

# PLANNING COMMISSION WORKSESSION

## A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

July 12, 2011 - 5:00 P.M. – Council Chambers - Town Hall

A public work session is scheduled for Tuesday, July 12, 2011 at 5pm in order to continue the consideration of public hearing comments on an overall zoning map amendment for the Town of Chincoteague.

1. Review of 7 Topics and Ideas from Public Hearing Comments
2. Review of Zoning District Changes
3. Review of Zoning Map Changes
4. Proposed Action Items for next meeting on August 9, 2011



## STAFF REPORT

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To: Chincoteague Planning Commission

From: Bill Neville, Director of Planning

Date: July 12, 2011

Subject: Work Session – Zoning Map and District Update

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- ❖ **Planning Commission work session to consider public hearing comments, make revisions to the draft zoning map and ordinances, and determine if a recommendation to Town Council should be prepared for action at the next regular meeting on August 9, 2011.**
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### SUMMARY

The Town of Chincoteague Planning Commission has prepared a draft zoning map and zoning ordinance amendment that would implement the adopted Comprehensive Plan recommendation for six (6) new zoning districts. Public comment was received from May 10<sup>th</sup> through June 14<sup>th</sup> with two public hearings. This work session will allow the Planning Commission to consider new ideas and concerns, and to make changes to the documents before a recommendation for action is forwarded to the Town Council.

Public comment received to date is attached to this staff report for reference. The main Topics and Ideas have been compiled below, along with proposed changes to the Zoning Districts and Zoning Map. By providing clear recommendations on each topic, both the Public and the Town Council will be well informed during the final public hearing process this Fall.

## TOPICS and IDEAS (Percent of Public Hearing Comments noted)

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- 1) **R-4 Resort Residential** – The majority of land that is proposed for the Resort Residential district is currently zoned R-3. The proposed district should not be based on the existing C-1 district regulations that would allow commercial uses in a residential district. (10%)
- 2) **C-4 Commercial** - A significant concern about allowing an expansion of commercial uses in the Resort Residential and Resort Commercial districts has been expressed by property owners at both the north and south end of the Island. In particular the expansion of commercial uses in the northern residential neighborhoods adjacent to schools, parks, and historic properties as proposed on the Comprehensive Plan land use map may not be warranted. Existing zoning is R-3. Waterfront areas along South Main Street were questioned regarding the impact of large restaurant uses. (27%)
- 3) **All Commercial Districts** – In general, the idea has been advanced that most commercial uses should be allowed only by conditional use permit as a way to allow public participation in the land use approval process and to allow the Town to address unique impacts associated with new development. One speaker recommended an economic impact study. (11%)
- 4) **RC Resource Conservation** - This district is generally supported for the marshland areas surrounding the Island. Several questions have been raised about the exceptions proposed, including the purpose behind using the Agriculture district and Resort Commercial district in some locations. Several speakers appealed for the use of the RC district on the Island to protect natural features and water quality. (14%)
- 5) **R-3 Mixed Use Residential** – Marsh Island homeowners have supported the proposed residential zoning and requested that the existing townhomes and condos would be recognized as a prior PUD approval rather than becoming legal non-conforming uses. They have also requested that any public or non-residential use such as Section 3.7.22 public piers or public boat ramps should only be allowed as a conditional use in order to address concerns for parking and safety in this location. Other property owners have asked about limitation of commercial or public uses for R-3 zoned property with access from private streets. (10%)
- 6) **All Permitted Uses** - Several questions have come up about the definition of ‘Light Waterfront Seafood Industry’. If this is a use that is intended to support small individual businesses, should it be permitted in all districts? Is there another aquaculture definition or use listed in the Agriculture District that should be permitted in all districts.
- 7) **C-3 Corridor Commercial** – The Chincoteague Volunteer Fire and Rescue Company has requested to extend the C-3 district one additional parcel along Deep Hole Road to the intersection with Chicken City Road in support of a potential Fire Station location. It is currently zoned R-3.

## ZONING DISTRICTS

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- A. Remove text from the C-4 District regarding redevelopment and potential public sewer (done)
- B. Correct the R-4 Resort Residential District so that it is based on the R-3 District zoning standards (instead of the C-1 district standards)
- C. Consider whether certain commercial uses should be allowed only by conditional use permit
- D. Consider amending the Public/Semi-Public district to identify what happens if the property is sold for private ownership.

## ZONING MAP

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- a) Revise the proposed Resort Commercial and Residential Zoning zoning districts in the north Main Street area. Change the color of the C-4 Resort Commercial district so that the map prints out a red color matching the Comprehensive Plan land use map.
- b) Adjust the zoning map on the east side of Main Street between the C-1 (existing) and C-2 (proposed) district and the R-2 district so that properties located along Ocean Boulevard match the written description of district boundaries contained in the Town Zoning Ordinance.
- c) Change the proposed zoning of the Nature Park parcels from P/SP to the POS district
- d) Consider the request for all marsh areas surrounding the Island to be mapped to the RC district.
- e) Correct Zoning Maps to show Hibiscus Drive as two cul-de-sacs without a through connection
- f) Correct Zoning Maps to show parcels along Miflins Marsh Road that are a part of the Oyster Bay 1 subdivision as R-1 for both existing and proposed zoning
- g) Consider revising a small area along South Main Street below the Coast Guard Station that was identified on the Comprehensive Plan land use map as C-4 Resort Commercial. This may be more appropriately included in either the C-1 district or the C-2 district. It is currently zoned C-2.
- h) Staff has suggested that the map legend should be amended to note the existing Floodplain Overlay District that applies to the entire Island.

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## PLANNING COMMISSION MEETING 14 June 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:

Robert Ritter, Town Manager  
William Neville, Planning Director

CALL TO ORDER – Chairman Rosenberger called the meeting to order at 7:00 pm and established a quorum with all members in attendance.

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Taylor led the invocation followed by Chairman Rosenberger leading the Pledge of Allegiance.

### PUBLIC COMMENT

Chairman Rosenberger invited the public to speak on any topic except the public hearing item. There was none and the public participation portion of the meeting was closed.

### AGENDA

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

1. Approval of the May 10, 2011 meeting minutes.

The minutes as submitted were reviewed. Commissioner Papadopoulos moved to approve the minutes as corrected, seconded by Commissioner Potts. The motion was unanimously approved.

2. Public Hearing – Comprehensive Zoning Map and Zoning Ordinance Amendment

Chairman Rosenberger opened the public hearing for Agenda Item #2 and stated that comments would be received first from those who sign up on the list and then

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from any others with a 3 minute limitation so that everyone has an opportunity to participate.

## Staff Presentation:

Town Planner Neville presented an overview of the Comprehensive Zoning Map Amendment that is an outgrowth from the adoption of a new Comprehensive Plan in January 2010. The main proposal is the approval of a new zoning map for the entire island that will provide accurate information for each parcel in color. In addition, the zoning district regulations would be updated to include the proposed new zoning districts. Public comment is welcome at this early stage in the review of the draft documents and there will be other opportunities to review the final proposal at Town Council public hearings in the Fall.

The zoning amendment is a revision to both the Zoning Ordinance and the Official Zoning Map. The current zoning map for Chincoteague includes 6 zoning districts as seen on the display maps and on the Town website. The Comprehensive Plan recommends a total of 12 zoning districts to align with the adopted land use planning areas. The Planning Commission has adopted a specific approach to consider this change, so that both Plan and Ordinance documents work together.

For most of the zoning districts the only change will be the name of the district. For example, the current R-1 zoning district and the Single Family Residential land use planning area will now be called the R-1 Single Family Residential District. In general the shape of the new zoning districts are based on the existing zoning map and follow property lines. Otherwise, there are specific changes in some areas that were recommended by the Comprehensive Plan and those areas are shown on the proposed zoning map to match the approved areas. Finally there are a few exceptions to implementing the Plan recommendations where the proposed district may substantially limit the current use or property value. In order to keep track of any changes made to the Zoning Ordinance, a red-line version of each section and a cover sheet listing revisions is provided for public review.

