



PLANNING COMMISSION
Public Hearing & Regular Meeting
Town Hall
May 7, 2013

At approximately 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In attendance were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Bill Stramm and Mike Strub. Commissioner Sandra Salopek was not in attendance. Also present were Town Planner Tom Bonadeo, Town Clerk Libby Hume and Mr. Leon Parham, representative for the applicant Mr. John Huchler. There was one member of the public in attendance.

PUBLIC HEARING COMMENTS

Tom Bonadeo introduced Mr. Leon Parham, who gave an overview of the conditional use permit (CUP) application for 712 Randolph Avenue to construct a residential apartment on the second floor over commercial space. Mr. Parham stated that the space consisted of an area of 2,785 SF which was previously rented to the Eastern Shore Community College. The space had remained vacant since the college moved out several years ago. The property owner also owned the building next door which had a CUP for residential over commercial and has had no problems in renting the space for residential purposes.

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

Motion made by Joan Natali, seconded by Mike Strub, to close the public hearing portion of the meeting. The motion was approved by unanimous consent.

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

Dennis McCoy requested that discussion regarding the possible changing of the July meeting be added to the agenda under New Business.

Motion made by Joan Natali, seconded by Bill Stramm, to accept the agenda format as amended. The motion was approved by unanimous consent.

The Commissioners reviewed the minutes for the April 2, 2013 Regular Meeting.

Motion made by Joan Natali, seconded by Andy Buchholz, to approve the minutes from the April 2, 2013 Regular Meeting as presented. The motion was approved by unanimous vote.

REPORTS

Tom Bonadeo reported the following: i) VDOT's sidewalk project was making great progress along Mason Avenue. The VDOT contract ran through December but was expected to be completed sooner; ii) The Fun Pier and other repairs from hurricane damage had been approved by FEMA and the Town was in the planning process regarding these repairs. The beach replenishment would begin within the next couple of weeks; iii) The Library move was completed over the weekend and the volunteers were incredible. The Sheriff's Department brought down a crew of inmates who did a fantastic job in boxing up books and transporting them to the new building; iv) Staff continued to work with the County on their 6-year transportation plan; v) The Town advertised for a new planner and some interviews were held. No decision had been made yet; and vi) A preview of the new Flood Insurance Rate Maps were received and the AE flood zone in the Town had been drastically reduced. Staff would be reviewing the maps prior to the actual draft release date of May 21. There was a 90-day comment period following the draft release and the maps would go into effect August 2014.

Andy Buchholz asked about the Public Service Authority (PSA), why the wastewater regionalization issue had bypassed the Planning Commission and what impact the regionalization would have on the Town of Cape Charles in 15-20 years. Once the wastewater system was opened up to the County, how would the Town be able to control the growth? Dan Burke stated that he agreed with Andy Buchholz' concerns. Tom Bonadeo stated that water and sewer services were not needed to impact the Town and cited the building of Food Lion on the highway as an example. Dan Burke asked about possible blockages in the flow requiring lots of water to flush to resolve the problems. Tom Bonadeo stated that would be an engineering issue and not under the purview of the Planning Commission. The new wastewater treatment plant was built to handle the increased load and added that the more volume pumped in, the less the cost to the Town and its citizens. Andy Buchholz asked if reports from the PSA could be included in future packets. Tom Bonadeo would include any future reports from the PSA and asked the Town's representative to the PSA to come to the next meeting to explain the issue and report on the progress. Dennis McCoy added that the County controlled what could and could not be done in the County. Tom Bonadeo stated that staff was working with the County's new economic director and he recognized that growth needed to be in the town within the County and he was working to zone the property so businesses would not be pulled from the towns. Bill Stramm asked who from the Town was working with the County in regards to their comprehensive plan update. Tom Bonadeo responded that he had been working with the County. Andy Buchholz added that businesses would not develop here without a certain number of people living in the area.

