



PLANNING COMMISSION
Public Hearing & Regular Meeting
Town Hall
December 4, 2012

At approximately 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing & Regular Meeting of the Planning Commission. In attendance were Vice-Chair Mike Strub and Commissioners Joan Natali, Sandra Salopek and Bill Stramm. Commissioners Andy Buchholz and Malcolm Hayward were not in attendance. Also present were Town Planner Tom Bonadeo, Town Clerk Libby Hume and Messrs. Eyre Baldwin from South Port Investors and Don MacLennan from Engineering Resources Group, LLC. There were 10 members of the public in attendance.

PUBLIC HEARING

Town Planner Tom Bonadeo read the public hearing advertisement which appeared in the November 21st and 28th editions of the Eastern Shore News and gave a brief description of the project.

Tom Bonadeo introduced Don MacLennan who was representing South Port Investors regarding the Cape Charles Yacht Center Project – Phase 1. Mr. MacLennan gave a presentation on the proposed boat repair and storage facility. The facilities would be built on Parcels 12 and 17 which were leased from the Town. Phase 1 consisted of waterfront improvements, a 75-ton travel lift pad, floating docks, power, water and storm water management features. On Parcel 12, a small building would be built with equipment storage on the first floor and a dwelling unit on the second floor. Next to the building, an open storage rack would be constructed to hold 33 boats. Parcel 17 would be for boatel uses and trailer parking. Preliminary approval for crossing Bayshore Road with boats, cars, etc. was granted by VDOT and they also had permits from the Corps of Engineers and the Wetlands Board. Mr. MacLennan went on to explain that tonight’s meeting was to review the conditional use permit application to allow boat and marine engine repair, a boatel, equipment storage and dwelling unit, and a 6’ chain link fence similar to the fencing at the new wastewater treatment plant.

PUBLIC HEARING COMMENTS

Paul Strong, 7 Carissa Court

Mr. Strong stated that he was on the Board of Directors of the Cape Charles Yacht Club and spoke in favor of the boat and engine repair facility. Mr. Strong added that all the members of the Cape Charles Yacht Club agreed that this facility would be a great addition to Cape Charles and the Town Harbor and would favorably impact the economy of Cape Charles.

Tom Bonadeo read an email submitted by Talley and Jim Powell, owners of “Dawn to Dusk” currently docked in slip D-2 of the Cape Charles Harbor. (Please see attached.)

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

Motion made by Joan Natali, seconded by Mike Strub, and unanimously approved to close the public hearing.

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 Mike Strub, and unanimously approved to accept the agenda format as presented.

The Commissioners reviewed the minutes for the November 26, 2012 Regular Meeting.

Under "Reports," Mike Strub suggested that the specific building in the Sea Breeze Apartments be identified as number 207 and the damage sustained at the Bay Creek golf courses should be changed to show "significant erosion." There was some discussion regarding this issue and the specific damages sustained and Tom Bonadeo stated that the minutes did not need to be in such detail.

Under the "Election of Chairperson and Vice-Chairperson," Mike Strub noted that the minutes should show that the By-Laws "called for" vs. "outlined" that the election of the Chairperson and Vice-Chairperson be held each year in November.

Under "Conditional Use Permit – South Port Investors LLC – Parcels 12 and 17," on page 3, the last paragraph, Joan Natali noted a typographical error which should show "applicant" vs. "application."

Motion made by Bill Stramm, seconded by Sandra Salopek, to approve the minutes from the November 6, 2012 Regular Meeting as corrected. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) The South Port project received a modification to its Corps of Engineers Permit and was also approved by the Cape Charles Wetlands Board for a one-year permit for wetlands mitigation. The work was expected to start soon; ii) The old wastewater treatment plant had been demolished and South Port had moved into the area and was clearing, replanting and making preparations for the new entrance for their project; iii) The Historic District Review Board reviewed two applications for additions or modifications to homes in town. The Board also reviewed the modification request for the Hotel Cape Charles and voted to require the Hotel to install the second floor rail as proposed; iv) The Town was working with VDOT on a sidewalk repair project and the work was progressing on the streets between Madison and Monroe Avenues; v) The owners of Sea Breeze Apartments were working on a plan to recover their building after the hurricane damage. Permit applications were being prepared for submittal to the Virginia Marine Resources Commission; vi) The old teller line had been removed from the new library building. The furniture was being sold or reused and the safe deposit boxes had been recycled. ADA bathroom and other items were getting ready for installation; and vii) The fishing pier was still closed awaiting structural engineer review. The President declared Virginia a disaster area. The Town was already working with FEMA which was inclined to replace the pier vs. repairing it.

