



PLANNING COMMISSION

Regular Meeting

Town Hall

November 6, 2012

At approximately 6:00 p.m. in the Town Hall, Vice Chair Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Andy Buchholz, Joan Natali, Sandra Salopek, Bill Stramm, and Mike Strub. Commissioner Malcolm Hayward was not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There was one member of the public in attendance.

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

Due to the nature of the items under New Business, Tom Bonadeo proposed that the New Business items be reviewed in reverse order prior to Old Business.

Motion made by Joan Natali, seconded by Andy Buchholz to accept the changes to the agenda. The motion was approved by unanimous consent.

The Commissioners reviewed the minutes for the October 2, 2012 Regular Meeting.

Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the October 2, 2012 Regular Meeting as presented. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) Assessments were still in process for damages from Hurricane Sandy and would continue for at least a week or more. The most damage was sustained by the fishing pier and the Sea Breeze Apartments. The north-west building was condemned for safety issues and the management team of Sea Breeze Apartments located alternative housing for the seven families who were displaced. The Bay Creek golf courses also sustained some damage. Staff met with FEMA representatives regarding the pier and beach. As of this time, the State of Virginia had not yet been declared a disaster area in order for the Town to qualify for FEMA assistance; and ii) Even though the Wave Attenuation Devices (WADs) were completed off the shore of the Bay Vistas and Sea Breeze Apartments, the sand replenishment had not been done prior to the hurricane. If the 30' of sand had been in place, it would have helped with the erosion and the foundation of the Sea Breeze building probably would not have been undermined.

NEW BUSINESS

A. *Election of Chairperson and Vice-Chairperson*

Tom Bonadeo informed the Commissioners that the Planning Commission By-Laws called for the election of the Chairperson and Vice-Chairperson would be held each year in November.

Joan Natali nominated Dennis McCoy to serve as Chairperson, seconded by Bill Stramm. There were no other nominations or volunteers for the position. Dennis McCoy was elected as Chairperson by unanimous vote.

Dennis McCoy nominated Mike Strub to serve as Vice-Chairperson, seconded by Andy Buchholz. There were no other nominations or volunteers for the position. Mike Strub was elected as Vice-Chairperson by unanimous vote.

B. *Reschedule January 1, 2013 Meeting*

Tom Bonadeo stated that the first Tuesday of January 2013 was January 1st. Since that was a holiday, an alternate date needed to be chosen for the January Planning Commission meeting. The Commissioners reviewed the calendar and discussed several dates.

Motion made by Joan Natali, seconded by Andy Buchholz, to schedule the January 2013 Planning Commission meeting for January 9, 2013. The motion was approved by unanimous consent.

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

Tom Bonadeo informed the Commissioners that a conditional use permit application had been received from South Port Investors for uses on two pieces of property in the Harbor District which were leased from the Town (parcels 83A3-12 and 83A3-17). The construction costs were estimated at approximately \$5M. Tom Bonadeo explained the history of the area known as the former Sustainable Technology Industrial Park (STIP) to the newer Commissioners.

Tom Bonadeo went on to state that Phase 1 of the South Port project consisting of uses for boat and marine engine repair, boatel, equipment storage, one dwelling unit and a 6' chain link security fence, would be reviewed this evening. It was explained that the boatel would use exposed racks for storing boats and the dwelling unit would be used for the individual on duty.

Tom Bonadeo showed the Commissioners the design plans submitted by South Port and pointed out the proposed locations for the 600 SQFT, 2-story building, the travel lift, storage area and fence, adding that additional storage would be across the road at the old wastewater treatment plant site.

There was some discussion regarding approval of a conditional use permit for leased property being approved for someone other than the owner and Tom Bonadeo explained that a conditional use permit could be requested by a variety of people as long as they had the authorization from the property owner. The Town was currently working with South Port Investors on a modification to the leases to include the new plans/uses. Tom Bonadeo added that the Town was interested in South Port Investor's success in this plan.

Mike Strub asked whether the U.S. Coast Guard had approved the plans. Tom Bonadeo stated that the Coast Guard had no purview in this area and that South Port had applied to the Virginia Marine Resources Commission (VMRC) and sent information to all adjacent property owners (Coast Guard, Virginia Institute of Marine Science, the Town, etc.) The initial application was approved in 2008, but had to be re-approved due to modifications being made to the plan. The Cape Charles Wetlands Board met on November 2nd and approved the revised mitigation plan according to the Army Corps of Engineers requirements. There was a 10-day waiting period before the Corps could issue a modified permit.

Tom Bonadeo informed the Commissioners that Harbor Development was also previously approved for a conditional use permit to build two boatels, a marine repair facility, and 320-360 residential condominium units over commercial space on 20 acres of land between Bay Shore Concrete and South Port. Andy Buchholz asked whether the Commissioners could review the conditional use permit for the Harbor Development since the uses were similar to what was being requested by South Port Investors. Tom Bonadeo agreed that the information would be emailed to the Commissioners for their review.

Tom Bonadeo reviewed the process for issuing conditional use permits pursuant to § 4.3 of the Cape Charles Zoning Ordinance. There was much discussion regarding the requirements and Andy Buchholz stated that he wanted to ensure that nothing would be discharged into the Chesapeake Bay and asked about the handling of gas or oil spills. Tom Bonadeo stated that there would be a holding tank to drain the unused fuel and something would be placed underground, beneath gravel, to catch any spills.

Tom Bonadeo went on to explain that the Planning Commission had 100 days from the initial review to make their recommendation to the Town Council on whether or not to approve the Conditional Use Permit Application. The deadline was February 14, 2013. A public hearing needed to be held and recommendation to the Town Council needed to be within 45 days after the public hearing. A public hearing could be scheduled for December preceding the regular meeting and the Commissioners could discuss any comments received and further review the application at that meeting. The Commissioners could then make their recommendations to the Town Council or continue discussion at their January meeting. If there was an issue and the Commissioners could not agree on a recommendation, they could negotiate with the applicant to extend the deadline. There was some further discussion regarding the proposed plans.

Motion made by Joan Natali, seconded by Mike Strub, to schedule a public hearing for December 4, 2012. The motion was approved by unanimous consent.

OLD BUSINESS

A. Density – Harbor District – Mason Avenue Corridor

Due to time limitations, discussion regarding this issue was postponed to the December meeting.

B. Sign Ordinance – Review

Due to time limitations, discussion regarding this issue was postponed to the December meeting.

ANNOUNCEMENTS

There were no announcements.

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

Chairman Dennis McCoy

Town Clerk