Adoption of the proposed zoning map will have the benefit of providing a more accurate source of zoning information that will be easily available for review. This zoning amendment will provide the Town of Chincoteague with a valuable tool to plan for growth, development and change in the future. A review of the process that has led to this hearing was presented. Public notice requirements for the public hearing have been met and entered into the record of the meeting.

The comments received to date have been listed and copies were provided to the Planning Commissioners at the beginning of the hearing. The staff report summarizes the main ideas and concerns in two categories: Errors/Corrections, and Topics/Items that require additional review by the Planning Commission.

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Several corrections were described and the audience was requested to express their concerns in terms of whether a correction should be made or further consideration should be given. 6 main land use issues to be resolved were briefly described.

Mr. Neville concluded by saying that the Zoning Map and Zoning Ordinance are one tool that the Town has to plan for the future, to maintain the character of neighborhoods, and to respond to change such as the bridge realignment. This is a working document and public comment is welcome to make sure it meets the community's expectations. Both the current and proposed zoning maps are available for review by projection on the wall if there are questions about a particular area.

Chairman Rosenberger encouraged the audience to speak about the proposed zoning process and contribute their views and concerns.

## Public Comments:

John Lang – property owner of Peyton Place Suites on South Main Street. Concern for the C-4 Resort Commercial district in this location and the need to limit large scale restaurant/tiki bar uses with outside music, alcohol license, and traffic/parking impacts that would disrupt the surrounding residential neighborhood. Request to exclude large restaurant uses or allow for special use permit process that would allow public review.

Peggy Thomas – request for information about whether the new zoning map proposes more or less commercial property than the current zoning. She believes that there are enough beer joints, townhouses, condos to sink Chincoteague Island and we don't need more. Concern for setbacks between buildings. Request for information about parcel 21A/Wayne Road and whether a portion is zoned commercial.

Joshua Jacobson – concern for commercial zoning proposed on the property adjacent to Misty Meadows. As a resident of Richardson Landing, he is concerned about the potential increase in traffic and problems that commercial use would cause. Mr. Neville explained the approach of starting with the existing zoning districts and then applying the proposed land uses from the Comprehensive Plan – the extension of the resort commercial district was proposed as the result of the prior public planning process that recognized existing campground uses and surrounding seasonal housing as areas of common interest. Mr. Jacobson is totally opposed to this idea.

Paul Brzozowski – The biggest mistake is that R-4 Resort Residential is the same as C-4 Resort Commercial as written. There should not be any land currently zoned R-3 residential that is rezoned for commercial use. The R-3 district intent was read aloud to demonstrate the point that residential uses should be protected

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from the encroachment of commercial uses. Also, the C-4 district allows uses by-right that should only be permitted by conditional use permit so that the public, or the Town, has the opportunity to object to any commercial development. 'Draw a line in the sand and don't give away the store'.

Laurie Walton – In support of the R-3 mixed use residential zoning of Marsh Island. Concern for 'grandfathering' of existing commercial use/property and potential redevelopment that would create traffic and parking problems for the existing homeowners.

Laura Flaningam – part time resident of 5122 Main Street and owner of the historic Captain Timothy Hill house. Love the island, the interesting people, the entrepreneurs that start their own businesses, and everything that gives the Island a special quality that is recognized by Travel magazines, etc. Tourists love Chincoteague because it is not Ocean City. Concerned about 'development' and the 'blood red gash' of commercial zoning proposed in the northern part of the Island which includes many of the R-1 and R-2 zoned residential neighborhoods. The potential of commercial zoning was described as an Arbys fast food restaurant that would be allowed on 2 acres with no restrictions if the proposed zoning map was approved. Constraints on building approval from the Health Department or Army Corps of Engineers were dismissed as the Town abdicating its responsibility to decide what and how this Island gets developed. The concern was vehemently expressed that other government agencies will not protect the Town and that breaking the environmental rules was just the cost of doing business for major commercial businesses. The C-4 district (or R-4 the way it is written) could allow by-right hotels, motels, spas, restaurants, light industry and by special permit parking garages and semi tractor-trailers on your property to store things. This does not go with the northern part of the Island. Concern was expressed for the impact of commercial development that can destroy an area like the Hudson Valley of New York. An extreme example was offered of an out of town businessman working with local people to accomplish unconstrained development under the threat of a lawsuit. This was described as what can happen – 'if you open the floodgates, some really foul water can come in'.

