



PLANNING COMMISSION

Regular Meeting

Town Hall

September 4, 2012

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 Joan Natali and Mike Strub. Commissioner Malcolm Hayward was not in attendance and there were currently three (3) vacancies on the Commission. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There was 1 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

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

The Commissioners reviewed the minutes for the August 7, 2012 Regular Meeting.

Joan Natali noted a typographical error on page 3 under Reports.

Motion made by Mike Strub, seconded by Joan Natali, to approve the minutes from the August 7, 2012 Regular Meeting as corrected. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) The Wave Attenuation Devices (WADs) were being installed by the Bay Vista subdivision and Sea Breeze apartments. The WADs would extend from the Bay Creek breakwaters to the Sea Breeze shore. WADs had never been used before in Virginia but were successful in other places. Unlike regular breakwaters that developed scallop-shaped beaches, WADs collected the sand and filled in the beach area. The work was expected to be done by the end of next week; ii) The Reliable Building Supplies property was "under contract" and the Town hoped that it would go to closing. The roof of the old building was starting to cave in and the property could be going under code enforcement. Several houses had closed in August and all the buyers were people who planned to stay in Cape Charles in the future; iii) VDOT was working on the sidewalk and curb project. The contractor started on Washington Avenue and planned to work to the south towards Mason Avenue. In working in the areas where the curbs and gutters were broken, the contractor was finding underground holes which probably caused the curbs to break. These areas were being addressed as they were discovered; iv) There were numerous remodeling projects underway throughout the Town and there was some new construction in Bay Creek; v) The demolition of the old wastewater treatment plant was done. The polishing pond and liner have been removed and the remaining sludge was drying out to be spread out and covered with topsoil. South Port was onsite cleaning up and removing shrubs, etc. The Town would still be using a portion of the property for the backwash filter. Everything was approved and regulated by the

DEQ; vi) All buildings were done and the final parking layout was being completed at the Harbor; vii) A Watermen's Memorial could be constructed at the Harbor. A group had been raising funds for this memorial and a request was expected in the near future; viii) The Historic District Review Board met in August and approved one remodeling project at 615 Jefferson Avenue. The property owners also owned a lot in Bay Creek but opted to remodel this house vs. building a new one; and ix) It had been a good summer. The Town had been lucky so far regarding storms.

Mike Strub asked about a house on Plum Street that appeared to be getting ready to be moved. Tom Bonadeo stated that the house was being raised bringing the floor level above the flood level. A new foundation would be installed. There would be no change in the footprint.

OLD BUSINESS

A. *Density – Harbor District – Mason Avenue Corridor*

Tom Bonadeo began by explaining the concept of Floor Area Ratio (FAR) stating that FAR took into account open space and height. In the past, the Town decided how many units could be in a building for a conditional use permit, but FAR controlled how big and massive a building was vs. the number of units within the building. Tom Bonadeo went on to explain the following regarding the Harbor District: i) 25% open space was required; ii) parking was not part of open space; iii) current height regulation was 40' with a conditional use permit for some up to 55'; and iv) The Mason Avenue corridor was between Mason Avenue and the Harbor. The Master Plan recommended that this area be treated more like Mason Avenue than the Harbor.

Dennis McCoy asked whether the Town could limit the size of units so the units did not get too small. Tom Bonadeo stated that 950 SQFT was the minimum size for a single-family residence.

Tom Bonadeo drew several examples to demonstrate various floor area ratios for the Commissioners. Examples were drawn for .75 FAR, 3, 1.25 and .88. Tom Bonadeo pointed out that the Wilson Building was 5,600 SQFT and covered the entire lot and amounted to a FAR of 4. Currently, it was not possible for a building to be a FAR of 4 and meet the parking standards. Tom Bonadeo referred to Table 14.2, which was included in the agenda packet, which showed the relationships among the building type, residential density and the FAR.

There was some discussion regarding the preferred FARs and Tom Bonadeo summarized that a FAR between .88 and 1.9 was where the Town was headed with elevation control, open space control and parking space control.

There was discussion regarding the Mason Avenue skyline and it was mentioned that if the south side of Mason Avenue matched the north side, it would seem to get closed in. There was no way to protect the view from the north side of Mason Avenue if anything was built on the south side. Tom Bonadeo drew several examples to demonstration views from the street with buildings across the street.

Tom Bonadeo stated that for the next meeting, he would provide examples of various FARs, building heights, possible minimum unit sizes, etc. for the Harbor area. Examples would be drawn to demonstrate various scenarios. A good range for the Harbor area would possibly be .88 – 1.5. This was a different concept than using the number of units, but using FAR could be better in dealing with commercial property and gave the Town more flexibility.

B. *Proposed Text Change – Section 3.6.C – Conditional Uses*

Tom Bonadeo stated that at the August meeting, the Commissioners reviewed a letter requesting a change to the C-1 zoning as it pertained to residential use in the commercial zone. The ordinance was reviewed and Tom Bonadeo had asked the Commissioners to visit the location and think about the potential impact on the C-1 zone overall.

Tom Bonadeo explained that currently the C-1 zone required commercial space on the first floor and allowed residential on the second floor. The Harbor District, however, did permit residential on 50% of the first floor. Tom Bonadeo asked the Commissioners to think about whether they felt it would be appropriate in the C-1 zone. No decision would be made tonight. Tom Bonadeo would talk to the property owner to see if he wanted to submit an application for review by the Commission.