OLD BUSINESS

A. *Conditional Use Permit – South Port Investors LLC – Parcels 12 and 17*

Tom Bonadeo stated that the process for issuing conditional use permits was found in § 4.2 of the Zoning Ordinance and the Commissioners discussed the application and plans for the project to ensure that the proposed uses would not i) adversely affect the health, safety or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood; ii) be detrimental to the public welfare or injurious to property or improvement in the neighborhood; and iii) be in conflict with the purpose of the comprehensive plan. There was some discussion

regarding the letter from Mr. MacLennan which stated that the project was working towards the designation as a Virginia Clean Marina and whether this project could attain this designation since it would not actually be a marina. There was also some discussion regarding the sewage pump out stations which were not addressed in the application. Mr. MacLennan stated that there would be two locations for vacuuming pump out stations which would be piped through the forcemain to the Town's wastewater treatment plant.

Tom Bonadeo noted that this project was a \$5M investment in the port of Cape Charles and would bring boats into the Harbor for repair, etc. as noted by Mr. Strong and Mr. Powell during the public hearing.

Motion made by Mike Strub, seconded by Joan Natali, to refer the conditional use permit application to the Town Council for consideration and recommend approval with the condition that the Virginia Clean Marina standards be satisfied to the greatest extent possible. The motion was unanimously approved.

B. Density – Harbor District – Mason Avenue Corridor

Tom Bonadeo explained the concept of Floor Area Ratio (FAR) using visual aids adding that by using FAR, the height and amount of open space could be controlled without a concern for the number of units. The Commission discussed various buildings in Town and their FARs. § 4.5.1 of the Zoning Ordinance was discussed regarding parking spaces as well as subterranean levels as proposed by Landmark Holdings.

Tom Bonadeo stated that he would have the modifications to the Zoning Ordinance for review at the January meeting.

C. Sign Ordinance - Review

Tom Bonadeo stated that the Town limited the quantity of signs and did not allow signs to be placed just anywhere. There had been some issues this year with signage and freedom of speech rights. Municipalities had the ability to limit the size and location of signage, but could not limit the content. This was upheld by the Supreme Court. The Zoning Ordinance required the zoning administrator to send a letter to the owner of the sign but was very difficult to enforce. VDOT had purview of all signs visible on highways. This year, VDOT sent letters requiring all signs to be permitted. VDOT did not allow signs in rights-of-way nor telephone poles, with the exception of the pole at the post office. The Commission had been working on the Sign Ordinance using the International Ordinance as a base but Tom Bonadeo stated that he was not sure that was the correct method and added that he would like to combine the two ordinances.

Joan Natali stated that she would like to be able to support all businesses in Town, even those on side streets. Currently, the Drizzles signs were not in compliance with the Ordinance.

Tom Bonadeo stated that staff was working on some way-finding signs at the Harbor which would direct people to the area with more detailed signage at the location.

Bill Stramm added that some small towns had directories showing the businesses in the town on a map.

The Commissioners would continue their review of the Sign Ordinance beginning in January.

NEW BUSINESS

There was no New Business to review.

OTHER

Joan Natali stated that the Commission needed to work on the Tourism Zone.

Mike Strub asked about the status of the boat parking issue. Tom Bonadeo stated that per the Code of Virginia, the Town did not have the ability to ban boat parking on the streets. The Town could have gone to the Virginia legislature to get permission to regulate parking on the streets but the Town Council opted not to pursue this issue at this time.

Mike Strub was concerned with having to cross the yellow line to get around parked boats. Tom Bonadeo informed the Commission that the Police Department had the authority to enforce unsafe parking.

ANNOUNCEMENTS

There were no announcements.

Motion made by Joan Natali, seconded by Sandra Salopek, to adjourn the Planning Commission meeting. The motion was approved by unanimous consent.

Chairman Dennis McCoy

Town Clerk

Public Comments Submitted in Writing

Talley & Jim Powell, "Dawn to Dusk" lying in the Cape Charles Harbor, Slip D-2
We are pleased to offer our support for the proposed Cape Charles Yacht Center.

We brought our boat to Cape Charles Town Harbor in May 2012 and intend to be long term, tax paying slip holders in your harbor. We are members, and Mentoring Committee chairs, of the Marine Trawler Owners Association (MTOA). Also, we are the regional coordinators of the Southern Chesapeake Bay Cruisers, and the MTOA Port Captains and Representative for the Cape Charles Town Harbor to the MTOA. We are active in the cruising community, and have sponsored a significant number of cruisers spending extended weekends in your harbor. At one such event, the Vice Mayor, Chris Bannon, was our guest speaker.

Our experience as long distance cruisers and writers of reviews for Active Captain, Cruisers Net, and the MTOA lead us to anticipate the commercial success of Cape Charles Yacht Center. At the present time, we would have to cruise to the Atlantic Yacht Basin in Great Bridge, Virginia (42.75 nautical miles) to have work done that could be accomplished here in Cape Charles. We are not the only cruisers who have this opinion. Numerous cruising friends complain that there is not yacht center within the Southern Chesapeake Bay area, proximate to the Atlantic Ocean and along the Intra Coastal Waterway, where repairs and regular maintenance can be performed.

We hope the Planning Commission approves the Conditional Use Permit application. We are in contact with a number of long distance cruisers who are waiting to hear good news.