

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

November 8, 2011 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES:

1. Approval of the October 11, 2011 meeting minutes
2. Public Hearing – Amend Section 2.127 – Pony Penning Sales
3. Old Business
 - Draft Design Resource Book
4. New Business
5. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN

Draft Copy

PLANNING COMMISSION MEETING

11 October 2011

MINUTES

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix, Vice Chairperson
Mr. Tripp Muth, Councilman
Mr. Gene Wayne Taylor
Mr. Steve Katsetos
Mr. Jeff Potts
Mr. Spiro Papadopoulos

Members Absent:

William Neville, Planning Director

CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:04 pm and established a quorum with Commissioner Papadopoulos absent.

The invocation was provided by Chairman Rosenberger, followed by the Pledge of Allegiance.

PUBLIC PARTICIPATION

There was none.

AGENDA

Chairman Rosenberger asked if there were any changes to the Agenda. Commissioner Potts moved to approve the agenda, seconded by Councilman Muth. The motion was unanimously approved.

1. Approval of the September 13, 2011 minutes. Vice Chairperson Cherrix noted that she did not attend this meeting and asked that the minutes be corrected. Councilman Muth moved for approval of the minutes, seconded by Commissioner Potts. The motion was unanimously approved.
2. Old Business
 - Work Plan – Establish Priorities

Staff identified corrections to the Work Plan based on comments from the last meeting and pointed out the Town Comprehensive Plan

Draft Copy

recommendations regarding transportation included in the staff report. Councilman Muth and Chairman Rosenberger identified ongoing needs regarding the trolley system, sidewalk construction policy, safety improvements and future VDOT funding for future consideration.

Commissioner Papadopoulos suggested that the Planning Commission should coordinate closely with the Wastewater Advisory Committee to evaluate ideas for providing public sewer service to the Island.

Chairman Rosenberger stated that one of the responsibilities given to the Planning Commission by State Code is to consider a Capital Improvement Program for community facilities and infrastructure.

Commissioner Papadopoulos also proposed that there should be communication with the Accomack County Planning Commission by sharing meeting minutes. Staff can provide a report each month on other planning activities outside of the Town.

Commissioner Potts commented on the idea of creating a PUD Ordinance for Chincoteague and pointed out that it should apply to land in the R-3 district since that represents the majority of undeveloped land in Town.

Chairman Rosenberger stated that the Planning Commission normally does not meet in December, however it would depend this year on whether Town Council identified the need for additional work on the Comprehensive Zoning Map and Zoning District Amendments. There was a general discussion about the sidewalk construction policy and ordinance requirements for sidewalks, curb and gutter, storm drains. An update on the Broadband project was provided.

3. New Business

- Pony Penning Sales Permit Ordinance Amendment

Staff presented a request from the Ordinance Committee to revise the requirements for Pony Penning Sales Permits that are currently contained in the Definition section of the Zoning Ordinance. In order to solve a recurring problem with some vendors who fail to report their sales and pay the required tax amount in a timely manner, changes have been proposed to add a reporting deadline and revise the sales permit deposit.

In addition to making text changes, it has been proposed that these regulations are in the wrong location of the Town Code. A brief definition of Pony Penning sales should remain in the Zoning Ordinance, however the sales permit regulations should be relocated to Chapter 18 of the Town Code with other business license requirements.

Draft Copy

The public notice advertisement was prepared to repeal the current definition of Pony Penning Sales, replace it with a simple definition, and recommend to the Town Council amendment of Chapter 18, Article II, Division 2, Section 18-96 of the Town Code to include revised permit requirements for Pony Penning Sales.

Another concern has been identified by Zoning Administrator Kenny Lewis for Planning Commission consideration during this process. He recommends removal of the phrase 'for the purpose of disposing of any personal property' from the definition to avoid confusion about the current restriction of yard sales during Pony Penning Week. He also suggests modifying the Permit Fee of \$300 so that anyone with a valid town business license for at least 3 months could be exempt. In practice, nobody ever pays the \$300 fee because they just get a regular business license for \$50 in the week prior to Pony Penning Week.

Commissioners debated the restriction of yard sales and generally thought that they should be allowed except for Wednesday, Thursday and Friday of Pony Penning Week. A concern was expressed that the \$300 fee was too much and this was unnecessary regulation. Vice Chairperson Cherrix asked about the Community Center events. Mr. Neville responded that Town Code Section 18-95 exempts the Community Center Authority, however individual vendors are subject to the Town business license fee. Commissioner Papadopoulos asked if the public notice would be received by the vendors who typically apply for the permit.

Commissioner Taylor made a motion to send the proposed Ordinance Amendment to public hearing as written since it does not add any restriction to existing Town businesses. The motion was seconded by Vice Chairperson Cherrix. Commissioner Potts added that there may be additional recommendations made by the Planning Commission following the public hearing. The motion passed by a unanimous vote.

- Architectural Design Guidelines

Due to staff workload regarding the Beach Access issue, a draft design guideline report was not prepared for this meeting. Mr. Neville presented a glossary of architectural terms and several other prototype documents from other communities.

Chairman Rosenberger confirmed the Commission's long term interest in promoting the existing combination of uses and architecture that define the small town character of Chincoteague. Commissioner Papadopoulos stated that before the architecture guidelines are prepared to capture the character of the community, perhaps a study should be done to identify what is undesirable. He went on to say that overhead power lines and

Draft Copy

power poles were in some ways a more important impact on how the Town looks than architecture. Future development should place utilities underground and the renovation of Main Street will install conduit so that that can occur in the future. This may not be easily achieved due to the high cost of underground versus overhead utilities, however it should be considered in the same manner as placing storm water pipes underground.

Mr. Neville suggested that the guidelines would be most effective for new development so that there would be some additional reference beyond the comprehensive plan that encourages design to reflect the character of Town.

4. Commission Members Announcements or Comments

Chairman Rosenberger discussed the idea that the Comprehensive Plan should be updated at some point to include the Old Gymnasium as a Town public facility now that ownership has been transferred from the County.

Commissioner Potts commented on the possible need to provide shoreline stabilization on the south end of Chincoteague Island and construct a jetty at the harbor to protect against erosion and increased wave action from the wider inlet. Parcel 9A should be used as a site to pile up sand dredged from the channel in order to protect the Island.

Mr. Neville summarized the activities of the Beach Access Advisory Committee over the last several months. Commissioners discussed several issues including the Town 1-2-3 Common Sense Plan that was submitted to the FWS.

ADJOURN

Commissioner Papadopoulos moved to adjourn the meeting, seconded by Commissioner Taylor. The motion was unanimously approved.

Ray Rosenberger, Chairman



STAFF REPORT

To: Planning Commission

From: Bill Neville
Planning Director

Date: November 8, 2011

Subject: Public Hearing
Pony Penning Sales Permit Ordinance Amendment

The Town of Chincoteague Ordinance Committee met on September 8, 2011 to consider a possible amendment to the Pony Penning Sales Permit Ordinance that would relocate requirements for permits and reporting from the Zoning Ordinance to the Business section of the Town Code. There was also the suggestion to include all special events in this section of the ordinance. The main purpose of the proposed revision is to encourage all vendors to report their sales income in a timely matter or risk forfeiting their deposit.

Revision recommended to Ordinance Committee by Town Administrative Staff:

Sec. 2.127. Pony Penning sales.

Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the town, open to the public, for the purpose of disposing of any personal property.

Permit. A permit is required for conducting Pony Penning sales within the town and must be secured eight days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale.

(Amended 9/7/10)

Permit fee. The permit fee shall be \$300.00.

- (1) Anyone with a valid town business license is exempted from the permit fee.
- (2) Any person who produces documentary evidence to the reasonable satisfaction of the Town Manager that said person derives less than 50% of their gross income from the sale of such merchandise is exempt from the permit fee.
- (3) Anyone selling prepared food as defined in the town's meal tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as

a result of such sales, ~~and. Report of actual sales must be submitted by August 20th. Failure to report actual sales by the due date will forfeit the deposit.~~ The remaining balance of the deposit, if any, shall be refunded to permittee ~~at the end of such period~~ upon computation of the actual tax due and payable as determined by such sales. ~~Anyone conducting such food sales who has, for a period of three years preceding this permit, complied with all applicable reporting and payment procedures as otherwise required is exempt from this deposit requirement.~~

Duration of sale; hours of operation; frequency. Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered Pony Penning sales and will be in violation of this section and will be considered a business and must comply with all applicable zoning and business licensing requirements.
(Amended 6/19/08.)

Proposed Definition to remain in the Zoning Ordinance:

Sec. 2.127. Pony Penning sales.

Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the town, ~~that is~~ open to the public ~~during the event, for the purpose of disposing of any personal property.~~ A permit is required for conducting Pony Penning sales within the Town in accordance with Chapter 18 of the Code.

Proposed Amendment to Chapter 18 of the Town Code:

Chapter 18. Businesses

Article II. Licenses

Division 2. Specific Businesses and Occupations

Sec. 18-96 Pony Penning Sales (Merchants)

- (a) *Generally.* *Pony Penning sales* is herein defined in this ordinance to mean and include all general sales within the town, ~~that is~~ open to the public ~~during the event, for the purpose of disposing of any personal property.~~
- (b) *Permit.* A permit is required for conducting Pony Penning sales within the town and must be secured eight days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale. Yard sales are prohibited during the event.
- (c) *Permit fee.* The permit fee shall be \$300.00.
 - (1) Anyone ~~with holding~~ a valid town business license for a minimum of 3 months per calendar year or more is exempted from the permit fee.
 - (2) Any person who produces documentary evidence to the reasonable satisfaction of the Town Manager that said person derives less than 50% of their gross income from the sale of such merchandise is exempt from the permit fee.

(3) Anyone selling prepared food as defined in the town's meal tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted ~~by August 20th~~ within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to permittee upon computation of the actual tax due and payable as determined by such sales.

(d) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered Pony Penning sales and will be in violation of this section and will be considered a business and must comply with all applicable zoning and business licensing requirements.

(Amended xx/xx/11)

Issues for Discussion:

- 1) Limitation on Yard Sales during event
- 2) Other special event sales
 - Covered under Section 18-95 Special event vendors, carnivals, and circuses
 - Single license fee for event promoter or individual for each vendor
- 3) Permit Fee amount

Public Notice

The Planning Commission of the Town of Chincoteague will hold a public hearing on November 8, 2011 at 7:00 pm to hear public comment on the following matter:

Zoning Ordinance – Amend Appendix A-Zoning, Article II Definitions, Section 2.127 – Pony Penning Sales to repeal and replace the entire definition section, and recommend to the Town Council amendment of Chapter 18, Article II, Division 2, Section 18-96 of the Town Code to include revised permit requirements for Pony Penning Sales.

For additional information, and to review a copy of the draft documents, please contact William Neville, Planning Director at 336-6519.

Public Notice

The Planning Commission of the Town of Chincoteague will hold a public hearing on November 8, 2011 at 7:00 pm to hear public comment on the following matter:

Zoning Ordinance – Amend Appendix A-Zoning, Article II Definitions, Section 2.127 – Pony Penning Sales to repeal and replace the entire definition section, and recommend to the Town Council amendment of Chapter 18, Article II, Division 2, Section 18-96 of the Town Code to include revised permit requirements for Pony Penning Sales.

For additional information, and to review a copy of the draft documents, please contact William Neville, Planning Director at 336-6519.

October 29th and November 5th in the Eastern Shore News



STAFF REPORT

To: Planning Commission

From: Bill Neville
Planning Director

Date: November 8, 2011

Subject: Design Guidelines

The idea of creating an illustrated guide for future site planning and architectural design that would capture the character of Chincoteague Island has been discussed in the past and most recently was proposed by Councilman John Jester at a prior Planning Commission meeting. The example from Easton, MD was presented because it took the approach of photographing existing buildings that help to define the uniqueness of the community, and then describing the building form and architectural principles that could be used for new construction or renovations.

Prior discussions on this topic included the following direction:

- The guidelines should be voluntary
- An annual design awards program could be used to highlight projects that add to the Town character
- The planning area that may benefit the most would be along Maddox Boulevard in the proposed Commercial Corridor District
- Any guidelines prepared for the Old Town District should avoid any reference to the term 'historic'
- A glossary of standard architectural terms should be included
- Landscaping and site planning standards could also be included
- A simple brochure style document would be preferred

After additional research of examples from other communities, a brief description of a design review approach has been adapted from the Green Valley Institute in New Hampshire. This introduction is proposed as a draft for a brochure style handout and is consistent with the current pre-application review completed by our Zoning Administrator for all building permits. Staff will provide an update on the preparation of a draft guidelines at the meeting.

Design Guidelines For Chincoteague Island

OVERVIEW

These design guidelines are proposed to maintain and enhance Chincoteague's small town way of life, rural character, historic value and scenic charm. They encourage the use of forms and materials that are human in scale and allow expression of Chincoteague's sense of community. The guidelines are consistent with the goals and implementation strategies and recommendations of the 2010 Comprehensive Plan for Chincoteague Island.

Design Review

Design Review provides a voluntary framework for citizens and developers to work toward achieving a better built environment through attention given to fundamental design principles. Design Review is intended to encourage new development to contribute positively to Chincoteague's historic fishing community setting. Design guidelines offer flexible ideas which will allow new development to respond better to the distinctive character of its surroundings.

Design Review has three principal objectives:

1. To encourage site planning and architectural design that will enhance the character of the town and ensure that new development sensitively fits into the town;
2. To provide information about the application of development standards; and
3. To improve communication and participation among property owners, developers, neighbors and the town early in the design and siting of new development.

Design Review is a component of the permit application along with other components, such as environmental review, variances, etc., administered by the Zoning Administrator. Like these other components, Design Review allows an opportunity for questions and comment. Pre-submission meetings, especially early in the design process, are strongly encouraged. Unlike other components, projects subject to Design Review may be brought before the Planning Commission for its recommendations or to Town staff through a Preliminary Administrative Design Review. The Zoning Administrator, together with the decisions on any other components, makes the final decision on Design Review.

Context and Design Issues

The Chincoteague Island design guidelines reveal the character of the town as known to its residents and businesses. The guidelines help to reinforce existing character and protect the qualities that the town values most in the face of change. The overriding objective of the design guidelines is to ensure that new development or renovation fits in well with its surroundings. The following design guidelines share this objective, and with an emphasis on siting and design conditions and priorities supported by the community, aim to guide the design of new

development in a manner that strengthens the town's mixed-use commercial core. The community has clearly stated, in the 2010 Comprehensive Plan, its desire to maintain the small town atmosphere and qualities that have historically characterized the town. However, it was also recognized that new development provides the opportunity for a broader mix of businesses and services, residential units and employment and an expanded tax base. The Plan recommends the development of design guidelines to ensure that new development continues to encourage a compact, mixed-use commercial core that is pedestrian oriented in scale, character and function. Several design issues and related priorities were identified and have been incorporated into the Chincoteague Island Design Guidelines.

OVERALL GOALS OF THE DESIGN GUIDELINES FALL INTO THREE CATEGORIES:

1. Site Planning for a Pedestrian Environment

In general, the pedestrian environment (sidewalks, pathways, entries and crossings) should be safe, accessible to all, connect to places people want to go, and provide good places to be used for many things. New development should reflect these principles by enhancing Town streetscapes with proposals that makes pedestrian activity at the street level a priority. The overall goal of these guidelines is to aid in creating districts in which new development supports a mix of uses and engages the public realm (i.e. sidewalk) in a pedestrian- oriented manner.

The Old Town District along Main Street from Maddox Boulevard to Booth Street is recognized as the area's primary pedestrian-oriented mixed-use district. This district offers pedestrian connection to Lodging, Restaurants, Shops, Parks, the Town library as well as the other areas of the town. This district should have a continuous pedestrian scale and high level of comfort at the street level.

The new Corridor Commercial District area serves as a gateway to the Seashore and while providing limited street parking, should focus on the pedestrian comfort and safety and through site design, encourage pedestrian and bicycle movement along the corridor.

Chincoteague recognizes that a successful pedestrian environment is really a pedestrian network, extending beyond sidewalks to include paths, crossings and building entries. Mid-block pedestrian connections are encouraged to be incorporated into larger new development to link parking and surrounding streets to the town center.

