer, Enviro-Management, LLC) and incorporation of all comments from said reviews into a revised and submitted Final Site Plan.**
- 5) Final Site Plan will incorporate the requirements of Cape Charles Zoning Ordinance Section 4.5 (M) which details the placement and screening for dumpsters.**

The motion was approved by unanimous vote.

- C. A Conditional Use Permit application from Todd Bricken (contract purchaser) with consent from property owners (Paul G. Watson III & William D. Watson) at 219 Mason Avenue (Tax Map #83A1-1-191) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J).*

Katie Nunez read the staff report.

Todd Bricken, applicant, said that he intended to retire in Cape Charles. He hired an architect that has experience with historic buildings and was dedicated a parking space on the inside of the building.

Discussion and questions were as follows: (i) Dennis McCoy thought this was an incomplete application. Katie Nunez disagreed. (ii) Paul Grossman asked if the alleyway was wide enough for cars; yes. Dennis McCoy wanted to know if emergency vehicle could use it. Jim Holloway thought bringing up safety issues now was good. (iii) Bill Stramm was concerned about parking. The applicant would like to find another property owner to do shared parking with. Paul Grossman said parking was an issue and reminded everyone of the updated section in the Cape Charles Zoning Ordinance. Jim Holloway would like the parking table to be explained. and (iv) The first floor of the building would be leased for commercial use and second floor would be used for short-term rentals.

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

Motion made by Dennis McCoy, seconded by Jim Holloway, to close the public hearing for a Conditional Use Permit for five (5) Dwelling Units on second floor above first floor commercial. The motion was approved by unanimous vote.

Motion made by Jim Holloway, seconded by Dennis McCoy, to recommend Town Council approval of a Conditional Use Permit for five (5) Dwelling Units on second floor above first floor commercial at 219 Mason Avenue on an application filed by Todd A. Bricken, pursuant to Cape Charles Zoning Ordinance Section 3.6 (C) with the following condition: the applicant must reach compliance on the parking requirements with a shared parking arrangement or by asking The Board of Zoning Appeals for relief on the parking standards. The motion was approved by unanimous vote.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. Schedule public hearings for the following Conditional Use Permit Applications:

1. *630 Tazewell Avenue (Tax Map #83A3-1-436): Kate & Steve Keeler – An accessory dwelling unit pursuant to CCZO Section 3.2 (C) (7) & 4.2 (J)*

Katie Nunez summarized the staff report.

Paul Grossman has a hardship with this application and does not think it fits in with the Comprehensive Plan or the intent of what was envisioned for an accessory dwelling unit. Kenneth Butta agreed.

Motion made by Paul Grossman, seconded by Jim Holloway, to schedule a public hearing on December 7, 2021 for a Conditional Use Permit for an Accessory Dwelling Unit at 630 Tazewell Avenue on an application filed by Kate and Steve Keeler, pursuant to Cape Charles Zoning Ordinance Sections 3.2 (C) (7) and 4.2 (J). The motion was approved by unanimous vote.

REPORT OF OFFICERS AND COMMITTEES

There were no reports from the officers or committees.

STANDING STAFF REPORTS

Katie Nunez gave updates on the following: (i) Two subdivisions: Dreams by the Bay and Bay Creek Village J (Palmer Drive); and (ii) There were no applications filed in December for the Board of Zoning Appeals.

ANNOUNCEMENTS

- Public Hearing & Regular Session – December 9, 2021, at 6:00 p.m. in the Civic Center
- Comprehensive Plan Work Sessions from 3:00 p.m. – 5:00 p.m. in the Civic Center:
 - November 15, 2021: Land Use (Ken Butta/Jim Holloway)
 - December 20, 2021: Community Facilities (Diane D’Amico)

Motion made by Jim Holloway, seconded by Dennis McCoy, to adjourn the Planning Commission Public Hearings and Regular Meeting at 7:43 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician