



Planning Commission

Regular Meeting and Public Hearing

Cape Charles Civic Center

September 3rd, 2024

At approximately, 6:00p.m., Chairman Bill Stramm, having established a quorum, called to order the Planning Commission Regular Meeting for September 3rd, 2024. In addition to Chairman Stramm, also present were Commissioners Bill Ashworth, Shannon Smith, Libby Wright, Ian McDonald and Councilman Paul Grossman. Commissioner Holloway was unable to make the meeting.

Also, in attendance were Planning and Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume. There was one member of the public in attendance and two watching via 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.

Public Hearing Comment:

There were no public comments to be heard.

Unfinished Business:

- A. *Continued review of the Zoning Map Amendment (ZMA 2024-01): Application from Donna and Gregory Kohler to conditionally rezone 711 Tazewell Avenue /302 Fig Street (aka Fig Street Inn) (Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I) from Residential-1 to Commercial Residential (CR).***

During the Planning Commission Regular Meeting on August 6th, 2024, it was clear that the Commission was not going to come to a consensus agreement on what to do with the conditional rezoning application from the Kohler's, therefore Ms. Nunez suggested that the Commission table the vote and allow for the appellants to meet with staff to talk over their options to move forward.

After the appellants met with staff, it was recommended that to move the application forward they would need to provide additional proffers for consideration, agreeing with staff the appellants are now offering the following proffers for removal; antique stores, art galleries, athletic clubs, camera shops, dry goods stores, leather goods, newsstands, tobacco stores, video stores, day care centers, ice cream parlors, delicatessens, and restaurants.

Another issue that the Commission had was regarding the parking, or lack thereof, at the Fig Street Inn. The applicants mentioned that they were going to be working

on ways to increase the parking on the property, so that more parking was available to visitors.

After the applicants heard the Commission's concerns they had with the application, the Commission began to ask clarifying questions on certain parts of the zoning process that could affect the applications.

Councilman Grossman wanted to know if this would fall under the classification of spot zoning. Ms. Nunez did not believe so as this application was consistent with the fact there was already other commercial zoning nearby, making it not completely out of character for this area of Fig and Tazewell.

Commissioner McDonald wanted to know that because there was a wellhead on Lot J would the rezoning be impacted. Ms. Nunez explained that the wellhead is not applicable to rezoning. Furthermore, Chairman Stramm followed up by asking if the well is currently active. Ms. Nunez mentioned that the applicant would have to speak more on the specifics of the well.

After the Commission concluded asking questions, they then began discussing the possible rezoning. Commissioner McDonald was willing to rezone just Lot A but had concerns for the precedent it would set if they rezoned all three lots and there was a change of ownership down the line that wanted to develop the other lots into businesses that were out of character with the area. Councilman Grossman did not want to rezone Lot A as the Future Land Use Map (FLUM) does not reflect lots as Commercial Residential in this specific area of town. Councilman Grossman was also concerned that by rezoning these Lots it could possibly be a gateway into a transition that would be out character with the area, and going from Residential-1 to Commercial Residential was not compatible with the area as a whole.

Finally, Councilman Grossman asked Ms. Nunez if the submitted proffer statement was in the appropriate legal form that complied with the appropriate standards. Ms. Nunez mentioned that she will need to refine the proffer standards.

Motion made to rezone only Lot A with the accompanying proffer statement for Town Council. Motion passed with a 5-1 vote, with Councilman Grossman being the lone dissenting vote.

Standing Staff Report:

Ms. Nunez spoke about how she recently signed off on the creation of Village L in Bay Creek, which would create 58 new lots for development. Councilman Grossman wanted to know if Village L would be in compliance with PUD. Ms. Nunez mentioned that Village L was in compliance with the PUD.

Motion made by Commissioner Grossman, seconded by Commissioner Ashworth, to adjourn the Planning Commission Regular Meeting and Public Hearing at 6:25p.m., the motion was approved unanimously.

Chairman Bill Stramm

Planning Technician

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