

# PLANNING COMMISSION MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

April 9, 2013 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES

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1. Approval of the March 12, 2013 meeting minutes
2. Annual Zoning Ordinance Revisions
  - Signs for multiple buildings \*\*
  - Parking ordinance / C-2 District
  - Wayside stands
  - Summary of recommendations
3. Information/Discussion Items
4. Commission Members Announcements or Comments  
(*Note: Roberts Rules do not allow for discussion under comment period*)

ADJOURN

**\*\* NOTE: PLEASE REFER TO THE COUNCIL REPORT EMAILED MONDAY**

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## PLANNING COMMISSION MEETING 12 March 2013 MINUTES

### Members Present:

Mr. Ray Rosenberger, Chairman  
Mrs. Mollie Cherrix, Vice Chair  
Mr. Tripp Muth, Councilman  
Mr. Michael Dendler  
Mr. Steve Kasetos  
Mr. Jeff Potts  
Mr. Spiro Papadopoulos

### Members Absent:

William Neville, Planning Director

### CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm in the Council Conference Room.

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

### PUBLIC PARTICIPATION

Two (2) members of the public were present. Candice Frese requested to speak when the Sign Ordinance item was considered.

### AGENDA REVIEW/DISCLOSURES

Chairman Rosenberger asked for approval of the agenda. Councilman Muth moved for approval of the agenda, seconded by Vice Chairperson Cherrix. The agenda was unanimously approved.

#### 1. Approval of the February 12, 2013 meeting minutes

An amendment to the minutes was requested by Commissioner Papadopoulos to page 4 of 22 stating that 'plans could be prepared and be certified by a State certified or licensed architect or engineer in Virginia'. Commissioner Papadopoulos moved to approve the minutes as amended, seconded by Commissioner Potts. The motion was unanimously approved.

#### 2. Sign Ordinance

- Multiple Businesses on the same parcel  
Chairman Rosenberger stated that Commissioner Potts had raised the question about whether the two sign ordinance conflicts mentioned in Mr. Lewis'

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memo had addressed the issue for a single lot or multiple lots. Mr. Neville confirmed that the Fairfield Inn site was known to be one lot; however it is unclear if multiple existing lots were considered in the case of the Florist site.

### Example #1 – Florist

Commissioner Potts provided a tax map that identifies the Chincoteague Pony Center, the Gift Shop and the Florist Shop as being located on 3 separate lots (15,16 and 17) under one ownership. The map was unclear as to the exact location of the road and the existing signs but it would be worth investigating if the Florist Shop was located on its own lot and therefore could have a freestanding sign of its own.

Candace Frese (Best Blooms Florist) was invited to speak with the Commission about her sign request. There was discussion about the existing yellow sign for Treasures Gift Shop and that the owner had indicated that it would not be removed or replaced for the benefit of the Florist business. A small 20 square foot sign permitted by Mr. Lewis was installed near the building and Ms. Frese would still like to install a sign out near the Chicken City Road frontage. There was additional discussion about a flag or banner. Ms. Frese stated that she needs some help so that people can find her business.

Chairman Rosenberger commented on the mixed residential and commercial character of the Town. Ms. Frese stated that she would appreciate a sign out front if it can be permitted; otherwise she understands the sign ordinance rules from speaking with Mr. Lewis before opening the business.

Mr. Neville discussed several ideas from the staff report about what should be done in the case of non-conforming signs. The ability of the owner to repaint the yellow sign to advertise more than one business on the lot was used as an example of a self imposed hardship.

Chairman Rosenberger spoke about the importance of working with the approved sign ordinance and stated that it is inappropriate for the Town to get involved in what seems to be a civil issue between two business owners. There was additional discussion about directional signs, ordinance requirements, lot frontage and tax parcels.

Commissioner Dendler made an appeal for ordinance regulations that encourage small business and recognizing that signage will continue to be a priority. The 4 year history of adopting the current sign ordinance was highlighted by the Chairman, and how the Commission had worked hard to make it uniform, consistent, enforceable, applicable and fair to everyone.

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Ms. Frese added that the sign ordinance allows an unlimited number of 1 square foot signs that are exempt from regulation, or a sign on a licensed vehicle, and yet she cannot have one attractive sign to advertise her business.

