



PLANNING COMMISSION

Public Hearing & Regular Meeting

Cape Charles Civic Center
July 11, 2023

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Paul Grossman, Jim Holloway, Dennis McCoy, Michael Strub, Shannon Smith, and Bill Ashworth. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning/Zoning Assistant - Preservation and Zoning Administrator Tracy Outten, Town Clerk Libby Hume, and the applicant. There were two 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:

Commissioner Grossman suggested moving New Business before Unfinished Business.

Motion was made by Commissioner Strub, seconded by Commissioner Smith, to approve the agenda format as amended to move New Business before Unfinished Business. The motion was approved by unanimous vote.

After reviewing the minutes, the following corrections were made: (i) February 7, 2023 Regular: page two, bullet point three the word “plan” was misspelled; and (ii) May 2, 2023 Public Hearing and Regular Meeting: (1) page 4; Standing Staff Reports Item A. incomplete thought, and (2) Adjourn time needs to be added.

Motion was made by Commissioner Grossman, seconded by Commissioner McCoy to approve the minutes from January 3, 2023 Public Hearing and Regular Meeting, January 30, 2023 Work Session, and April 4, 2023 Regular Meeting as presented, February 7, 2023 Regular Meeting and May 2, 2023 Public Hearing and Regular Meeting as amended. The motion was approved by unanimous vote.

PUBLIC HEARINGS:

A. Zoning Map Amendment (ZMA) 2023-02 application from Nancy T. Rooney to rezone 107 Mason Avenue (Tax Map #83A3-2-1-74 & #83A3-2-1-75A) from Commercial-1 (C-1) Zoning District to Commercial Residential (CR) Zoning District for proposed use pursuant to CCZO Section 3.5.

Zoning Map Amendment (ZMA) 2023-02 application from RL & B Seaside Investments, LLC to rezone Tax Map #83A3-2-1-75B and #83A3-2-1-77 from Commercial-1 (C-1) Zoning District to Commercial Residential (CR) Zoning District for proposed use pursuant to CCZO Section 3.5.

Chairman Stramm read the public hearing notice.

Ms. Nunez read the staff report. She did not think the current zoning gives property maximum use.

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

Motion made by Commissioner Grossman, seconded by Commissioner McCoy, to close the public hearing at 6:13 p.m. The motion was unanimously approved.

CITIZEN COMMENTS:

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

NEW BUSINESS:

- A. *Zoning Map Amendment (ZMA) 2023-02 application from Nancy T. Rooney to rezone 107 Mason Avenue (Tax Map #83A3-2-1-74 & #83A3-2-1-75A) from Commercial-1 (C-1) Zoning District to Commercial Residential (CR) Zoning District for proposed use pursuant to CCZO Section 3.5.*

Zoning Map Amendment (ZMA) 2023-02 application from RL & B Seaside Investments, LLC to rezone Tax Map #83A3-2-1-75B and #83A3-2-1-77 from Commercial-1 (C-1) Zoning District to Commercial Residential (CR) Zoning District for proposed use pursuant to CCZO Section 3.5.

The discussion and questions were as follows: (i) Under CR the permitted uses indicate that a single-family residence would be allowed by right. The existing building on the one lot would be considered a single-family residence even if it was using only the back end of the building for that purpose. (ii) Could similar type buildings be erected on the vacant lots? Yes, they could have a full residence or a building that was shared with a residence and a commercial storefront. (iii) Examples were requested that have this shared concept. It was noted that the far end of Mason Avenue near the Town Hall to the corner of Fig and Mason are zoned CR and at the corner of Plum and Mason, this house had just reverted back to being only a residence when for several years prior it also housed a business, the Dacha Tea establishment. Ms. Nunez noted that some residential development has been allowed by the Town in property zoned C-1 on the first floor, relying upon the Fair Housing Act and the need to address ADA compliance/residential units but she indicated the manner in which those properties were approved did not also ensure the proper protections through deed restrictions were put in place so that they remained designated as ADA units.