Mike Meyers – Concern for allowing commercial uses in the R-4 resort residential district such as hotels, restaurants, health club, spas, retail stores and light industry. A residential district should not allow commercial uses. Why is commercial use needed or wanted up north on Main Street...has there been a request or proposal that caused the expansion of a commercial district?

Harry Thornton – As Deputy Chief of the Chincoteague Volunteer Fire and Rescue Company, he requests the Planning Commission consider changing one lot from residential to commercial zoning directly across the street from the Town Office to allow for purchase of the property and relocation of the Town Fire Station. Chairman Rosenberger noted that the Planning Commission would discuss this item further following the public hearing.

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Wanda Thornton – Support for the Fire Company request, noting that the Fire Company and the Churches are the backbone of this community and that should not be forgotten. We should also remember the people who make their living traditionally like the working watermen and hunting party guides, and that nothing in the zoning ordinance should prohibit continuing a traditional way of life for our people. Understand confusion about the R-4 district definitions, however as the property owner of some of the commercial land in question, they did not request the expansion of commercial use and would be happy with the existing zoning in place today. The only concern is that mobile homes/mobile home parks should continue to be allowed by right for the parcels adjacent to Misty Meadows as it is today under the R-3 district. The existing campground is currently zoned C-1 commercial and should continue to remain commercial to allow the uses that have been there since the district was created and over the 47 years the campground has been in business. There was discussion over existing C-1 areas on the map compared to the proposed C-4 areas on the map. Ms. Thornton repeated that those portions of her property currently zoned R-3 can remain R-3 as long as the uses do not change. There is no proposal to develop the R-3 property at this time. She agreed that the error in the R-4 district has caused a great deal of confusion and understands the concerns.

Inge Veneziano – No comment at this time. Responded later to hearing others speak. Concern for the unique gift that Chincoteague has to offer tourists, and the potential that development allowed under by-right zoning will take that away forever.

Kay Gelletly – The audience was asked about how many people had attended a Wetlands Board meeting in order to make the point that wetland mitigation permits are easily granted. Protection of wetlands should be an important part of planning the future. Concern for a rush to grant ‘blanket okays’ of commercial development given the downturn in the economy. Approval of new development should be by hearings and public notice. She suggested that the zoning map does not reflect the beauty and character of the Island in that the ‘green’ districts do not follow natural features and are isolated. There should be more green than red on the map.

Ed Schamel – No comment at this time.

Marvin and Cathy Mikel – Concern for protection of wetlands. An example was provided from another community where development occurred in wetland areas that people thought were protected. Areas like this should be zoned for permanent protection. Does not want to attract growth as Wallops Island continues to develop. Loves Chincoteague and wishes to keep the Island like it is.

Jon Richstein – His concerns had been addressed. No comment.

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Jim Rauth – resident of Marsh Island and representative of the Homeowners Association. Agrees with change from C-1 to R-3 zoning district. Requests consideration of moving public pier and boat ramp in the R-3 to a conditional use in order to address concerns for parking problems that would occur on Marsh Island. Disagrees that the “light waterfront seafood industry” should be allowed by right in all districts. New uses should be by conditional use, existing uses could be grandfathered.

Margot Hunt – Resident of Oyster Bay. Concern about the area around Miflins Marsh Road that is part of Oyster Bay 1. The zoning should not be R-3 or proposed to change to R-4 since it is a part of the R-1 subdivision and these are important marsh areas. This will be a correction that the Planning Commission will take action on. The colors of the map are not clear. A petition was submitted with over 100 names of people who are concerned over the proposed changes in the resort areas shown on the map.

Linda Scholer – Other speakers have addressed her concerns. No comment.

