



PLANNING COMMISSION
Public Hearing & Regular Meeting
Cape Charles Civic Center
October 4, 2022

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 Paul Grossman, Jim Holloway, Dennis McCoy and Michael Strub. Commissioner Kenneth Butta participated via telephone. There was one vacancy on the commission. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and Special Assistant to Town Manager Julie Pruitt. There were five members of the public in attendance and seven viewers on Facebook Live.

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

CONSENT AGENDA:

Hearing no objections, Bill Stramm approved the Consent Agenda as presented.

Bill Stramm read the public hearing notice and opened the public hearing.

PUBLIC HEARING COMMENTS:

- A. *Zoning Text Amendment (ZTA) 2022-02 application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units.*

Katie Nunez gave a summary of the staff report.

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

Motion made by Paul Grossman, seconded by Michael Strub, to close the public hearing on the Zoning Text Amendment (ZTA) 2022-02 application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units at 6:06 p.m. The motion was approved by unanimous vote.

- B. *Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the “Keck Property Rezoning” and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following parcels:*

<i>Tax Map #:</i>	<i>OWNER:</i>	<i>LOCATION</i>
90-19-B	Town of Cape Charles	2443 Old Cape Charles Road
90-19-A	General Builders LLC	Old Cape Charles Road
90-29-3	General Builders LLC	2401 Old Cape Charles Road
90-29-4	General Builders LLC	2403 Old Cape Charles Road
90-29-2	CEM Investments, LLC	2405 Old Cape Charles Road
90-29-1	General Builders LLC	2407 Old Cape Charles Road

Katie Nunez summarized the staff report and pointed out that removing the proffers increased the density. Some discussion ensued on the water and sewer hookup.

Jody Bundy, 2510 Old Cape Charles Road

Ms. Bundy has lived in Cape Charles for over thirty some years and wants to make sure the land is developed properly. She said developers normally give offers and it seems as though the town was doing the opposite and giving everything. Ms. Bundy thought the Planning Commission should know more about the developer and get a conceptual plan before making any changes. She begged them to look at this more closely and wanted them to assign the new road not Old Cape Charles Road as the entrance point. Ms. Bundy added that this would not be a hardship for the developer as they would get federal and state funding.

Mark Bundy, 2510 Old Cape Charles Road

Mr. Bundy would like to know more about the proposed project before deciding and thought other proposals could be made by various developers. He was confused why the town would be paying for the water and sewer hookup and asked for a definition of workforce housing. Mr. Bundy thanked the commission.

There were no additional public comments.

Motion made by Paul Grossman, seconded by Jim Holloway, to close the public hearing on the Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the “Keck Property Rezoning” and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following tax map numbers: 90-19-B (2443 Old Cape Charles Road); 90-19-A (Old Cape Charles Road); 90-29-3 (2401 Old Cape Charles Road); 90-29-4 (2403 Old Cape Charles Road); 90-29-2 (2405 Old Cape Charles Road); and 90-29-1 (2407 Old Cape Charles Road) at 6:23 p.m. 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

A. Zoning Text Amendment (ZTA) 2022-02 application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units.

Discussion and questions were as follows: (i) Dennis McCoy pointed out the following corrections: (1) the word “and” was misspelled in the definition of sleeping area and (2) Cape Charles was a town therefore on page two of the affidavit the word city needed to be changed. (ii) Michael Strub asked if the bathroom should require more than a sink and toilet; no. and (iii) Paul Grossman would like the word “and” to be spelled out instead of the symbol being used. He asked if Accessory Dwelling Units (ADU) should be added to Article III as uses. Katie Nunez answered historically everyone reads Article IV for ADU but for clarity they should be added as a permitted use to Article III.

Motion made by Paul Grossman, seconded by Jim Holloway, to recommend Town Council approve the Zoning Text Amendment (ZTA) 2022-02 application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units and Article III – District Regulations to add Accessory Dwelling Units to Permitted Uses as proposed with any minor clerical corrections needed. The motion was approved by unanimous vote.

B. *Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the “Keck Property Rezoning” and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following parcels:*

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Katie Nunez said the focus has been on the General Builders, LLC property but that was not the purpose of removing the proffers. She has seen a draft concept plan and the proffers would need to be removed to allow for the type of workforce housing apartment building. A planned unit development would be created therefore another legal advertisement would be needed and public comments accepted.

Paul Grossman added that these proffers tied Town Council’s hands and the capital plan included the water and sewer access connection to this property.

Bill Stramm confirmed that the proffers would be removed from properties listed above; yes.

Motion made by Paul Grossman, seconded by Dennis McCoy, to recommend Town Council approve the Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the “Keck Property Rezoning” and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following tax map numbers: 90-19-B (2443 Old Cape Charles Road); 90-19-A (Old Cape Charles Road); 90-29-3 (2401 Old Cape Charles Road); 90-29-4 (2403 Old Cape Charles Road); 90-29-2 (2405 Old Cape Charles Road); and 90-29-1 (2407 Old Cape Charles Road) as presented. The motion was approved by unanimous vote.

NEW BUSINESS

There was no new business.

REPORT OF OFFICERS AND COMMITTEES

Paul Grossman informed the commission that he gave a presentation to the Housing Coalition about how useful he found the study.

STANDING STAFF REPORTS

Katie Nunez gave updates on the following: (i) Subdivision: Nothing to report. (ii) Board of Zoning Appeals: No applications filed for October meeting. (iii) Consultant Status Reports: (1) Commonwealth Preservation Group - Historic District Guidelines: The consultants would have entire month to incorporate changes. The final version would be delivered by November 14, 2022. December 6, 2022 Planning Commission and Town Council Joint Public Hearing, and on December 15, 2022 Town Council will take action on the Adoption of the Historic District Guidelines and the Zoning Text Amendment of Article VIII (Historic District Overlay & Map).

(2) Summit Design and Engineering: Hard copies have been distributed and comments were being accepted.

ANNOUNCEMENTS

- Public Forum – open discussion with Consultant, Summit Engineering: Presentation on Draft 5-Year Comprehensive Plan – October 6, 2022, at 6:30 p.m. in the Civic Center
- Joint Meeting with Town Council and Planning Commission – October 27, 2022 at 6:30 p.m. in the Civic Center
- Joint Public Hearing with Town Council and Consultant, Summit Engineering and Regular Session – November 9, 2022 at 6:00 p.m. in the Civic Center on Adoption of 5-Year Comprehensive Plan Update
- Joint Public Meeting with Town Council and Regular Session – December 6, 2022, at 6:00 p.m. in the Civic Center on Zoning Text Amendment Article VIII – Historic District Overlay & Map

Motion made by Jim Holloway, seconded by Dennis McCoy, to adjourn the Planning Commission Public Hearings and Regular Meeting at 7:12 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician