



PLANNING COMMISSION

Regular Meeting

Cape Charles Civic Center
February 7, 2023

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway, Dennis McCoy, Michael Strub, and Shannon Smith. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning/Zoning Administrative Assistant Alyce Crockett, and Town Clerk Libby Hume. There were no members of the public in attendance and two 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, Chairman Stramm approved the Consent Agenda as presented.

There was some discussion regarding selecting representatives to fill two vacant seats on the Harbor Area Review Board. Commissioner Ashworth and Commissioner Smith volunteered to fill those vacant seats.

Hearing no objections, Chairman Stramm appointed Commissioner William Ashworth and Commissioner Shannon Smith as the Planning Commission representatives to the Harbor Area Review Board.

A joint meeting has been scheduled with the Harbor Area and Historic Area Review Boards for February 22, 2023.

PUBLIC HEARING COMMENTS:

There were no public comments to be heard.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS

A. Continued review of the work of the Housing Sub-Committee on the Land Use Ordinance Barriers to Housing Development - Excel Spreadsheets for Factors 6, 7 and 8.

Factor 6 – Development Approval Process

- Item 2 – The subdivision ordinance standards needed to be consistent with the Code of Virginia; therefore, it was deferred to the consultant to review for compliance.
- Item 4 – The timelines of reviews and the length of validity for approved plats and plans needed to follow the Code of Virginia.
- Item 5 – Ms. Nunez was with Summit Consulting to move the zoning ordinance to Municode for easier searching. Also, GIS mapping was being constructed on a platform that would show the Town of Cape Charles and be made available to the public.
- Item 6 – Consultant contracted to review ordinance to ensure state code compliance.

Factor 7- Maintenance of Existing Housing

- Item 2 – Non-conforming manufactured homes must be permitted to be replaced in the by-right. Consultant was reviewing ordinances against the state code.
- Item 3 – Additions to non-conforming dwellings for accessibility for seniors. Zoning ordinance needed to be updated to codify.
- Item 6 - Consider comprehensive plan and ordinance amendments outside of zoning to support preservation of existing housing stock. Town council needed to address at policy level.
- Item 7 – Recommended: Consideration of adopting ordinances to address unsafe, substandard housing. No further action required because this was already covered in the Town Code under Article Three and the Building Code has already been updated.
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Factor 8 – Location of Housing Growth

- Item 1 – Housing diversity and affordability – consultant was reviewing the comprehensive plan against the zoning ordinance. Ms. Nunez read the findings. Discussion ensued on how the code defined affordable housing.
- Item 2 – Zoning should align with the comprehensive plan goals for housing diversity and affordability. Consultant was reviewing the comprehensive plan against the zoning ordinances.
- Item 4 – Incentivize development of housing variety in growth areas. Ms. Nunez read the item. Cape Charles already offered a variety of housing within the town. Parking in the historic district would be reviewed.
- Item 5 – Adopt inclusionary zoning regulations allowed by the Code of Virginia in targeted growth areas. The consultant was reviewing the zoning ordinances against the state code requirements.
- Item 8 – Support comprehensive plan and rezoning that allow for adaptive re-use of existing buildings for affordable housing. Ms. Nunez recommended Town staff and Main Street invite owners of underdeveloped buildings to a work session to discuss further opportunities afforded to them. The work session would be compiled and sent to the consultant.

NEW BUSINESS

A. Zoning ordinance review.

- 1 - Split Zoning – how to address a parcel that may have two types of zoning separately on the parcel. Consultant was being advised in this matter. The discussion was tabled until hearing from the consultant.
2. Special exception – special exceptions were included in the zoning ordinance, but no actual examples were listed. Commissioner Grossman suggested removing the special exceptions but wished to wait for the consultant's report.
3. View shed - definition provided by Ms. Nunez – it is unclear how to use the terminology – Commissioner Grossman stated this was to protect the line of site to the harbor. Need to clean up the ordinance wording.
4. Under CCZO section 3.2 (C) (6), this is a zoning district section for Residential -1 and through a conditional use permit, this listed use is possible - adaptive reuse - understand where this would apply. Church to residential. Relates in R1 district - strike the "50-year-old" component - already in article 8.
5. Under CCZO Section 3.3 exists a zoning district called Residential Mixed District R2 although this has not been applied to any parcels in the town. Need to add Multi Family to the ordinance.
6. CCZO Article 3 details various zoning districts. Regarding Development standards – questions regarding if this was in the right place in the zoning ordinance or should have its

own chapter. These items were covered in the historic district guidelines. The commissioners were waiting for the findings of the consultant.

7. General formatting notes – Ms. Nunez read the paragraph.

8. The term Floor Area Ratio (FAR) was not in the ordinance and how would it be calculated in the harbor district. Town Clerk Hume explained where the term came from. There was a discussion regarding the FAR of buildings in the Harbor District. Ms. Nunez said the consultant wanted to discuss this issue. She agreed to call them in March with feedback. A work session could be scheduled for further discussion.

Ms. Nunez mentioned the draft calendars for joint meetings with the Town Council to hear comments on proposed zoning text changes.

B. Consideration by the Planning Commission to serve as the applicant for a Zoning Map Amendment (ZMA) Application for four lots on the corner of Mason Avenue and Harbor Avenue (Tax Map #83A2-1-77; 83A3-2-1-75B; 83A3-2-1-75A; & 83A3-2-1-74) from Commercial-1 (C-1) to Commercial-Residential (CR).

Discussion ensued regarding a solution to this zoning issue. Ms. Nunez stated that the Planning Commission should serve as the applicant for a zoning amendment change from C-1 to CR. There was discussion as to why the owners of these lots were not applying for the change. Jim Holloway motioned to accept the Planning Commission to be the applicants, but the motion was then withdrawn due to further discussions. Commissioner Grossman preferred that the owners be the applicants.

REPORT OF OFFICERS AND COMMITTEES

There were no reports given by any officers and committees.

STANDING STAFF REPORTS

Ms. Nunez summarized the staff report.

ANNOUNCEMENTS

- Regular Planning Commission Meeting on Tuesday, March 3, 2023, at 6:00 pm, in the Civic Center.

Motion made by Commissioner Holloway, seconded by Commissioner Ashworth, to adjourn the Planning Commission Regular Meeting at 8:33 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning/Zoning Administrative Assistant