Commissioners continued to discuss the potential for each business to have a freestanding sign along the street frontage and the intent of the sign ordinance to reduce the impact of signs on the character of the Town rather than increase the impact.

Mr. Neville summarized the Planning Commission discussion as recommending that Best Blooms Florist apply for a freestanding sign based on its location on a separate lot as the first option. Otherwise it is recommended that the owners work together to repaint the yellow sign to include both the Florist and the Gift Shop without increasing the size of the sign.

Finally, the Commission considered a revision to the sign ordinance section regarding non-conforming signs and did not reach agreement on recommending a change because of the unknown consequences. Councilman Muth added that Town Council may also want to know if this seems to be an isolated problem or an indication of a Town-wide issue that needs to be addressed. Commissioner Papadopoulos confirmed that the area was zoned C-1 Neighborhood Commercial.

### Example #2 – Hotel/Restaurant

Several photographs of Main Street in the vicinity of the new Fairfield Inn and Suites, and the existing Chincoteague Inn were presented. Mr. Neville suggested that someone driving down Main Street looking for either building will not see into the property until the last minute. The existing pattern of residentially scaled structures and commercial signs on the west side of the street was noted.

Mr. Neville described the likely monument sign for the Hotel at the main site entrance and the request for a similar sign for the Restaurant at the secondary site entrance. This property is one single lot and is eligible for only one freestanding sign even though it has two separate entrances onto Main Street and there are two businesses located in separate buildings.

Commissioners asked several questions. Councilman Muth confirmed the problem as both a need for an additional freestanding sign and more total signage for two separate businesses on the same lot. He also established that this may not be an issue if the property was subdivided into two lots. To address the Mayor's question, he believes that this may not be a problem with the sign ordinance as much as it is an issue between two business owners.

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Commissioner Papadopoulos observed that the east side of Main Street is residential and the impact of commercial signage should be considered across the street. He noted that it is important to know exactly what is proposed before an ordinance change is considered. Commissioner Potts commented on when in the development process a sign package is typically designed for a new commercial business.

Commissioners discussed the option to subdivide the lot into two with both lots meeting parking, setback, and other zoning criteria. Commissioner Papadopoulos suggested that more information was needed from the developer with a specific plan for signage. Councilman Muth expressed his concern over changing the sign ordinance before deciding if this problem is larger than one case. Chairman Rosenberger acknowledged that Town Council had taken the right course of action to refer this question to the Planning Commission.

Mr. Neville asked the Commissioners if, given this set of circumstances, then would there be an objection to a second freestanding sign for the Restaurant considering the fact that there are two separate entrances. There may not be enough information to determine what additional sign area should be approved, however a decision could be made on whether to continue looking for a solution to permit the additional freestanding sign.

Commissioner Papadopoulos stated again that the Commission does not have adequate information. An ordinance change may not solve the problem when the ownership and management agreements are not known and they may change in the future. He recommended that at this point, **the Commission should not entertain a second freestanding sign that would exceed the area allowed by the sign ordinance, however the door is still open for us to receive what they are planning to do, look at it and evaluate and give a response.**

Commissioner Papadopoulos framed his recommendation into a motion, and it was seconded by Councilman Muth.

Councilman Muth agreed that the obligation of the Planning Commission is to stand behind the Ordinances that have been adopted. He would like to ask an applicant why you need additional signage and felt that Mr. Burbage did not answer that question when he addressed the Town Council.

Chairman Rosenberger called for a vote. The motion passed 5:1:1 with Commissioner Potts opposed, and the Chairman abstaining.

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### 3. Annual Zoning Ordinance Review

- Determination of dwelling unit type (Yurt)

Mr. Neville presented information in the staff report. He recommended that “yurts” should be added to the definition of camping units in Section 2.31, and that a round structure designed for use as a permanent dwelling unit is already defined under Sections 2.56 and 2.57 and should not be called a “yurt”. The yurt should only be considered as a tent structure and permitted in approved campgrounds and travel trailer parks.