2. Height, Bulk and Scale Compatibility

The quality of Chincoteague's small town feel is expressed in the existing architecture. One way to preserve and continue the small town quality in new development is through the siting, massing and design of new buildings. New development in all districts of the town must be consistent with the height, bulk and scale of the other structures in the town .

3. Architectural Character

Elements and materials that respect and strengthen the context or neighborhood are encouraged in new building design. The image of Chincoteague's built environment can be

characterized as mixed – good buildings that are architecturally interesting mixed with others with indistinct style or character - and therefore a selective approach to contextual design is warranted. New development should respond to Chincoteague’s context by providing enough visual linkages between the existing stock of distinctive buildings and the proposed structure so as to create a cohesive overall effect. Appropriate visual linkages are simple, basic features such as window proportions, entryway placements, decorative elements and materials. For example, many of the area’s most successful commercial buildings exhibit human scale window proportions and bold cornices. Repeating such elements in new development would continue an appropriate pattern.

GLOSSARY OF TERMS

Amenity: Aesthetic or other features of a development that increase its marketability or usability to the public.

Articulation: The manner in which portions of a building form are expressed (materials, color, texture, pattern, modulation, etc.) and come together to define the structure.

Cornice: A molded or projecting horizontal feature that crowns a façade

Design Guidelines: Statement of preferred design practices or aesthetics that are used to guide development projects in a particular city, community, or neighborhood.

Façade: Any vertical, exterior face or wall of a building, often distinguished from other faces by architectural details

Fenestration: The arrangement and design of windows and doors on a buildings façade.

Frieze: The area of a façade dividing upper stories from the ground level story; generally one to two feet high and continuing the width of the building; may contain ornamentation.

Gable: The upper, triangular portion of a façade, usually flanked by sloping roofs.

In-fill: New development within a previously built area

Kickplate: The area below a display window.

Modulation: A stepping back or projecting forward of sections of a structure’s façade within specified intervals of building width and depth, as a means of breaking up a structure’s apparent bulk.

Parapets: A low wall used as protection in any location where there is a drop like at the edge of a roof, balcony or terrace.

Pedestrian Scale: Used to describe the quality of a building or streetscape that includes structural or architectural components of size and proportions that relate to the human form and/or that exhibits through its structural or architectural components the human functions contained within.

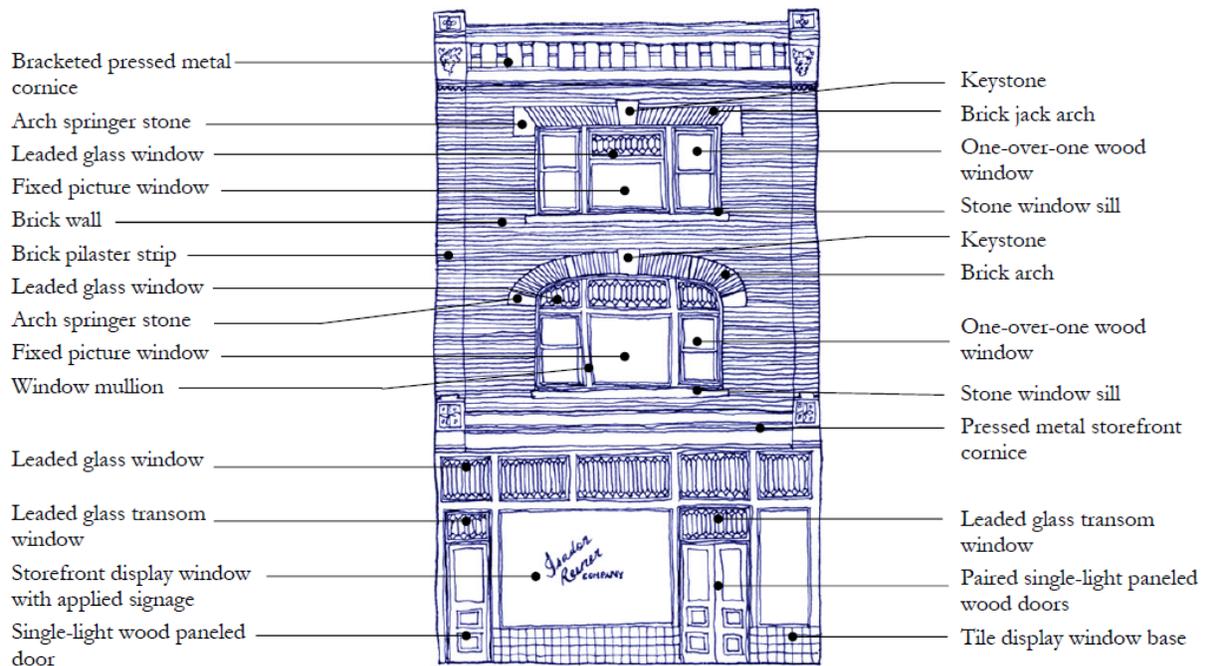
Streetscape: The visual and functional character of an entire street including: buildings, paving material, plantings and street amenities such as lamps and benches. Also, the environment created for human activity and interaction.