OLD BUSINESS

A. *Conditional Use Permit – 712 Randolph Avenue – Residential Over Commercial*

Tom Bonadeo stated that Mr. Parham gave an overview of the project and a public hearing had been held with no comments received. The proposed use would not: i) Adversely affect the health, safety or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect the other land uses within the particular surrounding neighborhood; ii) Be detrimental to the public welfare or injurious to the property or improvements in the neighborhood; and iii) Be in conflict with the purpose of the comprehensive plan of the town. Tom Bonadeo stated that if the Commission felt that any of the three items were affected, conditions could be added.

There was discussion regarding the availability of parking in the back of the building. Tom Bonadeo stated that the CUP stayed with the building once it was acted upon. If it was not acted upon within a year, it would expire, unless the applicant applied for an extension due

to a hardship. The Town Council could extend the CUP for another year. Joan Natali asked Tom Bonadeo to explain what was considered “starting” and “completion.” Tom Bonadeo explained that some CUPs required permits from agencies outside of the Town and added that Harbor Development Group had a CUP and had spent about \$1M in planning but the Army Corps of Engineers had not issued their permit yet. The CUP was considered to be acted upon because the permitting process had begun.

Tom Bonadeo continued to state that the Planning Commission’s recommendation would be presented to the Town Council at their regular meeting on May 16 at which time they should schedule a public hearing in June.

Dennis McCoy asked if the Commissioners had any conditions they wanted to add. There were none.

Motion made by Mike Strub, seconded by Andy Buchholz, to forward the CUP to the Town Council with no conditions with the Planning Commission’s recommendation to approve. The motion was approved by unanimous vote.

B. Density in Harbor District Zone – Mason Avenue Corridor

Tom Bonadeo reviewed the draft modifications to Article III of the Cape Charles Zoning Ordinance in the following sections: Section 3.9, subsections A, B, D.1, D.2.b, and D.3.b. Tom Bonadeo stated that it would also be practical to build a table for the Floor Area Ratio (FAR) concept. A joint work session with the Town Council had been scheduled for May 20. Tom Bonadeo stated that he had created a visual demonstration to help the Council understand the FAR concept and proceeded to give the demonstration to the Commissioners using blocks to show the various ratios.

Dan Burke stated that FAR did not control the shape of the building. Joan Natali and Andy Buchholz stated that the shape of the building did not matter. The concern was that area of land covered and the height, which could be controlled.

There were some questions regarding the Main Street Mixed Use area which went along Mason Avenue from the hump to the Bay. It was described on page 18 of the Harbor Area Master Guidelines. Tom Bonadeo stated that the area allowed additional heights, up to 55’, in the back area, away from Mason Avenue.

Tom Bonadeo went on to state that he would present this demonstration to the Town Council on May 20 and asked the Commissioners to speak up at the meeting to assist with the FAR concept explanations to the Council.

There was some discussion of various scenarios regarding front elevation, continuous elevation and the use of facades. Tom Bonadeo stated that the language still needed some fine tuning and maybe 80 linear feet might not be the right number for subsection D.2.b. After further discussion, Tom Bonadeo suggested that the actual building height be changed to 40’, which would enable facades. Andy Buchholz noted that this change would not affect the FAR.

NEW BUSINESS

A. Change in July Planning Commission Meeting

Dennis McCoy stated that the current July meeting was scheduled for July 2, which fell during the week of the July 4th holiday, and proposed changing the meeting date to the

following Tuesday, July 9. The Commissioners checked their calendars and all were fine with the change except Bill Stramm who had a conflict. Dan Burke asked about notification to the public regarding the meeting change and Tom Bonadeo stated that the meeting notice would be posted as usual in the Town Hall, the kiosk outside the building, included in the Gazette and on the Town's website.

ANNOUNCEMENTS

Tom Bonadeo informed the Commissioners that he would be retiring the end of May. Candidates for the planner position had been interviewed and an offer should be made soon. Tom Bonadeo added that he would be available in June to work to help with the transition.

Motion made by Joan Natali, seconded by Andy Buchholz, to adjourn the Planning Commission meeting. The motion was approved by unanimous vote.

Chairman Dennis McCoy

Town Clerk