Karen Lukacs – Resident of Chincoteague. Appreciates map and redline information that has been available for review. Question about Resource Conservation district and why there are not more tidal marsh areas shown in ‘dark green’. Mr. Neville responded that the approach taken by the Planning Commission in preparing the draft map was that any marsh area that was in private ownership and was already zoned would not be changed to the RC district because of the potential loss of property value. Ms. Lukacs asked what a property owner with marshland zoned R-3 could do with the property? Mr. Neville answered that the residential or commercial zoning district regulations do not restrict any use in the marsh, or attempt to duplicate the permits required by State or Federal agencies. Recommends that the Town place marsh areas surrounding the Island under protective zoning regardless of private ownership.

William Brekey – Support for those who protest the increased commercial zoning on North Main Street area. Agrees with Ms. Thorton about safeguarding the traditional ways of life for people of Chincoteague, however, he does not see how creating this commercial zone east of Main Street will advance that idea in any way.

Rick Willis – Full time resident and former guide on the Trolley history tour. Concern for the downtown area. Has any consideration been given to the economic impact and change in traffic flow with the alignment of the new bridge. Has there been any consideration of the economic impact of the new zoning districts? Chairman Rosenberger responded that there has not been an economic study completed at this time because of the limited nature of change to the zoning districts other than re-naming. Mr. Willis recommends that a local university intern could be asked to complete this type of study and that this information would be valuable to consider any future changes in zoning.

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Margaret Northam – Family tradition of environmental conservation. Concern for water quality and its impact on the watermen and the seafood industry. Request limits on commercial zoning and development outside of the downtown area.

Kathy Phillips – Assateague Coast Keeper whose job is to speak for the ‘water’ which does not have a voice at meetings like this. The Island depends on tourism for its survival and what draws people is the clean water, scenic marshes, a waterman’s way of living, and small town atmosphere. Comprehensive rezoning is all about the big picture not individual properties or owners. It should be about what is good for the community, the citizens, its economy, the flora and fauna. Ms. Phillips quoted from the Accomack County decision to extend the Chesapeake Bay Act regulations over to the Seaside in order to protect water quality for its fishing, aquaculture and tourism industries as well as quality of life. Resource Conservation zone should be extended onto the Island as well in order to protect natural resources and maintain the natural functions of the land. Sea level rise is an issue that makes the case for protection of marshes as the first line of defense. Concern for commercial and residential zoning of tidal wetland areas on the east side of the Island. This action could be construed as being irresponsible on the part of the Town because of the unrealistic assumption of value for owners of this property. Protective zoning would reduce taxes for the property owner instead of increasing the ‘Town coffers’. Consider uses that would only be allowed under a conditional use permit instead of by-right, and applying protective conservation zoning to areas on the Island.

David Burden – Virginia Eastern Shore Keeper. If you take wetlands and marshland and tell people that it is a good place to build businesses and homes, you are lying to them, because you know they can’t build there, and you are stealing from them, because you are taxing them for a higher value than what they have really got. As a Town, that is probably not a good way to operate. People own to the mean low water mark, but the for the purpose of looking for a good place to build, maybe the mean high water mark is a better place to start. Keep in mind that you are not zoning a map, you are zoning land. Appeal for clean water to support the traditional watermen and avoid shellfish closures because of some development that does not install a buffer or setback from the marshes. Suggestion of special use permits and involvement of the community in all land use decisions so that 10 years from now no one asks ‘how did that happen?’. By-right use takes the public out of the process. Mr. Burden thanked the Planning Commission for the hard work that they do.

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Dan Smith – Representing 20 other homeowners in the Fiddler Bay community that are bulkheaded up to the marsh looking out to the lighthouse, and adjoining the Maddox Campground. Concern for marshland proposed to be zoned resort commercial. One third of their view and the area that they paddle around in on their kayaks has turned ‘red’ on the map including areas out to Assateague. The primary responsibility of zoning is not to align with ownership. Zoning of marshland is not consistent and should all be RC district, not zoned for resorts.

Jillian Poole – homeowner on the water near Misty Meadows. Why do people come to Chincoteague – not just the beach but a passion for the Refuge, wetlands, etc. The proposed commercial zoning area on North Main Street would seriously change the way people feel about the Island.

Laura Lee Schmitter – Concern for not just the wetlands but the animals and birds that have to relocate if areas are filled in. She purchased an existing house and refurbished it because there is too much growth.

Elaine Fioriglio – Resident at south end of Island. Recalls change over 50 years, with trees, docks and piers over wetlands, new home construction – change will happen but this is her ‘piece of heaven’. Wants to keep it magical by having people respect the land, the water, the marshes.

Martin Dombrowski – Resident in Misty Meadows near the schools. Question why would you want to make the area surrounding the schools commercial? This is a nice quiet area that is not the best location for commercial activity?

Greg Lyons – Resident of North Main Street. Request to clear up whether there is a change proposed or not in the commercial zoning across the street. Mr. Neville responded that areas of existing C-1 commercial including the school properties and the nature park were re-mapped to the Public/Semi-Public district, and that other parcels west of the existing campground are currently proposed to change from R-3 residential to C-4 Resort Commercial. Mr. Lyons agrees with others who do not believe that additional land should be zoned for commercial if it is not commercial now. Ms. Thornton stated that there is another owner of the subdivided lots that she does not speak for in saying that the zoning may stay the way it is.

David Johnson – Requested that everyone who spoke would recognize that corrections and changes have been suggested that would return the northern area of concern to the permissions allowed by the existing zoning districts. The campground would stay commercial. Agrees that marsh areas out toward Assateague should be considered for Resource Conservation. Mr. Johnson noted that the owners of the subdivided property on North Main Street have not been heard from, and there may be some uncertainty about what will happen with this piece. He observed that this issue may be resolved.

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Elaine Lang – Individual permitted uses from the zoning districts were read aloud to demonstrate the number of commercial businesses that can be permitted in a residential zoning district.

Paul Brzozowski – Identified the location of his property on the proposed zoning map next to the large area of proposed C-4 Resort Commercial Zoning and explained that is why he is upset.

Comment – In most planned communities the commercial is located at the outside and you drive through it to get to the residential, you don't drive through the residential, including delivery trucks, to get to the commercial. I think we have it backwards.

John Westlake – What is the rationale for this commercial zoning at the north end of the Island? Why does Chincoteague need more commercial when there is more than enough in other parts of Town? Mr. Rosenberger responded that the rationale that was applied to this point was to tie the Zoning Map in with the Comprehensive Plan that was developed over a 3 year period and approved in January 2010. Mr. Westlake persisted to ask why it was proposed in the Comprehensive Plan. Mr. Neville answered that the idea was proposed to allow existing campground uses to expand and connect with the ultimate use of the subdivided lots proposed for a travel trailer park or campground, and this was not a deliberate effort to change the character of the area.

Richard Vesely – Asked about the existing subdivided lots and whether they were specifically zoned for a trailer park. Mr. Neville stated that may have been the intended use, however this land was subdivided in the 1960's before the current R-3 zoning was adopted and any development of the land would have to meet current zoning standards. Mr. Vesely described the history of the subdivision and suggested that there was nothing to suggest that it should be zoned for Resort Commercial.

Ben Ellis - Resident of Misty Meadows. Concern about comment that the intent of the Comprehensive Plan change from R-3 to C-4 was to allow existing uses to expand. Doesn't the C-4 district allow many commercial uses by-right that could come there with no recourse or the opportunity for residents to say anything about it? Why would the Town want to allow all of the permitted commercial uses without requiring a special permit, it does not make sense.

Eddie Tull – Addressed two points. The people who are the owners of Peyton Place have a sewer system that ties to Chincoteague Channel, and if they are so concerned, they should tear down the building to help the environment. Mr. Tull described his family history on the Island and suggested that the most effective way to keep property from being developed is to buy it. He described his love for

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Chincoteague and the property he has worked for over 74 years. He stated he has sold 700 lots and would be happy to sell 700 more.

With no additional speakers, Chairman Rosenberger closed the public hearing and thanked everyone for their participation. A brief recess allowed members of the public to leave before the business meeting resumed.

The Planning Commission reconvened and there was discussion about when to meet next to review the comments and consider changes to the zoning documents. Councilman Muth and Commissioner Papadopoulos felt that it was important to meet sooner rather than later so everyone understands that their comments have been taken seriously. Chairman Rosenberger was hopeful that most issues could be resolved easily, and reminded the Commission that the zoning recommendations should be based on general principles and not individual properties. A worksession was scheduled for July 12, 2011 at 5pm.

### 3. Old Business

- **Work Plan - Sign Ordinance**

Chairman Rosenberger opened consideration of Agenda Item #3 and noted that this was not advertised for public hearing. Town Planner Neville summarized the discussion and points raised by Commissioners over the last several months. Revisions to the Ordinance language as shown in 'redline' text were reviewed. Photographs of two hotels visible from the new bridge were presented with a visual simulation of potential wall signs mounted above the maximum 12 height limit. These locations were both the subject of new sign permit applications that had recently been denied by the Town Zoning Administrator. Mr. Neville pointed out that design, placement, height, and location relative to the roofline are important considerations close up to the building, however the vista from the bridge includes a much larger landscape view and the importance of any one sign is diminished. Visibility to these buildings at the 12 foot elevation is partially restricted by the bridge railing, and other low buildings in the foreground.

Section 7.11.4 Installation of wall signs was identified as a portion of the sign ordinance that provides specific instructions regarding wall signs and could be expanded to include other criteria that the Planning Commission may identify as condition to allowing an increased height.

Commissioner Katsetos stated his concerns that over 70% of the existing signs are above 12 foot and that the Ordinance should have a maximum height for new signs that is consistent with existing ones. He was concerned about one waterfront hotel that had installed red lights around the roof because they were not allowed to install a wall sign visible from the bridge. Another example was given about a business owner who opted for using banners

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because a wall sign would exceed 12 feet if installed above existing windows on the building.

Commissioner Taylor confirmed that the proposed ordinance language had been reviewed by the Zoning Administrator.

Vice Chairperson Cherrix expressed concern that this would provide too much flexibility – that there should be a maximum height that no sign should go above. Other Commissioners tried to identify a ‘happy medium’ solution.

Commissioner Taylor attempted to move the issue along and made a motion that the optional language would be incorporated into Section 7.11.2.1 and advertised for a joint public hearing with the Town Council. The motion was seconded by Commissioner Katsetos.

During the discussion of the motion, Commissioner Papadopoulos expressed his preference that the Commission reach a unanimous consensus before recommending an ordinance change such as this. He was also concerned about the use of a general regulation to solve unique problems such as the three story hotel buildings. Vice Chairperson Cherrix supports the adopted regulation of 12 feet maximum height since it was based on a desire to maintain the residential character of a seaside town and believes that it should be enforced. Commissioner Potts suggested that the maximum height limit was more appropriate for monument signs or billboard, not necessarily building mounted signs. Councilman Muth expressed his support for the optional height limit for wall signs because of the precedent of other existing signs in Town that exceed 12 feet. He added that other changes to the Sign Ordinance should be considered such as elimination of roof mounted signs and better control over the total square feet of sign area for any one property.

Chairman Rosenberger called for a vote. The motion passed by a majority of those present (For: Muth, Katsetos, Taylor, Potts, Against: Cherrix, Papadopoulos, Abstain: Rosenberger). A joint meeting with Town Council will be advertised for July 11, 2011 at 7pm.

## 4. New Business

- Chincoteague Volunteer Fire Company - The request for zoning change of a property at the corner of Deep Hole Road and Chicken City Road was discussed. Extension of the proposed commercial C-3 zoning to include one additional property could be considered during the comprehensive zoning map amendment, although it would not be approved until the end of the year. Mr. Neville advised that a separate consideration of the zoning change in the short term for this semi-public use would require a formal application that met submission and hearing requirements

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contained in the Zoning Ordinance. The Planning Commission determined that 'municipal facilities' were currently a permitted use in the existing R-3 zoning on the property and that may be enough to allow the site plan and permit applications to continue. In support of the long term purchase and operation of the facility at this location, the Planning Commission voted to recommend to the Town Council that this property should be included in the C-3 commercial district as a part of the Comprehensive Zoning Map Amendment.

## 5. Commission Member Announcements or Comments

- None

## ADJOURN

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

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Ray Rosenberger, Chairman