Councilman Muth asked if a time frame is associated with camping units that define them as ‘temporary housing’, and how is that different that ‘seasonal’. He stated that a permanent yurt is the same as a permanent A-frame dwelling that is constructed to building code standards.

Commissioners discussed the issue and Councilman Muth suggested that there may need to be a definition of ‘temporary’ housing to confirm what is really intended. Chairman Rosenberger suggested that there are travel trailers that have become more permanent as decks and other additions are constructed around them. Mr. Neville identified the special use permit as the current control that allows the Town to regulate temporary housing in approved campgrounds and travel trailer parks.

This item was referred to the annual zoning ordinance update.

- Wayside Stands

The staff report was briefly reviewed by Mr. Neville. This issue is updated from a previous review by the Commission to include proposed minimum parking standards for a wayside stand based on those required for a home occupation use.

Chairman Rosenberger asked how difficult is it to estimate the level of traffic that would be generated by a wayside stand as if it was in an enclosed structure. The comparison to a home occupation was questioned. Commissioner Papadopoulos asked if there is a problem and requested that Mr. Lewis could identify specific issues that need to be solved. Several examples were discussed.

Mr. Neville suggested that Mr. Lewis has no way to require adequate parking for the expansion of wayside stands such as Woody’s Barbeque without an adopted standard for the use.

Commissioners deferred action on this item at this time.

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### 4. Information/Discussion Items

- Ordinance Committee/Pony Penning and Special Events

The proposed combination of the Pony Penning and Special Event licenses was reviewed as an information item. The Planning Commission may be requested by Town Council to work on a definition of Special Events and prepare recommendations for which zoning districts this use would be permitted within.

- CEDS Economic Development Report

Mr. Neville identified the CEDS report adopted by the A-NPDC as a good document that includes economic development recommendations for Chincoteague.

### 5. Commission Members Announcements or Comments

Chairman Rosenberger mentioned his review of the recent land use legislation passed by the Virginia General Assembly.

Commissioner Papadopoulos announced the next meeting of the WAC would be held on March 21<sup>st</sup> at 9am. He also requested an updated copy of the Planning Commission Directory for 2013 that should also include William Neville as Secretary of the Planning Commission.

Chairman Rosenberger provided an update on the following:

- A meeting regarding Pine Bark Beetles will be held on March 19<sup>th</sup>.
- The Virginia Forestry Department will make tree seedlings available for planting this spring at the Mother Earth Day festival
- ANEC has been thanked for their hard work to restore power during the last storm
- The Chincoteague Police Department is to be commended for the Senior Lunch that they provided to the community

The next meeting is scheduled for April 9, 2013.

### ADJOURN

Commissioner Potts moved to adjourn the meeting, seconded by Vice Chairperson Cherrix. The motion was unanimously approved.

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Mr. Raymond R. Rosenberger Sr., Chairman



## STAFF REPORT

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To: Planning Commission  
From: Bill Neville, Director of Planning  
Date: April 4, 2013  
Subject: Ordinance Review

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- ❖ **Signs for Multiple Buildings**
  - ❖ **Parking Ordinance / C-2 District**
  - ❖ **Wayside Stands**
  - ❖ **Summary of Ordinance Review Items**
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### Signs for Multiple Buildings

A report was presented to the Town Council on April 1, 2013 that included Planning Commission recommendations for two specific examples of multiple businesses that were limited by the existing sign ordinance criteria.

Council requested that a recommendation should also be provided on the general question (not using examples) of whether the sign ordinance adequately provides for commercial signage on larger properties where multiple businesses may be limited by having to share 64 square feet of permitted sign area for freestanding signs and a total limitation of 100 square feet per property regardless of the number of businesses.

This item is on the agenda for discussion so that a possible recommendation may be provided to Town Council at their workshop on April 18<sup>th</sup>.

### Parking Ordinance / C-2 District

Further discussion at the April 1<sup>st</sup> Town Council meeting raised the question of whether required parking may be provided 'off site' from the use that it serves in the case of the Hotel and Restaurant planned under a unified site plan on Main Street. Whether the two uses are separated by a subdivision lot line or not seems to make a big difference when it comes to both the sign ordinance and the parking ordinance.

