



PLANNING COMMISSION

Regular Meeting

Town Hall

October 2, 2012

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

Tom Bonadeo proposed that the New Business be moved before the Old Business on the agenda.

Motion made by Mike Strub, seconded by Bill Stramm to accept the changes to the agenda. The motion was approved by unanimous consent.

The Commissioners reviewed the minutes for the September 4, 2012 Regular Meeting.

Mike Strub suggested adding the word property after the word commercial at the bottom of page two under Old Business. He noted a typographical error at the top of page four and also suggested taking out a sentence towards the bottom of the second paragraph. Joan Natali noted a couple of typographical errors in the first paragraph under New Business on page three.

Motion made by Mike Strub, seconded by Joan Natali, to approve the minutes from the September 4, 2012 Regular Meeting as corrected. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) The Town was purchasing the Bank of America building as well as the parking lot behind it and the two lots that extend to Randolph Avenue. He explained that there were items in the Comprehensive Plan that related to the purchase of the bank building. Examples of this included acquirement of a larger Library, expansion of the Town offices and improvement of parking and alleyways; ii) The South Port project was still ongoing and permits were being renewed; iii) A Wetlands Permit Application was received through the State system for South Port to submit a modification to their permit for work to be completed in the harbor and to begin construction. The Wetlands Board would be reviewing that modification at the end of the month; iv) The old Wastewater Plant had been demolished. This project was in the final phases and it would then become part of the South Port project. This site would become a place where boats would be pulled out of the water and worked on; v) The Historic District Review Board met last month and reviewed an application for a

modification of the front of the Hotel Cape Charles because it was not completed in accordance with their original application, therefore Tom Bonadeo did not sign off on the Certificate of Occupancy. The applicant was going to resubmit a modification of the second floor that would make the balcony look less modern; vi) There were a number of remodeling plans around Town. This was a result of homes being purchased at a low cost which allowed the homeowner to fix them up. Two homes had been jacked up in the past month to raise the foundation; vii) The Town was still working with VDOT on the sidewalk, curb and gutter repair and they were currently working in the Madison and Jefferson Avenue area; viii) There was still a sign on the Reliable Building stating it was under contract. Tom Bonadeo explained that banks were reluctant to loan money for commercial projects, but the owner was making progress and hoped to have something finalized in the near future; and ix) Tom Bonadeo gave an overview of the Bay Vistas and Seabreeze apartments and the ongoing beach erosion. Sea Breeze and the surrounding neighborhood made a proposal to introduce Wave Attenuating Devices (WADs) in the Bay to help protect the area. Their design allowed them to gain sand on their own and VMRC would monitor these WADs over the next several years. This was the first time WADs had been used in Virginia.

NEW BUSINESS

A. *Orientation Information and Documentation*

Tom Bonadeo began by explaining the Comprehensive Plan and Zoning Ordinance. The Comprehensive Plan identified Mason Avenue as the Town's commercial district, which would strengthen the Town, and zoning laws in the commercial district stated that there could be certain kinds of businesses and a certain amount of residential within that district. The Comprehensive Plan also stated how the land should be used and Tom Bonadeo went on to give examples of this. Tom Bonadeo pointed out the Bay Creek area on the map and noted that it was a mix of residential and commercial lots. Tom Bonadeo referred to the Cape Charles zoning map and explained that the colors represented different land uses in the area and went on to explain the following regarding the zoning map: i) The bright yellow color represented undeveloped residential areas or Planned Urban Development (PUD); ii) The pink color represented specialty commercial areas; and iii) The brown color represented open space such as the golf course and the beach. Tom Bonadeo continued stating that portions of the Town were in a flood zone. The Town was also in a Chesapeake Bay Preservation Area which protected against run off into the bay. When anyone disturbed more than 2,500 square feet, they must provide an erosion and sedimentation control plan.

Tom Bonadeo gave an overview of i) the Historic District Guidelines and discussed the historic overlay district as well as the National Historic District; and ii) the Harbor Area Conceptual Master Plan explaining the uses by right and conditional uses. Tom Bonadeo gave examples and referred to the applicable sections under the zoning ordinance.

