

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

October 11, 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 September 13, 2011 meeting minutes
2. Old Business
 - Work Plan
3. New Business
 - Pony Penning Sales Permit Ordinance Amendment
 - Architectural Design Guidelines
4. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN

Draft Copy

PLANNING COMMISSION MEETING

13 September 2011

WORKSESSION 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

Members Absent:

Mr. Spiro Papadopoulos

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 Commissioner Taylor, followed by the Pledge of Allegiance led by Chairman Rosenberger.

PUBLIC PARTICIPATION

There was none.

AGENDA

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

1. Approval of the August 9, 2011 minutes. Commissioner Taylor moved for approval of the minutes, seconded by Commissioner Potts. The motion was unanimously approved.
2. Old Business
 - Sign Ordinance/Banners, Pennants, Flags (Update)

The recommendation of the Planning Commission was presented by Mr. Neville at the September 6th Town Council meeting. Mr. Neville summarized several comments received from the Council including the

Draft Copy

maximum size of home occupation signs should not exceed 4 square feet and the definition of banners needs to be revised so that ‘rigid mounting systems’ or ‘frames’ for banners are considered a sign not a banner. The Council did not seem to agree that the time period permitted for display of a banner should be extended.

The item as recommended by the Planning Commission will be scheduled for public hearing at the next available Council meeting date. Chairman Rosenberger added the Council’s general concern over grandfathering existing signs. He recommended that Town Attorney Poulson should be asked if there is a way that all signs must comply with the new regulations within a certain period, like 5 years from the adoption of a new ordinance.

Councilman Muth mentioned that there was also a question about whether banners are clearly not allowed in any residential area which was the intent. Commissioner Taylor expressed his concern that any permitted business in the R-3 district should be allowed to advertise and 4 square feet is not enough. Commissioner Potts repeated his concern that people will respond to additional constraint on the amount of signage permitted by adding signage to their vehicles or other means not covered by the ordinance.

- Work Plan – Establish Priorities

The list of projects reviewed by the Commission at the beginning of the year was presented in order to set new priorities after the completion of the Zoning Map Amendment. Mr. Neville suggested that 1) individual zoning district issues, 2) architectural guidelines, and 3) a landscaping ordinance had been suggested as possible priorities for the rest of the year.

Chairman Rosenberger noted the Work Plan should be revised to refer to the “Old Town District” rather than Historic Downtown. Councilman Muth identified transportation needs as a more important issue and the implementation strategies contained in the Town Plan.

Chairman Rosenberger also suggested that the Commission provide recommendations about adding the Community Activity Center (Old Gym) to the list of public facilities contained in the Town Plan. A public hearing could be held to allow for community participation.

There was discussion about what would be included in a landscape ordinance. It was agreed that this would go on the long term list.

Draft Copy

3. New Business

- Pony Penning Sales Permit Ordinance Amendment

After consideration of a revision to the Pony Penning Sales Permit Ordinance, the Town Ordinance Committee has referred the item to the Planning Commission because the code requirements are currently contained in Section 2.123 of the Zoning Ordinance under the definition of 'Pony Penning sales'. It is the Planning Commission's responsibility to review amendments to the Zoning Ordinance.

Several revisions to the existing requirements for a permit and the deadline to report actual sales have been proposed by Staff. In addition, it was suggested that this section should be repealed and concurrently readopted as a part of Chapter 18 of the Town Code. A question has been raised about whether this section should also generally apply to other special events held in Town.

Commissioners debated the expansion of this requirement beyond the single Pony Penning week and the cost burden on small business owners to advance a \$500 fee. Chairman Rosenberger questioned if the promoter of an event would obtain a single sales permit for all vendors. Staff was directed to advertise the ordinance amendment for public hearing.

There was additional comment if the section was revised to be for all special event, then paragraph #3 would have to change from a certain reporting date of August 20th, to a general date like the end of the next month, or within 30 days.

- Architectural Design Guidelines

Staff requested whether the Commission wished to work on preparing a set of design guidelines that would meet some limitations previously discussed: appropriate, voluntary, simple. Commissioners were requested to confirm their interest in working on this project and whether preparing a one page prototype or a completed draft document was preferred.

Chairman Rosenberger summarized the general desire that new development should reflect the character of Chincoteague and 'fit in'. Commissioner Taylor recalled a presentation by a leading town planning expert that included many ideas which could be encouraged on a voluntary basis.

Councilman Muth supported voluntary guidelines that focus on a building's appearance, not use. He suggested a document that included illustrations of traditional building elements (like a soffit or fascia). A

Draft Copy

small pamphlet could include ideas about site design, landscaping, architecture or other areas that do not need to be in the Zoning Ordinance. This should not be taken to the extreme like Nantucket, however this should be completed whether it is used or not.

The relocation and renovation of a Coast Guard house was discussed. The simple architecture of many Chincoteague structures was mentioned which suggests that it is the combination of buildings along a street that may be as important as any one traditional design detail or building.

4. Commission Members Announcements or Comments

Commissioner Taylor suggested that one or two meetings between the Council and Commission could 'knock out' the sign ordinance revision project and everyone could agree on how to move forward.

Mr. Neville informed the Commission about a recent pre-application meeting with the Harmony Hospitality developer from Virginia Beach who plans to purchase the Chincoteague Inn site and develop a 94 room Homewood Suites Hotel within the next 2 years.

ADJOURN

Commissioner Katsetos moved to adjourn the meeting, seconded by Councilman Muth. The motion was unanimously approved.

Ray Rosenberger, Chairman

Planning Commission Work Plan - 2011

■ Zoning District Conformance with Comprehensive Plan 2010

- Old Town District (based on C-2) review area regulations
- Resort Residential review area regulations
- Neighborhood Commercial (based on C-1) review area regulations
- Commercial Corridor (possible overlay district) review area regulations
- Resort Commercial (based on C-1 plus new PUD option for redevelopment)

■ Sign Ordinance Review

- Banners, Flags, Pennants

■ Other Priorities of the Comprehensive Plan

- Economic Development
- Community Facilities and Services
- Housing

■ Commissioner Priorities

- Transportation – review adopted Town Plan strategies
- Energy use, recycling of material, water conservation
- Proffer study and guidelines
- Community Activity Center (Old Gym) – add facility to Town Plan w/ public hearing

■ Town Council Priorities

- Beach Access
- Landscaping standards
- Architectural Design Guidelines



STAFF REPORT

To: Planning Commission

From: Bill Neville
Planning Director

Date: October 11, 2011

Subject: Comprehensive Plan – Transportation Strategies

During the last Planning Commission meeting, Councilman Muth suggested that a review of the Comprehensive Plan Transportation Strategies for Implementation should be added to the Work Plan. For your reference, selected text is copied below.

Chapter 6 - Transportation

The intentions underlying the recommendations in the transportation element are to:

1. Improve vehicular circulation by upgrading streets where feasible, requiring connectivity between adjacent properties and requiring new development to make improvements to the existing street system;
2. Continue to provide and enhance local transit service; and
3. Improve safety and convenience for pedestrians and bicyclists by planning and developing a community wide system of bike routes and pedestrian trails.

Implementation Strategies

- Where possible, require construction of planned vehicle (e.g., planned collector routes) and pedestrian system (e.g., sidewalks, waterfront trail) components as part of proposed development projects.
- Monitor the volume of traffic on secondary roads to ensure safe passage.
- Pursue the development of a plan to provide transient airport services at the nearby NASA base.
- Promote the development of a permanent hard surface lighted helicopter landing area for use in day or night for emergencies.
- Promote and encourage continued maintenance dredging of the Chincoteague Inlet, Chincoteague Channel, and Inland Waterway.

