



PLANNING COMMISSION

Regular Meeting

Town Hall

December 10, 2013

At 6:04 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were two members of the public in attendance.

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

PUBLIC COMMENTS

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

CONSENT AGENDA

Motion made by Mike Strub, seconded by Joan Natali, to accept the agenda format as presented. The motion was unanimously approved.

The Commissioners reviewed the minutes for the November 5, 2013 Regular Meeting.

Two typographical corrections on page 1 were noted by Joan Natali and Dennis McCoy.

Motion made by Bill Stramm, seconded by Andy Buchholz, to approve the minutes from the November 5, 2013 Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Rob Testerman reported the following: i) The Wetlands Board was scheduled to meet on December 18 at 4:00 p.m. to hold a public hearing on a proposed breakwater and beach nourishment project directly west of 157 Sunset Blvd in the Colony. Bill Stramm asked about the location of the proposed breakwater. Rob Testerman stated that the breakwater would be constructed off Sunset Blvd., south of the Aqua Restaurant and inshore of the existing breakwaters; ii) On December 6, he met with a representative from the Dept. of Fish and Wildlife Services regarding an outreach program with localities dealing with endangered species. It was a good meeting; iii) On December 19, the Town Council would be requested to decide whether or not to have staff and the Planning Commission research and develop a draft chicken ordinance; and iv) An application was received from Jon Dempster, owner/operator of The Shanty, for modifications to the building. Staff was working to schedule a Harbor Area Review Board meeting in early January to hear the proposal. Plans for the proposed Virginia Waterman's Memorial would also be reviewed.

OLD BUSINESS

A. Section 4.1 Sign Regulations

Rob Testerman stated that, at the November meeting, the Commissioners reviewed the comments from the legal review and were in agreement with the recommended changes. The draft ordinance was based off the model sign regulation ordinance in the International Zoning Code of 2012 and was a complete rewrite of the Town's existing sign ordinance. Rob Testerman went on to summarize the changes as follows: i) Definitions were expanded and were much more specific than those in the existing regulations. Having the definitions more specific would aid in enforcement of the regulations and left less open to interpretation while under review; ii) The proposed regulations included a visual aid representing different types of signs and

showed the areas to be included when calculating the signage area. This aid would be a helpful reference for the zoning administrator reviewing signs as well as an applicant preparing to install a sign; iii) The proposed regulations contained a section of General Provisions which set forth requirements for signs in rights-of-way, projections over public ways, traffic visibility, computation of frontage, maintenance, etc.; iv) The sizes and types of signs allowed, including temporary signs, in each district was more specific in the proposed ordinance; v) The proposed ordinance included specifications for signage in development complexes over 8 acres in size, which would require a "master sign plan;" vi) A major change dealt with enforcement. Currently, if a sign was found to be in violation, the zoning administrator was authorized to send a letter of violation. If not corrected, the person in violation was then guilty of a Class IV misdemeanor and subject to a fine of \$10 - \$250 per day until the violation was corrected. This could not be enforced without going to court and most localities did not pursue legal action. Under the proposed ordinance, if a sign is in violation, the zoning administrator would issue the violation notice and if the violation was not corrected within 10 days, the zoning administrator was authorized to remove the sign at the expense of the owner; and vii) This ordinance did not attempt to regulate the content of the signs, which was a matter of free speech, but the size, location and types of signs.

A joint public hearing with the Town Council was held this evening at 6:00 p.m., immediately preceding the Planning Commission's regular meeting and no comments were heard.

Motion made by Mike Strub, seconded by Bill Stramm, to move forward with the Commission's recommendation to the Town Council for approval of the draft of Zoning Ordinance Section 4.1 – Sign Regulations. The motion was unanimously approved.

B. Town Edge Overlay District

Rob Testerman stated that he had incorporated the Commissioners' comments from the November meeting into the draft Historic Town Entrance Corridor Overlay District language included in the agenda packet and he had also attached the County's by-right uses for the area. Rob Testerman continued to state that he attended the County's public input meeting on December 5 and spoke with Peter Stith and Charles McSwain to brief them on the Town's direction to require conditional use permits for certain uses vs. the uses being by-right. The County hoped to have their revised zoning ordinance adopted by mid-spring and were looking forward to reviewing the Town's draft language.

The Commissioners reviewed the area of the proposed corridor overlay on the draft zoning map which showed the areas currently zoned as Agriculture (AG), Residential (R), Residential-3 (R-3), and Residential-5 (R-5) along with the updated language for the Historic Town Entrance Corridor Overlay District and discussed the following: i) B&Bs and vacation rentals were allowed by-right in all of these districts and inns were proposed to be allowed by-right in the Agriculture district. These uses were discussed at the last meeting and would be recommended to be allowed by conditional use; ii) Rob Testerman noted that a wastewater treatment plant was currently allowed by-right in the Agriculture district but suggested that the Town recommend that a wastewater treatment plant not be allowed in the Route 184 corridor; iii) Definitions for "sales, retail bulk outdoor" and "sales, retail general," business types which were to be allowed by-right in the commercial district, were discussed and the Commissioners agreed to recommend these types of businesses be permitted by conditional use vs. by-right; iv) Rob Testerman suggested that the setbacks in the corridor overlay district not be followed for properties along Route 13 and added that he had contacted Dale Pusey of VDOT for his opinion but had not heard back. Joan Natali suggested that language be added stating that VDOT's rules would supersede those of the County and Town if they were in conflict; v) Rob Testerman stated that he had spoken to Charles McSwain since the December 5 meeting and the ordinance was subject to change based on comments received at the public input meetings; vi) Charles McSwain was working with VDOT regarding the proposed Harbor Access Road; vii) Joan Natali

noted that the Town of Cheriton was supposed to have an Executive Session with the County Board of Supervisors regarding their boundary adjustment request. Dennis McCoy asked that Rob Testerman find out about the outcome of this meeting for discussion at the January meeting; viii) It was suggested that the proposed Bicycle Trail plan be included in the ordinance. Rob Testerman stated that Susan Simon of the Accomack-Northampton Planning District Commission (ANPDC) and Susan Rice of the Fish & Wildlife Service were working on the plan and Susan Rice was trying to get the trail back to the railroad right-of-way; ix) Dennis McCoy suggested that Rob Testerman check the area by Tower Hill and Kings Creek Landing in regards to including them in the overlay area; and x) Joan Natali noted that page 2 of the draft ordinance, the items listed for conditional use showed some items as singular and some as plural and suggested that they be consistent.

