



PLANNING COMMISSION

Regular Meeting

Town Hall

July 12, 2011

At 6:00 p.m. in the Town Hall, Vice Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Roger Munz, Joan Natali and Mike Strub. Chairman Bruce Brinkley and Commissioner Malcolm Hayward were not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

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

REGULAR MEETING PUBLIC COMMENTS

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

CONSENT AGENDA

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

The Commissioners reviewed the minutes for the June 7, 2011 Regular Meeting.

Joan Natali noted several typographical errors under Reports on the first and the second pages.

Motion made by Joan Natali, seconded by Roger Munz, to approve the minutes from the June 7, 2011 Regular Meeting as amended. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) Ben Lewis had moved outside of the town limits of Cape Charles. In order to serve on the Planning Commission, individuals must live in Town. A notice had been placed on the Town's website and included in the *Gazette*. Joan Natali suggested including something in the *Cape Charles Happenings* and asked Tom Bonadeo to send her the language. Dennis McCoy added that a notice could be posted on the pole outside the Post Office and possibly in the businesses in Town; ii) Council received a request to extend the Conditional Use Permit (CUP) for the Cape Harbor project for another year. The CUP was in effect for one year and then extended by Council for one additional year. No progress was made on the project during the last year so Council denied the extension request; iii) The New Roots Youth Garden had been working on the site at Fig Street and Randolph Avenue and we should be seeing a new shed and fencing placed around the property. The group was also planning a fund raiser. A grand opening party had been scheduled for July 30th. Joan Natali asked whether plans were available for viewing. Tom Bonadeo stated that he had some drawings, which were not done to scale, but that they were available if anyone wanted to look at them; iv) The initial paving of Mason Avenue was completed before the 4th of July holiday weekend. The contractor worked until 11:00 PM on Friday night to get the work completed; and v) The last items at the park were being completed. The fountain was turned off over the 4th of July holiday due to trash being thrown into it which clogged the pump. It should be repaired and put back into operation soon. Roger Munz asked about the leveling of the fountain. Tom Bonadeo explained that he and Jeb Brady were working to correct the problem.

Joan Natali asked about the construction of the new cell tower. Tom Bonadeo explained that plans for the new tower were reviewed last week and he expected construction to begin within the next 60 days. Sinclair Communications was building the tower and Verizon and AT&T were the first two companies to sign on for space.

OLD BUSINESS

Sign Ordinance Review – Letter to Council

Tom Bonadeo summarized that the Planning Commission reviewed the ordinance at their last meeting with special review of the Statement of Intent section and agreed that the section used fairly strong language regarding restricting the display of signage. Staff prepared a letter to Council for direction in the review and possible modification of the sign ordinance. The Commissioners reviewed the letter and agreed that the “Purpose” from the City of Portsmouth’s ordinance could be adopted in its entirety. There was some discussion regarding the Portsmouth ordinance and how it outlined the regulations in a more positive manner and that Cape Charles must have had some problems with signage in the past to have adopted the strict regulations currently in the ordinance. Tom Bonadeo asked the Commissioners to review the Portsmouth ordinance and for the next meeting, he would change the “Statement of Intent” to “Purpose” using the Portsmouth ordinance as a guideline and work on the “Definitions” for review by the Commissioners at that time.

Home Occupations – Revised Ordinance with Zoning Clearance

Tom Bonadeo stated that with the proposed changes to the Zoning Ordinance, it would also be practical to move “Home Occupation” from Section 3.2.C. – Conditional Uses to 3.2.B. – Permitted Uses. The Commissioners reviewed Section 4.0 of the Zoning Ordinance which was revised based on the questionnaire that was reviewed at the June meeting.

Joan Natali noted that the proposed language did not state that the home-based business should occupy less than 50% of the dwelling. Tom Bonadeo explained that item #1 stated that the home-based occupation business was “clearly incidental and subordinate to the residential use of the dwelling” but that “less than 50%” could be added to that item in parentheses. Joan Natali suggested that this be added to the definitions as well.

Joan Natali stated that she thought a home-based business was to be conducted wholly in the residential building or dwelling and not in an accessory building. Tom Bonadeo stated that the zoning ordinance currently allowed a home-based business in an accessory dwelling as shown in item #4.

A public hearing must be held before modifications could be made to the zoning ordinance. Tom Bonadeo stated that the Town would like to hold joint public hearings with the Town Council if at all possible due to the length of the processes and the cost for advertisements. Tom Bonadeo went on to state that the next agenda item also required a public hearing which could be scheduled for the same time.

Motion made by Roger Munz, seconded by Mike Strub, to schedule a joint public hearing with the Town Council to hear comments regarding the proposed modifications to Article IV of the Zoning Ordinance regarding Home Occupations. The motion was approved by unanimous consent.

Text Change – Definitions – Agriculture

The Commissioners reviewed the proposed new definition of “Agriculture” as discussed at the June meeting.

Motion made by Roger Munz, seconded by Joan Natali, to schedule a joint public hearing with the Town Council to hear comment regarding the proposed modification to the

definition of Agriculture in the Zoning Ordinance. The motion was approved by unanimous consent.

NEW BUSINESS

Aircraft Ordinance – Review and Comment

Tom Bonadeo stated that the Code of Virginia made some changes in relation to heliports for both private and commercial use which prompted the creation of a model ordinance for helicopter landing areas which was introduced at the June meeting. Tom Bonadeo stated that he had also forwarded copies to Gordon Campbell, who operated Campbell Field, and Patrick Hand, who previously owned a helicopter and had a landing field on his property, to get their ideas as well. Tom Bonadeo added that he had talked to Oral Lambert, of Bay Creek Resort & Club, who informed him that due to insurance concerns, Bay Creek did not suggest landing areas to visitors by helicopters. The Commissioners briefly reviewed Sections 1-1 – Definitions and 1-2 – Off-airport/Heliport Helicopter Takeoffs/Landings. There was some discussion regarding the issue and possible landing sites. Joan Natali suggested the Keck property as the only feasible location within the Town. Roger Munz cautioned that by designating an area, the Town would create a flight path over private property which could create other issues. Tom Bonadeo stated that the Town was not in a position or prepared to act on this issue at this time and suggested that he try to get Gordon Campbell and Patrick Hand to attend the August meeting to get their thoughts.

Joan Natali provided Tom Bonadeo with a copy of the FAA definitions for a reference in drafting the Town's ordinance.

OTHER BUSINESS

Mike Strub brought in this past Sunday's Washington Post which contained an article about Wallops Island and the recent rocket launches. There was some discussion regarding the future impact on the Eastern Shore but Tom Bonadeo explained that the Planning Commission's focus was regarding the land, not necessarily tourism and business related issues. Joan Natali stated that she would like to continue this discussion after adjournment of the meeting.

ANNOUNCEMENTS

There were no announcements.

Motion made by Mike Strub, seconded by Roger Munz, to adjourn the Regular Meeting of the Planning Commission. The motion was approved by unanimous consent.

Vice Chairman Dennis McCoy

Town Clerk