Tom Bonadeo went on to explain the part of the zoning ordinance that stated how the land would be used and identified the different areas in Town on the map by their color. Examples of those areas included residential estate, single family, multi-family, mixed districts, commercial and commercial residential. The commercial residential district as it was related to Mason Avenue was explained and some examples were given. Tom Bonadeo explained the subdivision ordinance and the site plan as well as the roles of related departments and the Planning Commission. There was discussion regarding the International Building Code (IBC) which was an organization that created the templates for zoning ordinances. The Planning Commission would be working on the sign ordinance which stated that there could be certain kinds of signs in certain places at certain times, and gave the example of political signs which could be displayed forty-five days before and seven days after the election. Tom Bonadeo went over the Flood Ordinance and explained

that the Town of Cape Charles belonged to a Community Rating System (CRS) which allowed the Town to score points through their Flood Ordinance. The more points the Town could score, the better the discount citizens in that flood zone would receive on their flood insurance. Currently, the Town was a level nine; therefore, citizens would qualify for five percent off their insurance. One example of receiving more points was to distribute two brochures a year about flood protection to the citizens. There was much discussion on the elevation and flood insurance for a new home.

Tom Bonadeo went on to talk about the Tree Protection Ordinance and pointed out that in a situation where a tree was dead or diseased, there was a tree replacement plan to maintain the tree coverage.

Tom Bonadeo reviewed Section four of the Zoning Ordinance which applied to all zones.

There was a certification program for Planning Commissioners which was provided by the Organization of Planners. Tom Bonadeo reported dates and times for this course and encouraged the Commissioners to attend. The Town of Exmore had recently organized a Planning Commission and a class could potentially be arranged on the Eastern Shore if twenty people signed up.

Bay Creek was associated by different names including the old Accawmacke Plantation, Bay Creek, and the Planned Unit Development (PUD) zone. Tom Bonadeo gave a brief overview and purchasing history of the properties in this area.

OLD BUSINESS

A. Density – Harbor District – Mason Avenue Corridor

The Harbor Conceptual Master Plan gave the ability to have residential in the commercial district however, this created a problem for parking. Tom Bonadeo went on to demonstrate a few formulas related to the commercial district and explained Floor Area Ratio (FAR) which defined how much lot space there was and how much of that area was allowed to be covered with residential, keeping in mind how much of that space was to be kept open space and how much parking space was needed. Tom Bonadeo illustrated some examples and drew one, two and three story buildings to demonstrate how to use the FAR formula and what outcome it would have on how many units could be built and how many parking spaces were needed. There was much discussion on the apartment building at 245 Mason Avenue; the building covered the entire lot and there was no parking.

B. Sign Ordinance – Review

The 2012 International Zoning Code was the standard format used and it was modified to suit the Town. First Amendment Rights and Signs stated that the Sign Ordinance content be kept neutral. Tom Bonadeo informed the Planning Commission that they would be revising the sign ordinance in the future.

Andy Buchholz questioned how long permits were good for. Tom Bonadeo replied that Conditional Use Permits, Historic District Review Permits and Wetlands Permits generally ran for one year. Under certain circumstances, Town Council had the ability to extend a permit if it lapsed.

OTHER

Tom Bonadeo remarked that there were a lot of rules and a lot of ways to improve, but these were positive things to better the Town and encourage development.

Joan Natali commented that the railroad property did not fall under the zoning ordinance if it was being used as railroad, but it did if it was used as commercial. Tom Bonadeo supported this comment by stating that the railroad property fell under the Harbor District as well as the industrial district. Anything they did that related to interstate commerce exempted them from the zoning ordinance.

Tom Bonadeo pointed out the Port Authority property on the zoning map and stated that if the harbor and the channel were dredged, the spoils would go there. Tom Bonadeo added that he would be going to a meeting on October 12th to discuss ways to dredge the channel and harbor deeper in order to bring in more commerce.

ANNOUNCEMENTS

Tom Bonadeo announced that the Fallen Officer Memorial for Officer James Taylor would take place in Central Park on October 10, 2012.

Tom Bonadeo also announced the upcoming 2013 classes for the Planning Commissioners.

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

Commissioner Joan Natali

Asst. Town Clerk