The Planning Commission may wish to consider whether a revision to the Parking Ordinance could allow for parking **off** of the same lot as the main structure/building or use under certain circumstances. Section 6.6.13 was reviewed by the Commission in connection with the C-2 zoning district in the downtown Main Street area. Any change in this section may provide other solutions for the Hotel/Restaurant site with regard to both parking and signage.

## Wayside Stands

Chairman Rosenberger requested that this item be placed on the agenda again to review another possible way of calculating required parking for wayside stands.

## Summary of Ordinance Review Items

The Planning Commission has completed its review of zoning items that have been presented over the last year as possible errors, omissions or improvements since the Comprehensive Zoning Map and Zoning District Amendment was adopted by Town Council.

Subject	Ordinance Section	PC Recommendation
C-2 Old Town Commercial District	Section 6.6.13	Consider closing the loophole that allows businesses in existing structures to expand or change use without meeting current parking criteria for the expansion or change of use
Old and New Mixed Use Buildings <ul style="list-style-type: none"> <li>▪ Definition</li> <li>▪ Old</li> <li>▪ New</li> </ul>	Section 2.96 Section 4.4.31 Section 4.6.1	Add a zoning definition for a mixed use building. Add criteria to the C-2 district for new mixed use buildings, parking requirement
Housing Types <ul style="list-style-type: none"> <li>▪ Tiny House</li> <li>▪ Yurts</li> </ul>	Section 2.172 Section 2.31	No action for tiny house at this time. Add 'yurt' to definition of camping unit
Wayside Stands	Section 6.6.11	Add a parking criteria when sufficient examples of problems are demonstrated
Doggy Day Care	Section 9	Permit use only by Conditional Use Permit in (?) districts
Sign Ordinance–Multiple Buildings	Section 7.7 Section 7.13	

Several outstanding zoning issues have been identified but have not yet been reviewed by the Planning Commission:

- 1) Floodplain Ordinance
  - Section 2.65, Definition for Floodplain (refer to Town Code Chapter 30)
- 2) Clarification of Special Exception, Special Use and Conditional Use permits
  - Section 3.8, R-3 District
- 3) Wastewater Advisory Committee land use issues
- 4) Route 175 zoning map revision showing revised Town/County boundary
- 5) Maddox Boulevard – C-3 District design standards

The Planning Commission is requested to review this list and confirm the recommendations so that revised ordinance sections may be prepared for a final Commission review and request to Town Council to hold a joint public hearing.

# 2013 Planning Commission Members

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RAY ROSENBERGER, Chairman

7297 SUNSET DRIVE  
CHINCOTEAGUE VA 23336

(757) 336-6037

[therrs@verizon.net](mailto:therrs@verizon.net)

MOLLIE CHERRIX, Vice-Chairperson

4052 SUNNYWOOD DRIVE  
CHINCOTEAGUE VA 23336

(757) 336-5204

[metoo11@verizon.net](mailto:metoo11@verizon.net)

STEVE KATSETOS

5300 MEADOW DRIVE  
CHINCOTEAGUE VA 23336

(757) 894-0088

[refugegolf@verizon.net](mailto:refugegolf@verizon.net)

TRIPP MUTH, Town Council

7885 EASTSIDE DRIVE  
CHINCOTEAGUE VA 23336

(757) 990-0201

[trippmuth@gmail.com](mailto:trippmuth@gmail.com)

SPIRO PAPADOPOULOS

5534 WARREN STREET  
CHINCOTEAGUE, VA 23336

(757)336-2926

[sgpchinco@yahoo.com](mailto:sgpchinco@yahoo.com)

JEFF POTTS

PO BOX 596  
CHINCOTEAGUE VA 23336

(757) 854-4141

[potts.jeff@gmail.com](mailto:potts.jeff@gmail.com)

MICHAEL J. DENDLER

6316 CROPPER STREET  
CHINCOTEAGUE, VA 23336

(757) 336-5198

[mike.dendler@gmail.com](mailto:mike.dendler@gmail.com)

WILLIAM NEVILLE, Secretary

12544 RIVER RUN LANE #85  
BERLIN, MD 21811

(757) 336-6519  
(443) 669-0952

[wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov)