



PLANNING COMMISSION

Public Hearing & Regular Meeting

Cape Charles Civic Center
May 2, 2023

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 Mike Strub. Commissioners Bill Ashworth and Shannon Smith attended via video conference. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning/Zoning Administrative Assistant Alyce Crockett, and Town Clerk Libby Hume. There were six members of the public in attendance and five 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.

Chairman Stramm read the public hearing notice and opened the public hearings.

PUBLIC HEARING COMMENTS:

- A. *A Conditional Use Permit Application from Liquor Distillation Society LLC at 1 Fig Street (Tax Map #83A3-1-534) in the Commercial-2 (C-2) Zoning District for 3 single-family units located on the floor above commercial space pursuant to CCZO Section 3.7 (C).*
- B. *A Conditional Use Permit Application from Cape Marine Services LLC at 6 Mason Avenue (Tax Map #83A3-A-5) in the Harbor Zoning District to operate a paid parking lot on 72,000 square feet (approximately 22.3% of the total lot size of 322,498 square feet), pursuant to CCZO Section 3-9 (E) (7) (f); said request is seeking a one-time seasonal approval until September 5, 2023 with relief from the landscaping requirements contained in CCZO Section 4.5 (J).*

Henry Harris, 150 Mason Avenue

Resident lives above Gull Hummock and wondered if this is the best use of the property. He was concerned about landscaping for the property and the seasonal operation of a parking lot and was unclear how the Town and the applicant would determine if the seasonal conditional use permit was successful and merited a longer-term application and approval by the Town.

Robert Shrieves, 645 Randolph Avenue

Resident indicated that he was concerned about the noise and parking for the restaurant. At that time, the Chairman informed him that Mr. Shrieves was commenting on the prior public hearing matter for 1 Fig Street and not this application.

Motion made by Commissioner Grossman, seconded by Commissioner Holloway, to close the public hearings for the Conditional Use Permit Applications for 1 Fig Street and 6 Mason Avenue. Motion accepted by unanimous.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS

A. *Discussion regarding possible zoning ordinance amendment submitted by Cape Charles Main Street.*

Ms. Nunez summarize the request from Karen Zamorski, Executive Director of Cape Charles Main Street, asking the Town to consider amending the Sign Regulations specific to adding lights to the commercial district during certain seasonal events, and possible to remain in place for longer periods of time.

The discussion was as follows: (i) Commissioner McCoy mentioned that an individual had to have medical attention due to the poor lighting which indicated that there was a need for lighting. Chairman Stramm mentioned that Strawberry Street was dark at night. Ms. Zamorski contacted the company that put up the lights on the trees during the holidays and was told that because of the trees, overhead lighting could not be connected from building to building. A request has been submitted to ANEC to see if they could use the two telephone poles to string lights. (ii) Ms. Nunez stated that from a zoning perspective that request was a “no”. She told the commission that this may be a request to amend the zoning ordinance and the council wished to investigate further it would be done. (iii) Commissioner Strub asked about the seasonality of the lighting. Ms. Nunez stated that the zoning ordinance does not allow string type lighting other than the Christmas Holidays. Cannot have this type of lighting year-round. (v) Commissioner Strub stated that with daylight savings time there was light until 8:00 pm. He asked if there were any establishments that were open after 8:00 pm. Ms. Nunez replied that there needed to be further investigation regarding this. (vi) Commissioner Smith stated that lighting would also be beneficial to residents and would like to learn more about this. (vii) Commissioner Ashworth asked if there would be guidelines for year-round lighting and would like to follow up on this. Ms. Nunez asked the commission if they wanted more research done. As it stands, the limited lighting resides in the sign ordinance do you want me to do the research – there was no lighting section in the ordinance and resides in the sign ordinance. (viii) Commissioner Grossman stated that there needed to be restrictions and boundaries regarding how lighting was displayed throughout the town. Ms. Nunez asked the commission if they wanted her to continue the research. All were in favor.

NEW BUSINESS

A. *A Conditional Use Permit application from Liquor Distillation Society LLC at 1 Fig Street (Tax Map #83A3-1-534) in the Commercial-2 (C-2) Zoning District for 3 single-family dwelling units located on the second floor above commercial space pursuant to CCZO Section 3.7 (C).*

Ms. Nunez summarized the staff report.

The discussion and questions were as follows: (i) Commissioner Grossman was concerned if the 35 feet height limitations had been met on the new construction of the second floor. Ms. Nunez assured him that they would not be exceeded. He also asked about the setbacks involving the patio and would it meet the 5 feet setback. Ms. Nunez also mentioned that the frontage was on Fig Street and that the setbacks would be met. (ii) Commissioner Grossman asked if the applicants were okay with no short-term rentals. Ms. Nunez has already made that recommendation to the applicants. (iii) Commissioner Holloway questioned if these new units would have to meet the same requirements as current accessory dwelling units (ADU) in the terms of the requirements; Ms. Nunez stated that they are not ADU but single-family dwellings according to the ordinance and would have to meet the same requirements.

Motion made by Commissioner Grossman, seconded by Commissioner Holloway, to recommend to Town Council approval of the CUP2023-001: Conditional Use Permit Application from Liquor Distillation Society LLC at 1 Fig Street (Tax Map #83A3-1-534) for 3 single-family dwelling units above 1st floor Commercial Space based upon the site plan and application submitted and with the condition that the minimum lease term of no less than 30 days be assigned to the 3 residential units at 1 Fig Street. The motion was approved by unanimous vote.

B. *A Conditional Use Permit application from Cape Marine Services LLC at 6 Mason Avenue (Tax Map#83A3-A-5) in the Harbor Zoning District to operate a paid parking lot on 72,000 square feet (approximately 22.3% of the total lot size of 322,498 square feet), pursuant to CCZO Section 3-9*

(E) (7) (f); said request is seeking a one-time seasonal approval until September 5, 2023 with relief from the landscaping requirements contained in CCZO Section 4.5 (J).

Ms. Nunez summarized the project.

Discussion as follows: (i) Ms. Nunez summarized that the applicant is seeking relief from zoning ordinance section 4.5 (J) regarding landscaping requirements for parking lots. Since the project was temporary (seasonal), the applicant did not want to install landscaping. The project was a trial run and did not seek a permanent solution. (ii) Commissioner McCoy asked if the lot would be manned. Ms. Nunez replied that there would be an attendant during operating hours. (iii) Commissioner Holloway expressed his concern regarding the parking surface and a trial run of the parking lot would be beneficial. (iv) Commissioner Grossman clarified that that there would not be any overnight parking. (v) Commissioner Strub asked who the target audience would be. Mostly shoppers and beach goers. Mr. Dize said there would be signage. (vi) Commissioner Stramm was concerned about the lighting, but Mr. Dize assured him that there would be no nighttime parking.

Smitty Dize – Cape Marine Services, LLC

The applicant confirmed the staff presentation and reaffirmed the operating details re: hours of operation and the clear understanding that this lot would not be for overnight or long-term parking but daily, short-term parking only. He recognized that there was a parking issue but was not sure if paying for parking would work, hence the request for a seasonal permit. The lot would be open to all types of vehicles that could traverse on the public roads, including motor homes, trailers, or boats being towed. However, the larger vehicles may be charged a different rate from a regular car. The lot was seasonal only and would be staffed. If there was rain, no parking would be permitted. The fencing around the property would be repaired and be chained off in the off hours except on July 4, which would be open for the fireworks displays. Mr. Dize explained that adding landscaping would impair the profitability of the project. He also explained that there would be trash receptacles available. There would also be no other entrances to the lot other than from Mason Avenue.

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: Ms. Nunez summarized that Town Council had come to an agreement with Bay Creek on amending of the annexation agreement which cause subdivision approvals to be paused but, might become more active. (ii) Board of Zoning Appeals: (1) Meeting on May 09, 2023, at 10:00 am regarding the Parking Variance Application for 413 Jefferson Avenue. (iii) Approved Harbor Development Certificates: (1) Rosenwald School Renovation Project with conditions.

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 7:18 p.m. The motion was approved by unanimous vote.

Vice Chairman Dennis McCoy

Planning/Zoning Administrative Assistant