Rob Testerman stated that he would work on the map area and update the text per tonight's discussion for review again at the January meeting. After the January meeting, the language should be ready to send to the Town Council for their review prior to being submitted to the County for their consideration.

C. *Revised Zoning Map*

Rob Testerman stated that earlier this year, the zoning map was updated by an intern who was working with the Town. That version was presented to the Commission for review several months ago and a number of corrections were noted. The corrections and suggestions made by the Commissioners had been incorporated into a new draft zoning map which was presented to the Commission for further review. The color scheme of the map was changed and the storm water ponds located throughout Bay Creek were also included. Additional comments were made as follows: i) Bill Stramm noted that Park Row needed to be identified; ii) Andy Buchholz noted that the parking lot behind the library was marked as commercial along with lots on Harbor and Randolph. Rob Testerman would double check these areas; iii) Andy Buchholz noted that the lot at Peach and Jefferson was commercial and was currently the location of Lenore Mitchell's store. Joan Natali noted the lot where Sample's Barber Shop was located. Rob Testerman stated that this map showed zoning, not uses. Some of the businesses could be under a conditional use permit; iv) It was noted that the color of the Open Space was confusing. Rob Testerman stated that he would add lines to the Open Space areas; and v) Mike Strub stated that he assumed the light blue areas were bodies of water and suggested they be added to the legend. Rob Testerman stated that he would make the additional changes and in the future, as zoning changes were made, he would revise the map accordingly to keep it updated.

D. *Comprehensive Plan Review – Identify key items in §§ 3.1 through 3.4.4 that need to be updated*

Rob Testerman stated that at the November meeting, the Commissioners began identifying areas of the Comprehensive Plan in need of updating. Tonight, Sections 3.1 through 3.4.4 would be reviewed. Rob Testerman added that the Town had received notification that the ANPDC's Board approved working with the Town on the Comprehensive Plan update. The ANPDC would facilitate the public meetings and do the writing/typing of the document and consult with the Town throughout the process. The Town Council would be reviewing the proposal at their December 19th meeting and making a decision on whether to move forward with utilizing the ANPDC for the project.

In Section 3.1.2, the following were noted: i) References to STIP and PD-STIP needed to be updated accordingly throughout the entire document; and ii) "Bay Creek" would be removed from the reference to the Planned Unit Developments (PUD) since the Town now also had other PUDs.

In Section 3.2, Bill Stramm questioned the intent of the Future Land Use Map and added that there seemed to be much duplication in the language for the Future Land Use Map vs. the current Land Use Map. Rob Testerman explained that the Future Land Use Map was used for

reference. If the Town received plans for a project, staff would refer to the Future Land Use Map to determine whether the project fit into the Town's future plans.

In Section 3.2.1, it was noted that Accawmacke Plantation was now also known as Kings Creek in addition to Bay Creek.

In Section 3.2.1.2, the following were noted: i) Residential uses were "predominantly" on the upper floors since some residential use was permitted on the first floor in the Harbor Mixed Use area; and ii) The Harbor Area Conceptual Master Plan was currently being updated to include work done at the Harbor and the updated version needed to be included in the Comprehensive Plan.

In Section 3.2.1.5, the reference to "Bay Creek" in the Accawmacke Plantation PUD needed to be deleted since the PUD also included Kings Creek.

In Section 3.3, the references to PD-STIP and STIP needed to be updated accordingly. It was also noted that areas in the Zoning Ordinance contained references to PD-STIP and STIP which needed to be updated.

In Section 3.3.1, as done in Section 3.2.1.2, the change would be made to show that residential uses were "predominantly" on the upper floors.

In Sections 3.3 and 3.4, the references to STIP and PD-STIP would be updated accordingly.

In Section 3.4.2, reference to medical and emergency department facilities would be added.

In Section 3.4.4, the following were noted: i) "Gateway Corridor Overlay" would be updated to Historic Town Entrance Corridor Overlay District (HTE District) to be consistent with the new language being presented to the County; ii) Reference to Route 642 (Old Cape Charles Road) would be added; and iii) Since the County no longer used the designation of "Town Edge" this reference needed to be updated to be consistent with the County.

For the January meeting, the Commissioners would review Sections 3.5 through 3.B.6 (pages 19 - 37).

Rob Testerman asked the Commissioners whether they wanted to meet with the ANPDC at their regular meetings to go over the Comp Plan or schedule additional meetings each month to dedicate to the Comp Plan. Joan Natali suggested that Rob Testerman notify the ANPDC of the date for the Planning Commission's second meetings which were the third Mondays of each month.

NEW BUSINESS

There was no new business to review.

ANNOUNCEMENTS

There were no announcements.

Motion made by Joan Natali, seconded by Dan Burke, to adjourn the Planning Commission meeting. The motion was unanimously approved.

Chairman Dennis McCoy

Town Clerk