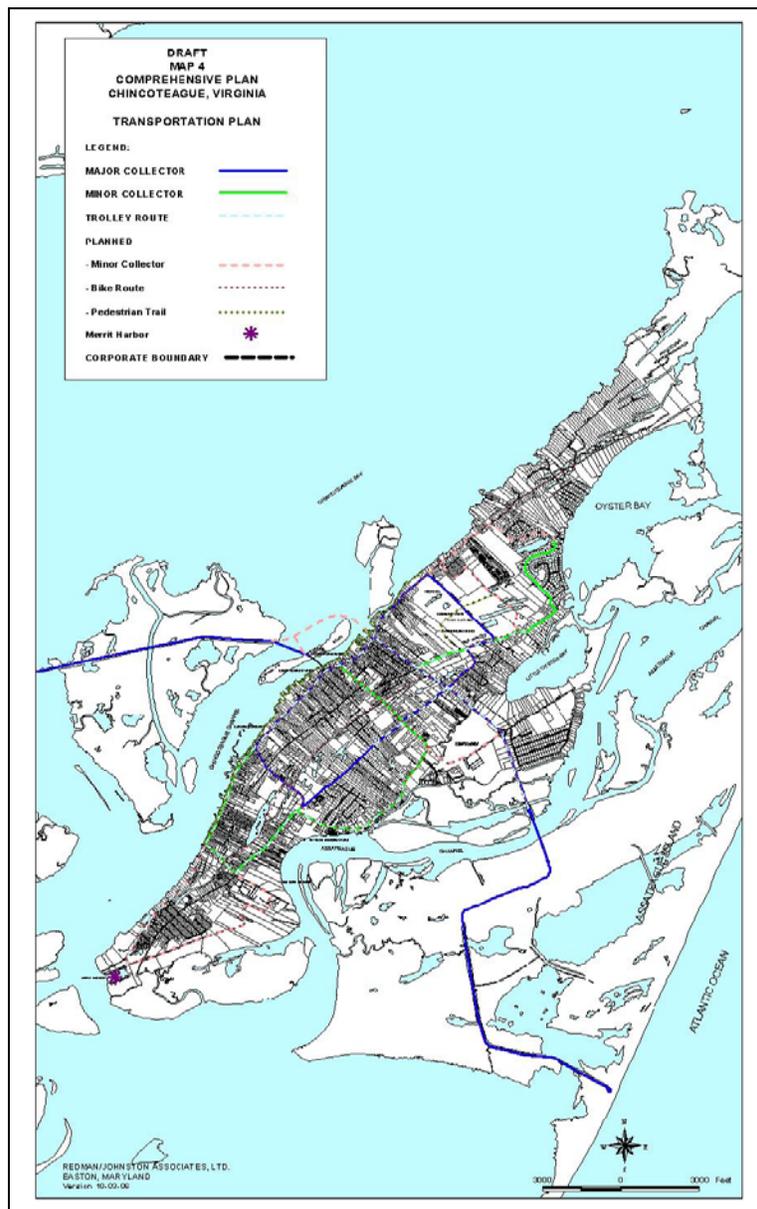
- Promote efficient and safe waterfront areas for docking both large deep-draft vessels and smaller boats.
- Seek to ensure that handicapped and disabled residents and visitors are provided adequate means of access to all buildings and places.
- Promote the continued open flow of pedestrian and vehicular traffic to existing facilities on Assateague Island.
- Create bike paths in areas susceptible to heavy bike traffic.
- Improve the existing right-of-ways by widening the roads providing greater shoulder access and installing sidewalks, where appropriate.
- Sidewalks along the entirety of Maddox Boulevard.
- Pursue plan to ensure private roads are safe and can be traversed by first responder vehicles.
- Pursue and collect information to inventory all roads on the Island.

TABLE 4: TRANSPORTATION (CHAPTER 6)

TRANSPORTATION GOALS	TRANSPORTATION OBJECTIVES	TRANSPORTATION RECOMMENDATIONS
<i>GOAL: Provide for the safe and efficient movement of people and goods.</i>	OBJECTIVE #1: Provide a safe and comfortable system of pedestrian and bicycle pathways.	Where possible, require construction of planned vehicle (e.g., planned collector routes) and pedestrian system (e.g., sidewalks, waterfront trail) components as part of proposed development projects.
	OBJECTIVE #2: Minimize elements, which clutter the roadway and look unattractive.	Monitor the volume of traffic on secondary roads to ensure safe passage.
		Pursue the development of a plan to provide transient airport services at the nearby NASA base.
		Promote the development of a permanent hard surface lighted helicopter landing area for use in day or night for emergencies.
		Promote and encourage continued maintenance dredging of the Chincoteague Inlet, Chincoteague Channel, and Inland Waterway.
		Promote efficient and safe waterfront areas for docking both large deep-draft vessels and smaller boats.
		Seek to ensure that handicapped and disabled residents and visitors are provided adequate means of access to all buildings and places.
		Promote the continued open flow of pedestrian and vehicular traffic to existing facilities on Assateague Island.

TABLE 4: TRANSPORTATION (CHAPTER 6)

TRANSPORTATION GOALS	TRANSPORTATION OBJECTIVES	TRANSPORTATION RECOMMENDATIONS
		Create bike paths in areas susceptible to heavy bike traffic.
		Improve the existing right-of-ways by widen the roads providing greater shoulder access and installing sidewalks, where appropriate.





STAFF REPORT

To: Planning Commission

From: Bill Neville
Planning Director

Date: October 11, 2011

Subject: 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, open to the public, 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, open to the public, 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.
- (c) *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. 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 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) Report by a specific date or within xx days following the end of the 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) Advertise for November 8th public hearing

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 revise requirements for a permit fee, delete sections of the definition and concurrently amend Chapter 18, Article II, Division 2, Section 18-96 of the Town Code to include the same.

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



STAFF REPORT

To: Planning Commission

From: Bill Neville
Planning Director

Date: October 11, 2011

Subject: Architectural 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

Staff will provide an update on the preparation of a draft guideline at the meeting.

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.

