

Planning Commission

Public Hearing

and

Regular Session Agenda

April 5, 2011

6:00 P.M.

1. Call to Order - Planning Commission Public Hearing
 - a. Roll Call: Establish a quorum
 - b. Hear Public Comment on CUP – 548 Madison Avenue – Home Occupation
2. Close Public Hearing
3. Call to Order – Planning Commission Regular Session
4. ~~Invocation and Pledge of Allegiance~~
5. Public Comments
6. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
 - c. Reports
7. Old Business
 - a. Conditional Use Permit Application – 548 Madison Avenue – Home Occupation
8. New Business
9. Announcements
10. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
March 1, 2011

At 6:05 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Dennis McCoy, Roger Munz, Joan Natali and Mike Strub. Commissioners Malcolm Hayward and Ben Lewis were not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as one (1) member of the public.

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

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 Roger Munz and unanimously approved to accept the agenda format as presented.

The Commissioners reviewed the minutes for the February 1, 2011 Joint Public Hearing with the Town Council and the February 1, 2011 Regular Meeting.

Regarding the minutes from the February 1, 2011 Joint Public Hearing, Bruce Brinkley suggested that, in the second paragraph, it should read "Councilman Bruce Evans *officiated* the meeting..."

Regarding the minutes from the February 1, 2011 Regular Meeting, Mike Strub noted a typographical error on the first page under Reports, Item iii, where "land" should show "lane." Joan Natali noted that the language on the second page, under Wind Energy Ordinance, the first paragraph did not flow correctly. After some discussion, it was agreed that the language would be revised as follows: "If the Town did not have an ordinance in place, someone could state that their wind energy project met the Town's requirements and because we would not have any, could go directly to the DEQ for a permit..."

Motion made by Mike Strub, seconded by Roger Munz, to approve the minutes from the February 1, 2011 Joint Public Hearing with the Town Council and the February 1, 2011 Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) A Joint Permit Application had been received from Gamesa, a wind turbine company, to study two locations in the Chesapeake Bay just off Cape Charles. This study was in preparation to locate one wind turbine in the Bay for research and development of an offshore turbine to be on the market over the next few years. Tom Bonadeo distributed several maps and diagrams from Gamesa and pointed out the proposed locations of the wind turbine. Tom Bonadeo explained that the secondary location by Hungar's Creek may be removed since a portion of it was in the shipping lane. Roger Munz asked why the primary location was chosen since it had a depth of over 100' and a site of approximately 20' depth was a short distance away which would be less costly. Tom Bonadeo stated that the intent was to have over 100' minimum to mimic the depths of the offshore site. Due to Bayshore Concrete, this is also one of the only spots where electric power comes in so close to the shore. Tom Bonadeo

added that the bird studies would take approximately one year to gather the necessary information and if all goes well, the offshore turbine should be started in summer 2012 and the land-based turbine should be started in fall 2012. Mike Strub asked whether the turbine would impede the entrance into the Harbor to which Tom Bonadeo replied that the turbine would not pose a problem since large boats have to follow the channel into the Harbor; ii) VDOT was preparing a plan called VTrans 2035, Virginia's Long Range Multimodal Transportation Plan. Tom Bonadeo stated that the plan could be reviewed online and added that it was interesting reading and included information about the Eastern Shore, Route 13 and the railroad. Tom Bonadeo added that VDOT and its consultant believed that rail service would become more important as fuel prices rise; and iii) The Harbor Redevelopment Plan-Floating Slips were being installed and progress on the main dock was almost 90% complete and about 30% of the finger docks had been installed. Roger Munz asked whether anything was being done about the swells coming into the Harbor. Tom Bonadeo responded that the breakwaters reduced the swells/waves and concrete wave attenuators would be installed in the Harbor to further help with the swells/waves.

OLD BUSINESS

Corridor Overlay - Routes 184 & 642

Tom Bonadeo stated that the Commissioners would be reviewing the Corridor Overlay to include the two areas along Routes 184 and 642 as well as the area along Route 13 as discussed in the Annexation Agreement with the objective of working with the County Planning Commission and Board of Supervisors to incorporate features in our respective Comprehensive Plans and Zoning Ordinances regarding this area of joint concern. The area along Route 13 was also of concern to Cheriton and we plan to continue working with Cheriton in their boundary adjustment process. The Boundary Adjustment Sub-Committee met and the Cape Charles representatives informed the Cheriton representatives of Council's decision not to pursue a boundary adjustment at this time but expressed our support regarding their boundary adjustment request.

The Commissioners reviewed the information compiled by Tom Bonadeo regarding the area of study for the Corridor Overlay. Joan Natali stated that she would like to add that all new development be required to install underground utilities and added that there were some items discussed at the February meeting that were not included in this list. Tom Bonadeo would update the list adding the noted items and forward the information to the County.

Roger Munz asked about the billboards coming into Town along Route 184. Tom Bonadeo stated that the billboards were leased prior to the current ordinances and were grandfathered. Tom Bonadeo added that he thought the leases were auto-renewing but would check on it.

There was some discussion regarding Item 2d of the list which stated that the Town Edge created expectations for town services such as water, wastewater and transportation connectivity to the downtown area of Town. Joan Natali stated that in the past, the County had stated verbally that the Town Edge was the area for the towns to grow into. Did this mean that once this area was developed, the Town would take over the area or just supply services? The Commissioners were in agreement that if the Town were to supply services to the Town, it should be compensated. If the area was not included as part of the Town, we would not be able to collect taxes. Roger Munz added that the Town could possibly charge a different rate for services. There was some further discussion and Tom Bonadeo stated that the objective was to get the ordinances for the Town and County in line regarding these issues.

NEW BUSINESS

Conditional Use Permit Application - 548 Madison Avenue - Home Occupation

Tom Bonadeo informed the Commissioners that an application had been received to operate a home business producing baked goods in the R-1 zone at 548 Madison Avenue. The R-1 zone allowed home occupations by conditional use permit. It was noted that this house was next door

to the Protos who were recently approved to operate a chocolate confectionary business. Similar to the Protos, this applicant would not be selling their goods from their house. The baked goods would be delivered to bakery subscribers and no large trailers would be delivering supplies so traffic would not be disrupted or increased. The character of the existing zoning district would not change as no evidence of a home based bakery would be apparent.

The Commissioners reviewed the criteria outlined in Article 4 of the Zoning Ordinance for operating a home business and it was determined that the application met all nine criteria.

Motion made by Roger Munz, seconded by Dennis McCoy and unanimously approved to schedule a public hearing preceding the April meeting to hear comments regarding this conditional use permit application.

ANNOUNCEMENTS

Bruce Brinkley stated that he was attending the Planning Commissioner Certification class next week. Mike Strub added that he was also attending. Tom Bonadeo informed them to keep their receipts and record mileage for reimbursement. Libby Hume stated that she would email them the travel expense form template.

Dennis McCoy stated that he attended his first Harbor Area Review Board meeting which was very interesting.

There were no other announcements.

Motion made by Joan Natali, seconded by Roger Munz and unanimously approved to adjourn the Regular Meeting of the Planning Commission.

Chairman Bruce Brinkley

Town Clerk

Planning Commission Staff Report

From: Tom Bonadeo

Date: April 5, 2011

Item: 6C – Reports

Attachments:

Item Specifics

1. The Northampton County website is www.co.northampton.va.us and contains the updated information from county meetings. The Northampton Planning Commission also meets on this night and a copy of their agenda is attached.
2. The Harbor Redevelopment Plan-Floating Slips are being installed. The main dock is almost 98% and finger docks are about done. Stop by the boat ramps and take a look and they may be in use during the Blessing of the Fleet on April 8-9. The bathhouse building was reviewed by the Harbor Area Review Board and comments forwarded to the Town Council.
3. The Trail Project continues into the next phase. Land Studio will be providing the design work and grants are in place to design and construct the next phase that includes north Peach Street and Washington Avenue sections of the trail. Grants for this project are approved but have matching fund requirements. Next year's budget is still under development.
4. The WWTP is moving along well. Each day new items have been added and the buildings continue to take shape.
5. ~~The new force main on Mason Avenue is now under construction. The construction will be partly in the street and partly south of Mason Avenue. Pavement has been cut and digging will begin soon.~~
6. The Historic Review Board met this month to consider another home remodel and addition. The Cape Charles Hotel at 235 Mason Avenue is now under full renovation with the expectation of opening later this summer. The renovation will have 16 rooms and will be a full service hotel. The Zoning Administrator has also reviewed additional projects that will come before the board.
7. The Town Manager and other staff met with our representatives on Legislative Day.
8. The Joint Permit Application for Gamesa, a wind turbine company, was approved by VMRC. The application is to study the bottom of the bay just off Cape Charles in an area just north and south of buoy 36A. It has been reported in the newspaper that Gamesa plans to build one turbine in the water and one on land for development purposes.
9. A JPA has also been received for Bay Vistas Subdivision on Washington Avenue. These lots suffered extreme erosion. Their permit application is to construct an offshore breakwater with beach nourishment.

Planning Commission Staff Report

From: Tom Bonadeo
Date: April 5, 2011
Item: 7A – 548 Madison CUP Home Occupations
Attachments: Application, letter and email comment

Item Specifics

A complete application for a home occupation has been received to operate a home business in the R-1 zone at 548 Madison Avenue. The R-1 zone allows home occupations by conditional use permit.

Mr. and Mrs. Elton have requested a CUP to operate a home business producing baked goods. The required request letter and application is attached.

Discussion

Article 4 of the zoning ordinance has 9 criteria for operating home businesses. This application meets all nine criteria.

1. The use is clearly incidental to single family residence.
2. No change to the exterior is proposed.
3. No storage of goods is proposed outside the house.
4. Less than 50% of the space will be used for the business.
5. No accessory building will be used.
6. None of the hazards listed will be produced by the business.
7. The business will not increase traffic.
8. The applicant is meeting the CUP requirement.
9. The applicant has made application with other agencies as required.

As stated in the letter, Mrs. Wagner-Elton wishes to start a home based bakery business. The use of Bakery is not an excluded use as listed in the Article 4 of the Zoning Ordinance. The application meets all 9 of the above criteria.

This is the second such application to start a home occupation with expectations for growth to a larger business outside the home. This is generally considered an early sign of revitalization in urban areas.

Recommendation

Review Public comment and discuss the application. Staff recommends forwarding the application to Town Council will approval recommendation.

MUNICIPAL CORPORATION OF CAPE CHARLES, VIRGINIA
Application for Conditional Use Permit

Date: 2-9-11 Permit No. _____
 Fee \$300
 Proposed Use HOME BASED BAKERY
 Present Zoning RESIDENTIAL Location 548 MADISON AVE
 Acreage 725 Tax Map 83A3-1-257 Parcel/Lot No.(s) 257

I (We) hereby petition the Cape Charles Town Council for a Conditional Use Permit to locate the above-mentioned use on the property listed above.

I (We) acknowledge the fact that all pertinent information required by the Planning and Zoning Office must be submitted in a timely manner so that required public hearings can be scheduled and advertised. Applicant or representative must be present in the public hearing.

Land Owner's Signature Miriam Wagner Elton
 Address PO Box 432 / 548 MADISON AVE CAPE CHARLES VA 23310
 Phone Number C: 703 625 1830 H: 757 331 1124

Planning Commission Public Hearing:

Date 4-5-11 Time 6 PM Place 2 PLUM ST.
 Action _____
 Conditions _____

Town Council Public Hearing:

Date _____ Time _____ Place _____
 Action _____
 Conditions _____

Conditional Use Permit Checklist
 (Applicant must attach items 1 - 7)

1. completed application
2. payment of fees (\$300.00 + \$25.00 per acre)
3. letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4. concept plan (see attached information for recommended contents)
5. plot plan of property
6. disclosure statement signed and notarized verifying ownership
7. names and addresses of adjacent property owners
8. Zoning Administrator's review of documentation

WAGNER ELTON LLC 10-07
MIRIAM A. WAGNER-ELTON

757-331-1124
 548 MADISON AVE.
 CAPE CHARLES, VA 23310-2800

1009

DATE 2/9/11

68-1/510 VA
 1286

PAY TO THE ORDER OF

Town of Cape Charles

\$ 300.00

Three hundred + 00/100

DOLLARS

Bank of America

ACH R/T 051000017



Miriam Wagner Elton

Miriam Wagner-Elton
548 Madison Ave
Cape Charles, VA 23310
C: 703-625-1830/ H: 757-331-1124 / E: eltonassocinc@aol.com

Town of Cape Charles
Planning Department
2 Plum Street
Cape Charles, VA 23310

RE: Application for Conditional Use Permit Lot # 257

February 8, 2011

Dear Mr. Bonadeo,

I, Miriam Wagner-Elton, am the owner(s) of real property generally located at 548 Madison Ave, Cape Charles, Lot # 257, consisting of approximately >.25 acres, and am requesting a Conditional Use Permit for my residence.

This letter serves as my request to start a home-based bakery business from my property. As a start up business, the hope is that this initial cottage industry bakery will establish a CSB (Community Based Bakery).

The 26 week bakery subscription will offer fresh baked artisan breads to a small targeted market once a week.

There will be no effect on the surrounding properties as products will be delivered to bakery subscribers and will not be picked up from the residence. There will be no large trailers delivering supplies. Traffic will not be disrupted or increased.

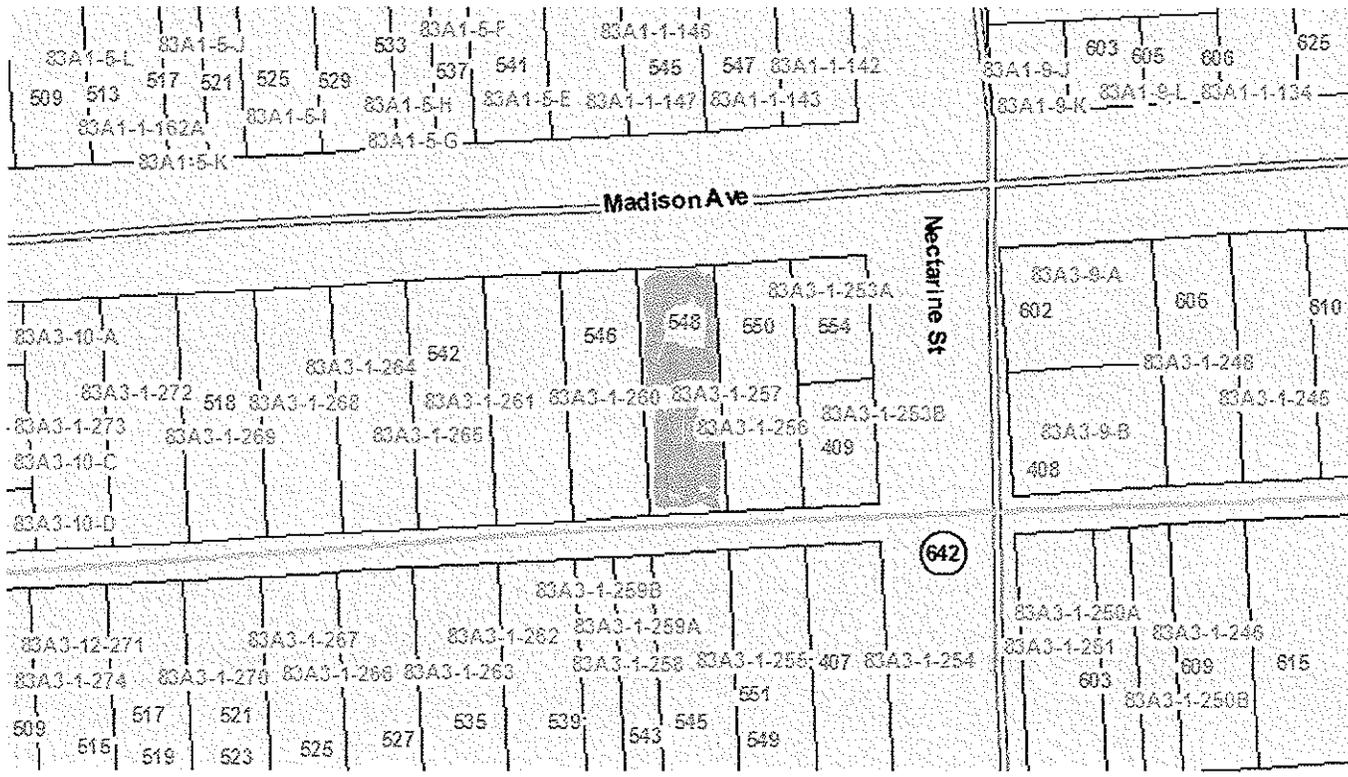
Recently, completed renovations of my existing kitchen were designed to meet the Virginia Department of Agriculture's requirements for a home based bakery business without having to change the original home's footprint. The character of the existing zoning district will not change as no evidence of a home based bakery will be apparent.

You will find attached to this letter a current survey, lot map, disclosure statement, list of adjacent property owners and check made payable to the Town of Cape Charles in the amount of \$300.00.

Please contact me directly if you have any questions or concerns.

Regards,

Miriam Wagner- Elton



Tom Bonadeo

From: George Proto <gproto@hvc.rr.com>
Sent: Monday, March 14, 2011 2:16 PM
To: Tom Bonadeo
Subject: Conditional Use Permit for 548 Madison Avenue

Tom,

Nancy and I support approval of the application for a Home Occupation for a home-bakery business at 548 Madison Avenue in the town of Cape Charles.

We believe it will have no impact whatsoever on the surrounding neighborhood and will have only a positive impact on the Town of Cape Charles itself, due to the additional revenues it will bring in and the potential for increased visibility of our area as a business-friendly environment.

Regards,
George