Street Wall: The façade of a building facing a pedestrian or vehicular way.

Transom: A small, often hinged, window or multi-paned window

GLOSSARY OF ARCHITECTURAL TERMS:

The following diagrams represent composite buildings and provide a basic vocabulary of architectural elements and terms. Please refer to the individual *Guidelines* and architectural dictionaries for additional information sources.





COUNTY OF ACCOMACK DEPARTMENT OF PLANNING

23282 COURTHOUSE AVENUE

Post Office Box 686

Accomac, Virginia 23301

(757) 787-5726 (757) 787-5728 (757) 824-5324

FAX (757) 789-3116 www.co.accomack.va.us

Rich Morrison, Director
Planning & Community Development

Chesapeake/Atlantic Preservation Area
Erosion and Sediment Control
Geographic Information Systems

DRAFT AGENDA

ACCOMACK COUNTY PLANNING COMMISSION

Accomack County Administration Building
Board Chambers, Room 104
Accomac, Virginia
Wednesday, October 12, 2011
7:00 PM

1. **CALL TO ORDER**
 - A. **Members Present and Absent**
 - B. **Determination of a Quorum**
2. **ADOPTION OF AGENDA**
3. **PUBLIC COMMENT PERIOD**
4. **OLD BUSINESS**
 - A. **[Subdivision Agent Report](#)**

The Subdivision Agent report for August 16 – September 15, 2011 is attached.
 - B. **VA Endeavor Solar Farm CUP**

At their September 21, 2011 meeting, the Board of Supervisors held a Public Hearing and voted to approve the CUP application with the presented conditions of approval, and the addition of the following conditions:

**Accomack County Planning Commission Meeting Agenda, October 12, 2011,
Page 2**

1. Added on to Condition #5:

Performance of this condition shall be secured by a security instrument (bond, letter of credit, etc.) in a form approved by the County Attorney and in an amount determined by a Virginia-licensed engineer, established and maintained to cover the cost of meeting this obligation. Security shall be in place prior to the issuance of final zoning approval for commencement of the operation.

2. New Condition #8:

Following establishment of full commercial operation, if commercial generation of power from this facility is discontinued for longer than one year (or otherwise upon the abandonment of this enterprise), the owner and operator shall be jointly and severally liable for the removal of all project equipment and full restoration of the property for agricultural use. Performance of this condition shall be secured by a security instrument (bond, letter of credit, etc.) in a form approved by the County Attorney and in an amount determined by a Virginia-licensed engineer, established and maintained to cover the cost of meeting this obligation. Security shall be in place prior to the issuance of final zoning approval for commencement of the operation.

5. NEW BUSINESS

A. Work Plan Discussion

6. 7:30 PUBLIC MEETING

[A. Mutton Hunk Aq & Forestal District Review](#)

The Mutton Hunk AFD Review materials are attached.

7. OTHER MATTERS

8. MINUTES

[A. September 14, 2011 Minutes](#)

The minutes of the September 14, 2011 meeting are attached for your review.

[B. July 13, 2011 Minutes](#)

The minutes of the July 13, 2011 meeting are attached for your review.

***Accomack County Planning Commission Meeting Agenda, October 12,
2011, Page 3***

9. NEXT MEETING

The next regular Planning Commission meeting is scheduled for 7:00 PM on Wednesday, November 9, 2011 in the Accomack County Board Chambers, Accomac.

10. ADJOURNMENT