



**PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
February 6, 2024**

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, Shannon Smith and Elizabeth Wright. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning & Zoning Administrative Assistant Maureen Tamares-Meditz and Town Clerk Libby Hume. There were 3 viewers on Facebook Live and no members of the public in attendance.

Chairman Bill Stramm welcomed the newest member Elizabeth Wright who has been appointed to a four-year term that commenced on November 1, 2023 - October 31, 2027. Everyone welcomed Ms. Wright. Chairman Stramm expressed his gratitude to Michael Strub, who previously held the position for his unwavering dedication in volunteering for the Town of Cape Charles for the past decade and for being a great member of the Planning Commission.

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

CONSENT AGENDA:

Motion made by Commissioner Grossman seconded by Commissioner Ashworth, to approve the Consent Agenda as presented. 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.

NEW BUSINESS:

- A. 1. PLANNING COMMISSION BY LAWS: Article 5-4.2 – Commissioner Grossman pointed out that for HARB two (2) members from the Planning Commission are appointed instead of one (1). It was asked why the need for 2 representatives. Ms. Nunez replied that it is what is required based on the Ordinance.

Motion made by Commissioner Grossman seconded by Commissioner Holloway, to accept the Planning Commission By Laws with revision to Article 5-4.2: appointing two (2) representatives to the Harbor Area Review Board(HARB). The motion was approved by unanimous vote.

2. ADDITION OF REMOTE PARTICIPATION POLICY: Commissioner Smith expressed her concern about the limit to two meetings per calendar year or 25% of the meetings held per calendar year because she travels a lot for work. Commissioner Grossman replied that this has been added over the years. Commissioner Holloway commented regarding the title Policy for Electronic participation but throughout it is being referred to as remote participation, he suggested if just either one could be used across the board for language consistency. Ms. Nunez replied that the text of the Code language is being followed which refers to it as remote participation, the title was changed to Electronic Participation so it will be clear that it is Electronic. For consistency, the title will be changed to remote participation. All agreed.

Motion made by Commissioner Grossman seconded by Commissioner Holloway to amend the previous motion to allow adding a statement in the By Laws referencing Appendix C. The motion was approved by unanimous vote.

- B. Appointment by the Planning Commission from within their ranks a member to serve on the Historic District Review Board (HDRB).

Motion made by Commissioner Grossman seconded by Commissioner Holloway to elect Elizabeth Wright as the Planning Commission member to the Historic District Review Board (HDRB). The motion was approved by unanimous vote.

- C. 2022 & 2023 ANNUAL REPORT – Ms. Nunez summarized the annual report (please see attached).

Motion made by Commissioner Holloway seconded by Commissioner Smith to accept the report and forward it to Town Council. The motion was approved by unanimous vote.

REPORT OF OFFICERS AND COMMITTEES

- A. Sign Subcommittee: Continue with the Review and Discussion of Proposed Sign Ordinance, Section 12 – Commercial District Signs (page 12)

Discussion was as follows:

Ms. Nunez started by saying that since the Residential table was discussed at the last meeting, Commissioner Grossman was asked to incorporate all the changes in the chart. For the three (3) remaining Zoning District Mr. Grossman went above and beyond to create the tables as well. She also mentioned that if everyone is agreeable to tonight's work, the chart work that was done by Commissioner Grossman would become our new charts going into the document. She pointed out that on the document some questions and/or comments that are highlighted in yellow, to make or get a decision on. Commissioner Grossman also took pictures of sign examples and added description on some of them.

