



PLANNING COMMISSION

Regular Meeting

Cape Charles Civic Center

April 04, 2023

At 6:00 p.m., Vice Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Commissioner McCoy, present were Commissioners Paul Grossman, and Shannon Smith. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning/Zoning Administrative Assistant Alyce Crockett, Town Clerk Libby Hume, Anne Darby and Noah Holmes Foster from Summitt Design and Engineering Services. 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, Vice Chairman McCoy approved the Consent Agenda as presented.

PUBLIC HEARING COMMENTS:

There were no public hearings.

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 possible zoning ordinance amendments as prepared by consultants from Summit Engineering.

There was much discussion regarding how to incorporate golf cart parking into the ordinance. Commissioner Grossman suggested that the regulations be reviewed. Vice Chairman McCoy suggested that there be a consideration to develop a “strawman” for a shared parking agreement. What would the shared parking agreement look like as there were no parameters in the ordinance for parking logistics. Ms. Nunez commented on the issues regarding the expansion of the business district, specifically the addition of floors for residential. She expressed a concern about addressing additional parking needs when there was no space. Anne Darby suggested that there not be a requirement for a business owner to have a shared parking agreement. The concerns expressed by Ms. Nunez included distance away from the business, valet parking, length of agreement, time period, and seasonality of the agreement. A second option discussed was to conduct a study to submit to the Town for review. The Town encouraged mixed use capacity so flexibility in the parking regulations was required to accommodate. Ms. Nunez suggested that parking material should not be constructed of hard surfaces due to stormwater runoff. There should be a limit to what was required in the ordinance. Vice Chairman McCoy suggested a study to determine parking availability and parking use.

Dumpster requirements and practicality:

Ms. Nunez summarized the issues with the dumpsters and trash receptacles. These requirements were a challenge to administer. Commissioner Grossman mentioned that the dumpster requirements were hard to comply with and were inflexible. Access gates and fencing should be removed or modified to make it more realistic. These must be considered in the site plan development and could be written in a different fashion.

Section 4.7 – Swimming Pool Regulations:

The Building Code has been modified so no fence was required if the pool has an electric pool cover. The concern here was for safety during power outages. Commissioner Grossman suggested adopting the building code with additional requirements such as for fences and locking gates.

Section 6.3 – Flood Plain District:

FEMA maps were updated in 2015 and Cape Charles was not in the flood plain. Ms. Nunez suggested adding a layer to the map to address the flood plain and involve the building official for discussion.

Section 6.5 – Variances in the Flood Plain District:

The Board of Zoning Appeals would review the variances.

Section 7.4 – Areas of Applicability:

The requirements of the Chesapeake Bay Act need to be represented and layered in the overlay map. The public needs to be educated and the requirements need to be understood by the general public.

Section 7.9 – Resource Protection Area (RPA) and Boundary:

Add a layer to the zoning map to guide interpretation of the RPAs. The suggestion was to delete paragraph B under section 7.9.

Section 7.10 – Performance Standards

There were no performance standards, the Town was in the overlay including Bay Creek.

Marijuana and Zoning Ordinance:

This item would be discussed later.

Former Town Planner, Zach Ponds Proposed Revision to Sign Regulations:

The Planning Commission received a copy but did not address it. This needed to be in a more condensed version. A discussion was needed regarding the regulations. The document needed to be more simplified.

Former Town Planner Zach Ponds Proposed Revision to Home Occupation Ordinance:

What was proposed was good and would be sent to Anne Darby for a better written ordinance. The objective was not to ban home occupancy. Ms. Nunez mentioned that storm water erosion and sediment is controlled by the state. There may be a need for new regulations with these issues addressed. Commissioner Grossman mentioned that duplexes that were converted to single-family residences can't be reverted back to duplexes in the ordinance. To change these back, new requirements would need to be adopted. Converted duplexes were no longer grandfathered.

NEW BUSINESS

There was no new business.

REPORT OF OFFICERS AND COMMITTEES

There were no reports given by any officers and committees.

STANDING STAFF REPORTS

Ms. Nunez gave updates on the following: (i) Subdivision Agent report: Approved (1) Bayside Village Section 2 – the Forest Lots B-205-208 and Open Space 3 (5 lots), (2) Bayside Village Lots B-138 to B-146 (9 lots), (3) the re-subdivision Plat of Village L – Phase 1C - Lots L-105 and L-106 considered Muirfield Village, and (4) the vacation of Lot Line between Tax Map #83A3-1-534 and 83A3-1-535.

(ii) Board of Zoning Appeals: (1) Meeting on Tuesday, April 11, 2023, at 10:00 am to hear the appeal of the decision of the Zoning Administrator regarding the alley between Strawberry and Pine and Jefferson and Washington. and (2) Meeting on May 09, 2023, at 10:00 am regarding the Parking Variance Application for 413 Jefferson Avenue. (iii) Approved Harbor Development Certificates: (1) The Downtown Visitor Center and Public Restrooms off Strawberry Street. (2) Train Car Renovations and associated site work of Strawberry Plaza. (3) The new Municipal Building off Old Cape Charles Road. and (4) The renovations to the Rosenwald School Property have been approved.

ANNOUNCEMENTS

- Regular Planning Commission Meeting on Tuesday, May 2, 2023, at 6:00 pm, in the Civic Center.

Motion made by Commissioner Grossman, seconded by Commissioner Smith, to adjourn the Planning Commission Regular Meeting at 7:18p.m. The motion was approved by unanimous vote.

Vice Chairman Dennis McCoy

Planning/Zoning Administrative Assistant