Mike Strub stated that it appeared that the property owner would have two buildings on one lot which he did not feel fit in the district. Tom Bonadeo stated that currently, the property owner had a conditional use permit to build an apartment on the second floor of the second building and added that the Commissioners needed to discuss what impact it would have to allow the owner to have residential on the first floor of the second building vs. commercial on the first floor of that building. The property owner would still be required to meet the parking standards. Tom Bonadeo noted that the commercial districts did not require 25% open space.

Joan Natali stated that in looking at the south side of Route 184 to Fig Street to Mason Avenue, the south side of Mason Avenue became Harbor District and it would be possible for the owners of the former Belo building to turn 50% of the building into residential space. Tom Bonadeo agreed that owners of the Belo building could have 5K SQFT of commercial space in the front of the building and turn 5K SQFT of the space at the rear of the building into residential. The front needed to look like commercial per the ordinance but the rear portion of the building could be turned into ten 500 SQFT apartments. There would be plenty of space for parking.

Tom Bonadeo went on to explain that the existing buildings in the C-1 zone could be grandfathered under current regulations but an open space requirement could be added for any new construction in the zone.

NEW BUSINESS

A. *Review Bank of America Building and Property Purchase*

Tom Bonadeo stated that the Town Council executed a sales purchase agreement with Bank of America for the building and associated property. The property, located on the corners of Mason Avenue, Pine Street and Randolph Avenue, encompassed the building and three additional lots. Tom Bonadeo drew a diagram depicting the layout of the property adding that the two lots facing Randolph Avenue would make strategic parking lots to alleviate on-street parking. These lots had been targeted for parking for some time. There was also currently a safety issue since no emergency vehicles could go behind the buildings along Mason Avenue. The Town's objective was to open the alley from Pine Street almost to Watson's Hardware.

The Commissioners reviewed the Comprehensive Plan Executive Summary which stated that Cape Charles would do the following: i) Build or acquire a new Municipal Center. The bank building had space on the third floor for additional offices that could be used for staff if the needed. Public uses and office uses were both allowed in the C-1 zone; ii) Expand the parking in the Commercial District. On previous occasions, the Planning Commission had recommended that these lots along with the lots across from the Post Office be used for

parking. These locations were both zoned C-1 and parking was allowed; and iii) Establish a complete network of community trails, sidewalks and alleyways for the health, safety and welfare of all. The Town Council had studied the implementation of an alley in the 200 block of Mason Avenue and the area was surveyed and Paul Watson reviewed the potential of the alley. The bank ownership of the property was in the way of the alley implementation and this purchase would enable the alley implementation. With the expansion of the alleyway, businesses could place their trash receptacles in the back of the property for pickup.

The Commissioners continued their review of the Comprehensive Plan Public Services and Programs section which stated that the Town Plan included the following: i) Relocating the Library to a larger space with adequate provisions for increased patronage, meeting rooms and technology. The first floor of the bank building was more than twice the space of the existing Library and had room for technology and meeting space. The current Library would also be available for meeting / community space. The Comprehensive Plan did not specify the location for the expanded library but libraries were permitted by right in the C-1 zone; ii) Relocating the Town offices including space for archives and the Police Department. The bank building had two safes which were well-suited for archives. Paper documents from the Town, the Historical Society and the Library could be housed there. The Police Department moved into the Municipal Building several years ago; and iii) Acquiring strategic undeveloped properties. The two lots on Randolph Avenue and the parking area to the north of the bank building were strategic properties for the implementation of the Comprehensive Plan. The assessed value of the property was \$950K and the Town was purchasing the property at \$200K. The alleyway and parking area could not be reasonably established at “retail” prices.

Tom Bonadeo went on to explain that the Zoning Ordinance was the law that implemented the Comprehensive Plan. The Comprehensive Plan’s State of Intent was “to preserve and enhance the mixed-use urban nature of Cape Charles.” Mixed use was defined as the integrated uses such as office, retail, public or entertainment in a compact urban form. Tom Bonadeo noted that currently there was approximately 48K SQFT of retail space in the commercial area of Cape Charles. Even with taking the building off the tax rolls, the restoration and conversion of the former school building into apartments would add more to the tax rolls overall.

The Town was currently about half-way through the 30-day due diligence period. The building was a good space for the Library.

Dennis McCoy asked whether the floors could withstand the weight of the books. Tom Bonadeo stated that the floors were solid concrete and the building was steel covered with concrete.

Joan Natali asked about the alleyways. Tom Bonadeo explained that the alleys in the Historic District were actually easements in the private owners’ properties. The Town would create a 16’ wide easement to the western part of the Watson’s building.

Joan Natali stated that she did not see anything contrary to the Comprehensive Plan which laid out the “roadway.”

Motion made by Mike Strub, seconded by Joan Natali, stating that the plans and uses for the Bank of America building and associated properties seemed to be in substantial

compliance with the Town's Comprehensive Plan. The motion was approved by unanimous consent.

Tom Bonadeo stated that he would draft a letter to the Town Council stating the Commissioners findings.

OTHER

Dennis McCoy asked about the progress with the Hotel Cape Charles regarding the clear glass panels on the balconies. Tom Bonadeo stated that he had met several times with the property owner and expected to receive a new application for review by the Historic District Review Board in September or October. The owner's architect was currently working on the plans. The Certificate of Occupancy would not be issued until all requirements were met.

Tom Bonadeo informed the Commissioners that review of the Sign Ordinance would begin again in October since all the vacancies were expected to be filled by Town Council in September.

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.

Vice Chairman Dennis McCoy

Town Clerk