§11. Residential District Signs

- Since there were some items on the Residential District table that were not finalized the discussion started on this.
- Commissioner Ashworth expressed his concern about some text in the ordinance not being consistent with text on the table that was created by Commissioner Grossman. Commissioner Smith replied that she is suggesting along with Commissioner Grossman and Ms. Nunez that when a particular item is reflected on the table it should be scratched out on the ordinance text to avoid confusion and duplication. Commissioner Smith continued to say that this is a decision that should be made as a group, and she believes that this would be easier for the citizens of the town to read and understand.
- *Flags.* There was a bit of discussion about flags. Commissioner Ashworth said it was not clear whether flags other than the US flags are allowed to be illuminated at night. Commissioner Smith replied that is why it was stated that on footnote 4, it talks about the US Flag Code. Ms. Nunez added that the *sentence for other flags see Section 8* will be added on the table.
- *Temporary Other (1)*
 - *Size:* delete window signs do not obstruct more that 50% of the window
 - *Duration:* delete 30 days, and
- *Footnote (1) Vacation rental signs are prohibited.* Commissioner Smith asked if a lawyer can review this to make sure it is legal. Ms. Nunez replied that an attorney will review the entire

Zoning Ordinance once it is finished. Commissioner Ashworth does not agree with using this term and believes this is controlling free speech and asked if using this is allowed.

Ms. Nunez replied that the board has the right to set rules in various zoning districts and this is in the Residential Zoning District. After some more discussion it was agreed that the Board will come back to discuss more on this.

§12. Commercial District Signs

- *Freestanding (Including Monument)*
 - *Location:* delete: with a minimum surround of three (3) feet of regularly maintained floral and shrubbery landscaping in every direction. Add:
 - *No landscaping requirement.*
- *Wall, Window and Door Signs*
 - *Delete Door, title should read:* Wall & Window Signs
 - *Permit Required:* add window- no; wall – yes
 - *Size/Number:* Delete up to 25% of the area of a window and count toward the maximum square footage of wall signs. All agreed.
- *Temporary Signs*
 - *Setback:* Add: not to impede pedestrian traffic
 - *Location:* Delete: permitted
- *Other*
 - *Definitions:* Projecting Sign: Ms. Nunez will check her book for additional language
 - *Size/Number:* projecting sign perpendicular to bldg. frontage ≤ 10sf
projecting sign parallel to bldg. frontage 5sf/5 lineal ft
awning sign ≤ 12sf

The discussion ended at Commercial District Signs. Next meeting the board will continue on Harbor District Signs table.

STANDING STAFF REPORT:

Ms. Nunez gave updates on the following: (i) The Cape Charles Rosenwald School project has been approved through Site Plan review for zoning clearance – said review involved Harbor Area Review Board, Town Council, Virginia Department of Transportation; Virginia Department of Environmental Quality for stormwater review; and Erosion and Sediment Control by the Town's third party inspector (ii) The Historic District Review Board has approved the relocation of the house located at 645 Mason and Ms. Nunez is working with the property owner in getting a final application submitted for a drive-thru bank at this location once the house is moved. She has provided comments on the preliminary site plan and they are working on submitting a full site plan not only to the Town but also to DEQ for stormwater review & the Town's 3rd party inspector for Erosion & Sediment Control review & to VDOT for access onto and off this property for this type of business. They will also be submitting concurrently the Historic District Review Board Certificate of Appropriateness application for Town review. Ms. Nunez is working with the applicant, Kerry Shackelford, who is going to be moving the house off the property and relocating this structure to 602 Washington Avenue, relative to the specifics of the house move. He is working on gaining the final approvals from the various utilities that will be involved in the move and we are working towards a late February date for this house to be moved.

ANNOUNCEMENTS

- Work Session for Sign Ordinance Final Proofing (as needed): Wednesday, February 21, 2024
- Town Council Strategic Retreat: Saturday, February 24, 2024 10:00 am – 3:00 pm
YMCA Gymnasium
- Joint Work Session with Town Council: Tuesday, February 29, 2024
- Regular Session: Tuesday, March 5, 2024
- Joint Public Hearing with Town Council: Monday, April 15, 2024

Motion made by Commissioner Holloway, seconded by Commissioner Smith, to adjourn the Planning Commission Regular Meeting at 8:28 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning & Zoning Administrative Assistant