Motion was made by Commissioner Grossman, seconded by Commissioner Holloway, to recommend Town Council rezone Tax Map Parcels #83A3-2-1-74, 75A, 75B, and 77 from Commercial-1 to Commercial Residential. The motion was unanimously approved.

UNFINISHED BUSINESS

- A. *Continued discussion of possible zoning text amendments - Sign Ordinance & Comparison of Industrial Districts.*

Discussion and questions were as follows on the Comparison of Industrial Districts: (i) Ms. Nunez explained the chart. (ii) Commissioner Holloway thought the former rail yard would be zoned something different, maybe Commercial Residential. (iii) Commissioner Grossman talked about the Canonie property not being industrial. (iv) Commissioner Grossman thought some districts could be combined; M-1 was ridiculous. (v) Ms. Nunez wanted to allow harbor-based industry and was seeking help from the consultants. and (vi) Commissioner Strub asked if there was an update on railroad property.

Discussion and questions were as follows on the Sign Ordinance update: (i) Ms. Nunez stated that sign ordinance needs to be updated. (ii) Commissioner Ashworth talked about the complexity of this issue and added that things needed to be done right the first time and the ordinance had to be careful and not underinclusive; be concise. (iii) Ms. Nunez thought it was good that the Town was late to the game doing updates and most court cases were from the Southern region. (iv) Commissioner Ashworth asked how many townships or cities have adopted model language in Virginia; unsure (v) Ms. Nunez stated that none have adopted the model language as it was, as the model was just that a model. (vi) Commissioner Ashworth thought if no townships or cities have adopted this then that could mean something. (vii) Commissioner McCoy thought people put a sign up anywhere they pleased so, a sign ordinance was adopted, but it did not help. He added that this needed to be looked at carefully. (viii) Commissioner Ashworth agreed judiciously that we do need to start updating this ordinance. (ix) Ms. Nunez would put out a survey to get a total of

localities that changed their sign ordinance after the case. (x) Commissioner Ashworth asked because if there was a problem with the model then we do not want to be back here in three years doing another update. (xi) Commissioner McCoy thought outreach with the community was a good idea as it had worked during the Comprehensive Plan update. (xii) Commissioner Smith asked if we were trying to solve an existing problem or trying to head off future issues. Ms. Nunez answered that the existing sign ordinance cannot be enforced. (xiii) Commissioner Strub asked if the existing ordinance has been voided; no. (xiv) Commissioner Smith said that once we start down this path people will take advantage. (xv) Commissioner Ashworth talked about regulating commercial speech versus non-commercial speech (xvi) Ms. Nunez stressed again that this was a starting point. Chairman Stramm agreed that this was a good starting point. (xvii) Commissioner Ashworth suggested that a sub-committee group may be helpful to work through the details. (xviii) Ms. Nunez did not want to get hung up and said she was on a timeframe to get ordinances updated. (xix) Commissioner Smith did not think that this was the right meeting to go through all the information. A work session would have been a better option. (xx) Commissioner Grossman liked the sub-committee idea and meetings can be more frequent. and (xxi) Commissioner Holloway stated that Cape Charles was now a Main Street Community and has sign standards, he suggested asking them for input.

Commissioner Grossman informed the Commissioners that the County of Northampton was also working on updating their sign ordinance.

Motion was made by Commissioner Ashworth, seconded by Commissioner Smith, to create a sub-committee to review the Cape Charles Zoning Ordinance Section 4.2 - Sign Regulations and develop proposed amendments to bring forward to the Planning Commission in early fall. The motion was approved by unanimous vote.

REPORT OF OFFICERS AND COMMITTEE

There were no reports from the officers and committees.

STANDING STAFF REPORTS

Ms. Nunez summarized the staff report.

ANNOUNCEMENTS

- Regular Planning Commission Meeting on Tuesday, August 1, 2023, at the Civic Center.

Motion made by Commissioner Holloway, seconded by Commissioner McCoy, to adjourn the Planning Commission Public Hearing and Regular Meeting at 7:31p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning and Zoning Administrative Assistant