



PLANNING COMMISSION

Regular Meeting

Town Hall

February 1, 2011

At 6:09 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 Ben Lewis, Dennis McCoy, Roger Munz, Joan Natali and Mike Strub. Commissioner Malcolm Hayward was not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as three (3) members of the public.

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 Roger Munz and unanimously approved to accept the agenda format as presented.

The Commissioners reviewed the minutes for the December 7, 2010 Joint Public Hearing with the Town Council, the January 2, 2011 Public Hearing and the January 2, 2011 Regular Meeting.

Motion made by Mike Strub, seconded by Joan Natali, to approve the minutes from the December 7, 2010 Joint Public Hearing, the January 2, 2011 Public Hearing and the January 2, 2011 Regular Meeting as presented. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) The pre-construction meeting with Somerset Paving and Marine regarding the floating slips at the Harbor was held on January 24th. The barge arrived today and more equipment was being delivered throughout this week. Construction was expected to begin on February 7th and should be done by the Blessing of the Fleet in early April according to Harbor Master Smitty Dize. The construction would provide t-heads for boats over 100'; ii) The Trail Project has entered a new phase even though the Park portion of the trail is not finalized. The Council authorized an additional grant application to go forward. The current plan was to continue to build out north Peach Street and along Washington Avenue. TEA 21 grants have a long lead time and the current application could be approved this spring with a contract in the next fiscal year; iii) The construction on the Wastewater Treatment Plant was moving along. The connection from the new plant to the Harbor outfall had started and the northern lane had been blocked for several days. The roofs were being installed on some of the buildings and the backup generator had been delivered; iv) The bids for the new forcemain on Mason Avenue were opened on January 27th and several of the bids were within budget; v) The Historic District Review Board met in January and reviewed two remodel plans. There were two more remodel projects that were seeking State Tax Credits for rehabilitation. Four additional renovations were in process in the 500 and 600 blocks of Monroe Avenue; vi) The Harbor Redevelopment Group was in the final phases of their permit process with the Corps of Engineers. The Virginia Department of Transportation had approved the traffic study and entrance plan. One of the large rusty buildings had been demolished and the second building should be demolished soon; and vii) Legislative Day was scheduled for February 3rd and staff would be visiting Richmond to talk to our legislators regarding various subjects and hear various

speakers including the Governor. The Town Manager and Harbor Master would be visiting the Virginia Port Authority to request additional grant funding. Tom Bonadeo added that one bill in particular would permit developers to cluster single-family homes in one section of a property enabling them to leave other areas as open space.

OLD BUSINESS

Wind Energy Ordinance

Tom Bonadeo explained that the Town did not have the best wind for a wind farm but he could see a potential for some wind turbines to be installed within the Town limits. The State of Virginia recently relaxed the regulations for wind turbines under 5MW. Tom Bonadeo went on to state that approval of the wind energy ordinance was not an approval of actual wind turbines but an approval of the regulations regarding wind turbines and establishment of an approval process for anyone interested in constructing wind turbines in the Town. If the Town did not have an ordinance in place, someone could state that their wind energy project met the Town's requirements and because we would not have any, could go directly to the DEQ for a permit, especially if the project was for a wind turbine less than 5MW in size. The Commissioners discussed the final draft ordinance as follows:

Mike Strub asked for clarification of item D.1.h. and whether an environmental assessment would be required for micro systems. Tom Bonadeo responded that micro systems were typically about 4' tall and placed on the roofs of buildings and it would be burdensome for a property owner to go through an environmental assessment for a micro system.

On page 5, item E.1., Mike Strub asked that "ANSI" be defined. Tom Bonadeo would spell out "American National Standards Institute" in the final document.

Bruce Brinkley suggested that language be added in the ordinance requiring property owners to obtain a building permit from the Town and asked whether an engineering study should be required to determine whether a proposed wind turbine could withstand 110 MPH winds. Tom Bonadeo stated that wind turbines would not be under the Building Department's purview, but stated that a footnote could be added on page 1 stating that a building permit would be required and all applicable building codes must be met. There was further discussion regarding this language and Joan Natali suggested the language be added to Item E.2. on page 5. The Commissioners agreed that it would be appropriate to include this language as part of item E.2.

Motion made by Dennis McCoy, seconded by Roger Munz and unanimously approved to recommend approval of the Wind Energy Ordinance as amended to the Town Council for consideration at their February meeting.

Corridor Overlay – Routes 184 and 642

Tom Bonadeo stated that the Planning Commission had discussed the content of a corridor overlay district since 2006 with the objective of preserving the entrance corridors' rural and scenic characteristics. Over the last year, Town Council had formed a Boundary Adjustment Committee with representatives from the Town of Cheriton to discuss the possibility of a joint boundary adjustment request in an effort to protect Cape Charles' interest regarding development along the Route 13 corridor between the two towns. The property owners in the Tower Hill and Kings Creek Landing developments signed petitions in opposition to a boundary adjustment to include them in the Town's limits. Tom Bonadeo informed the Commissioners that the Town Council held a Retreat last Friday and discussed the corridor overlay and agreed to pursue a new direction to work with the county to strengthen the existing agreements / ordinances. Several years ago, the Town submitted a corridor overlay ordinance to the County which was not really the best plan but one that was felt would be agreeable to the County. Tom Bonadeo had been in discussion with staff of the County Planning Commission and both felt that the time was right to work on a real cooperative plan to protect the entrances to Historic Towns and to coordinate sections of the Comprehensive Plans that were important to both the County

and Towns and to develop a better definition for Town Edge. Tom Bonadeo stated that the Town should prepare a list of what should be considered in the corridor overlay, our view of Town Edge and the development along Route 13 as designated in the Annexation Agreement. Tom Bonadeo stated that he had included a Staff Report, prepared by former Town Planner Jason Pruitt, from the May 1, 2007 Planning Commission meeting for review by the Commissioners.

Tom Bonadeo referred to items he had noted on the easel as follows:

Route 184

View

Historic District – The County could adopt our ordinance and Eastville, as the only other Town in the County with a possible Historic District, could possibly benefit.

Sign Ordinance – height & lighting limitation

Lights – Dark Sky Ordinance

Business Development – What types of businesses would be permitted, if any.

Cape Charles Commercial

Mason Avenue

Entrances – driveways along the route for homes. Every property was entitled to an entrance.

Architectural Guidelines – apply our ordinance to Town Edge and Corridor Overlay areas

Route 642

Town Edge

Commercial Development

Entrances

Tom Bonadeo noted that there were currently no businesses along these routes, but Roger Munz pointed out that one area on the north side of Parsons Circle was zoned for business. It was also noted that the Bay Creek Sales Center and the Tavi buildings, which were commercial entities, were located on Route 184. Tom Bonadeo stated that Cape Charles had a lot of commercial space available for development as well as vacant retail space and pointed the areas out on the map. Tom Bonadeo added that business development was also discussed at the Town Council Retreat and the fact that Cape Charles did not have enough people here full time to sustain many businesses.

Tom Bonadeo informed the Commissioners that Route 642 and the south side of Route 184 were zoned as Town Edge. Joan Natali expressed her concern that the County would not designate the north side of Route 184, which consisted of larger parcels where buildings could be built, as Town Edge also. These properties were currently zoned as agricultural but could be rezoned at any time.

Tom Bonadeo stated that he would like the Commissioners to continue with the list for a possible joint meeting with the County Planning Commission. Joan Natali stated that she reviewed the list from Jason Pruitt’s May 1, 2007 meeting and would like to expand “Landscaping” to include “Plantings and street furniture” and add “hidden utilities and communications equipment” to the list. Joan Natali went on to state that she had downloaded Smithfield’s Streetscape Guidelines, Sight Guidelines and Buildings Guidelines, which discussed existing trees / landscape protection and fines. Tom Bonadeo stated that he would get a copy of the Smithfield guidelines and stressed the importance of protection of existing trees, especially the crape myrtles along Route 184 coming into Town.

Joan Natali suggested language stating that if both the Town and County have a particular ordinance (i.e., Tree Ordinance), the stricter ordinance would apply. Tom Bonadeo added that the County would adopt the Town's ordinances for trees, dark skies, wind energy, etc.

Tom Bonadeo moved on and asked the Commissioners what would be objectionable along Routes 184 and 642. The Commissioners agreed that they did not want a building with a commercial look. Tom Bonadeo stated that some people object to the parking lot in front of the Bay Creek Sales Office stating that it looks like a commercial building vs. a residence.

Tom Bonadeo informed the Commissioners that the Town Council had also approved a review of the Comprehensive Plan to get it in line with the County's. Joan Natali expressed her concern and added that it would be nice if the County would be willing to work very closely with the Town regarding future rezoning of the parcels coming into Town which were currently zoned Agriculture-Forestry District since these areas were not currently zoned as Town Edge. Tom Bonadeo stated that the County was willing to listen to our input and we needed to work together regarding land use decisions.

Joan Natali asked Tom Bonadeo to provide the County's definition of Town Edge to which Tom Bonadeo stated that he would email the definition to the Commissioners.

There was some discussion regarding the width of the overlay. Tom Bonadeo thought it was 400', 200' on either side of the road, but he added that he would confirm this information.

Bruce Brinkley suggested waiting another month before scheduling a meeting with the County Planning Commission to allow our Commissioners one more opportunity to review the Corridor Overlay language and to ask questions if needed. Tom Bonadeo stated that he would be meeting with County staff to review the information and would provide everything to the Commissioners prior to the next meeting. Joan Natali asked that maps of the Corridor Overlay and Town Edge areas be distributed as well.

NEW BUSINESS

Planning Commissioner Training Schedule

Tom Bonadeo explained that PlanVirginia sponsored a Certified Planning Commissioner Program which was a two-part class which was excellent for providing insight into the role of the Planning Commissioner. This year, there were three Commissioners who needed to attend the program for certification – Bruce Brinkley, Mike Strub and Ben Lewis. Tom Bonadeo stated that the Town pays for the tuition, motel stay, meals and mileage @ 51¢ per mile. This class was not a requirement but it was a very good class which would be beneficial for all new Commissioners to attend. Tom Bonadeo asked that the three new Commissioners review the dates and respond to himself or Libby Hume with their availability. The registration deadline was February 14th. Mike Strub stated that he would be available to attend and Bruce Brinkley stated that he had to check regarding obtaining vacation time and would let Libby Hume know within the next couple of days.

ANNOUNCEMENTS

There were no announcements.

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

Chairman Bruce Brinkley

Town Clerk