



PLANNING COMMISSION

Regular Meeting

Town Hall

May 3, 2011

At 6:00 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 Malcolm Hayward, Dennis McCoy, Roger Munz, Joan Natali and Mike Strub. Commissioner Ben Lewis was not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

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

REGULAR MEETING PUBLIC COMMENTS

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

CONSENT AGENDA

Motion made by Roger Munz, seconded by Malcolm Hayward and unanimously approved to accept the agenda format as presented.

The Commissioners reviewed the minutes for the April 5, 2011 Public Hearing & Regular Meeting.

Mike Strub noted a typographical error on the first page under Public Comments. The third line under Ms. Elton's comments should read "... the applicant must submit ..."

Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the April 5, 2011 Public Hearing & Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) The new force main on Mason Avenue was under construction. The area from the bottom of the hump to the Wastewater Treatment Plant had been completed. The contractor was completing approximately 90' per day and was expected to be finished by the end of May; ii) A Joint Permit Application was received for the Bay Vistas subdivision on Washington Avenue which suffered extreme erosion. The permit application was to construct an offshore breakwater with beach nourishment and was approved by the Wetlands Board and the Virginia Marine Resources Commission. Additional approvals were expected from the Department of Game and Inland Fisheries. Work probably would not begin until after September 15th due to the tiger beetles; iii) The Town received a grant to build a golf cart path from the bottom of the hump to the Bay Creek Golf Resort. Some legal issues were being worked out before construction could begin. About 10' of property was thought to be in VDOT's right-of-way but it ended up being owned by the railroad, not VDOT. We were awaiting some paperwork to finalize the agreement to use this property; iv) the Historic District Review Board met in April and reviewed another home remodel and addition. The Cape Charles Hotel was under full renovation with the expectation of opening later this summer. It would have 16 rooms and would be a full-service hotel. The Board reviewed modifications to the hotel plan and approved the project; v) Staff was revisiting the bath house plans to reduce costs even further; vi) The sale of the former Delisheries building was expected to close this week. The new owners planned to renovate the second and third floors and open a sushi restaurant; vii) There have been a number of real estate closings in the last month and people were fixing up the buildings; viii)

Roger Munz asked why there weren't any boats docked at the new boat slips yet. Tom Bonadeo explained that the pilings needed to settle and the electrical and plumbing were not finished as yet. The Town was waiting on ANEC for the electrical; ix) The fountain base and pool at the Park were being redone. The contractor would fill the pool tomorrow to test and the final walk-through was scheduled for this Friday, 5/6; x) Malcolm Hayward asked about the water pressure and pink water. Tom Bonadeo responded that maintenance was being performed on the water tower so the tank was not being used at this time. There was a problem with water pressure the first day. The pink water was due to chemicals and was not harmful. The painting was completed last Friday, 4/29, and was curing. The tank needed to be filled and drained several times before it could be brought back online.

OLD BUSINESS

Review of Corridor Overlay Material

Tom Bonadeo stated that the County was reviewing the information regarding the Corridor Overlay District. There was nothing for the Commissioners to do at this time but the information was included in this packet for their review. The original document was found and was also included. Both the County and the Town needed to have something in our respective Comprehensive Plans stating that we would be working together regarding this area. The Town's Historic Overlay could be included in the County's Zoning Ordinance as it pertains to areas of Town.

Mike Strub stated that a comment was made at Senator Ralph Northam and Delegate Lynwood Lewis' Town Hall Meeting the other evening about the speed limit and the need for a 45 MPH zone to allow people to slow down before the 25 MPH in Town. Was there anything that the Town could do to reduce the speed limit in this area? Joan Natali stated that it was very difficult to get VDOT to change the speed limit and explained that the Town had been asking VDOT for over 5 years to reduce the speed limit on Old Cape Charles Road to 25 MPH with no luck. Tom Bonadeo stated that he would email a link to VDOT's long range transportation plans for the Commissioner's review.

NEW BUSINESS

Review of Home Business Conditional Use Permit (CUP) – Paperwork Reduction

Tom Bonadeo stated that the CUP process was a lengthy process which could take approximately three months. Ms. Elton informed him that the US Department of Agriculture, which must approve a home-based kitchen, recently changed its process in that it would no longer process an application without an approved CUP. This added to the lead time for a home-based occupation to approximately four months. This issue was brought up to the Town Council at their April meeting and they asked the Commissioners to review the process for home occupations to see if it could be streamlined to allow some applications to be handled administratively. There was some discussion regarding creating a list of the types of businesses which could be pursued by right such as software engineering or website design. Bruce Brinkley stated that he was interested in streamlining the process without prohibiting neighbors' rights to object. Malcolm Hayward agreed and added that some businesses would affect the neighbors and there were some types of businesses that we would not want in Town. There was much discussion regarding various types of businesses. Tom Bonadeo stated that the criteria for a home occupation were included in the Zoning Ordinance and the last two CUP applications were straight forward and met all the requirements. Tom Bonadeo suggested that a questionnaire be developed listing the criteria from the Zoning Ordinance and added that if the applicant satisfactorily answered all the questions and met all the requirements, the home occupation could be approved administratively. If there were any irregularities, the application would be go through the normal process for the CUP. Once approved, if the rules were broken, the business could be shut down. Bruce Brinkley asked staff to develop the questionnaire, for review at the next meeting, to decrease the timeline for CUP approval without infringing on the rights of the neighbors. Tom Bonadeo clarified that the questionnaire would be completed by the potential

business owner. If the answers were satisfactory, the application would be approved as a zoning clearance permit. If not, the application would go through the CUP process.

Joan Natali asked that all zoning clearances be reported to the Commission with a copy of the questionnaire. Dennis McCoy agreed that the Commissioners needed to review the questionnaires to stay informed.

Joan Natali asked about the fees for application review. Tom Bonadeo stated that currently, zoning clearances were mostly for signs and fences and there was no charge for residential and a \$50 charge for commercial properties. The property owners had to sign an affidavit that they understood and agreed to abide by the requirements. This affidavit would be added to the end of the proposed questionnaire. There was further discussion regarding the process and timeframe for compliance if a business were found to be in violation. Tom Bonadeo stated that the Town could not police these issues but if it were brought to the Town's attention, the Town could act and he believed that a timeframe for compliance was outlined in the Town Code and that he would check on it. Tom Bonadeo went on to inform the Commissioners that staff currently sent a notice of non-compliance the property owner if a property were found to be in violation of the guidelines and reminded all that a CUP, once acted upon, went with the land, not the individual.

Motion made by Mike Strub, seconded by Joan Natali, and unanimously approved to develop a questionnaire, to be reviewed by the Commission, to decrease the timeline for approval of the home occupation without infringing on the rights of the neighbors.

OTHER BUSINESS

Tom Bonadeo informed the Commissioners that he and representatives from Bayshore Concrete would be meeting with Senators Web and Warner regarding the harbor dredging. Delegate Lewis would also be in attendance.

Roger Munz asked about the status of the Tavi property. Tom Bonadeo explained that the CUP was due to expire around July 7, 2011. It was extended last year to allow for the permitting process.

Mike Strub stated that there was a faded sign in front of a vacant property at the corner of Jefferson Avenue and Plum Street that stated "No Parking or Standing" and asked whether it could be removed since it did not appear to serve any purpose. Tom Bonadeo stated that it was in the VDOT right-of-way and the Town could not legally do anything about it.

ANNOUNCEMENTS

There were no announcements.

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

Chairman Bruce Brinkley

Town Clerk