



PLANNING COMMISSION

Regular Meeting

Town Hall

April 2, 2013

At approximately 6:00 p.m. in the Town Hall, in the absence of Chairman Dennis McCoy and Vice Chairman Mike Strub, Commissioner Joan Natali, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek and Bill Stramm. Also present were Town Planner Tom Bonadeo, Town Clerk Libby Hume and Mr. Leon Parham, representative for the applicant Mr. John Huchler. There were no members 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 Bill Stramm, seconded by Sandra Salopek, to accept the agenda format as presented. The motion was approved by unanimous consent.

The Commissioners reviewed the minutes for the March 5, 2013 Regular Meeting.

There were some questions for clarification of several items discussed at the March meeting as follows: i) Sandra Salopek asked about the permit fees for signage for residential and commercial properties. Tom Bonadeo stated that although a permit was required for signage on a residential property, no fee was charged. There was a \$50 fee for signage on a commercial property; and ii) Dan Burke asked if the dark sky compliant requirement pertained to the entire Town and mentioned that a street light by his house did not appear to be dark sky compliant since the light shined into his house. Tom Bonadeo stated that the requirement did pertain to the entire Town and all street lights were in compliance and shined the light downward but since the street light was above the level of his window, the light would shine inside his house. The Town was looking into replacing the globes on the lights along Mason Avenue. Bill Stramm added that there were two lights in the Town that were not compliant but were required to shine on the American flags flown at the memorial on Mason Avenue and at the beach.

There was also much discussion regarding signage and the freedom of speech which was reviewed at the Certified Planning Commissioner class which was attended by Commissioners Andy Buchholz, Dan Burke, Sandra Salopek and Bill Stramm.

Bill Stramm noted that he was not in attendance at the March meeting so was not able to comment on the minutes.

Motion made by Andy Buchholz, seconded by Dan Burke, to approve the minutes from the March 5, 2013 Regular Meeting as presented. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) The Historic District Review Board did not meet in March as no applications were submitted. Four of the members of the Board had resigned and multiple applications had been received from individuals interested in serving. A Town Council Executive Session was being scheduled to interview the applicants; ii) The Fun Pier had been reopened; iii) The shelves for the new library were due to be shipped mid-April and the move was expected to take place the week of April 27th; iv) The new Aqua Restaurant and Willow Artisan Gallery opened last week; v) Jeb Brady received the second set of plans for Bayside Village in Bay Creek; vi) The new Flood Insurance Rate Maps were due out in draft form possibly in May and it was expected that the flood areas would change. The new maps were based on Light Detection and Ranging (LIDAR) data which was very accurate. The Town had 90 days after receipt to request changes; and vii) The Shanty reopened last week.

OLD BUSINESS

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

Tom Bonadeo summarized discussions from previous meetings and informed the Commissioners that the Town Council agreed with the Commissioners' recommendation to move forward with the Floor Area Ratio (FAR) concept and requested a joint work session be scheduled for the Council to further review information regarding Floor Area Ratio. Tom Bonadeo went on to state that several modifications to the ordinance were required to implement the FAR concept in the Harbor District as follows: i) The existing Harbor District zoning language did not make any differentiation between any of the areas around the harbor as described on page 18 of the Harbor Area Conceptual Master Plan. The areas around the harbor should be delineated in the ordinance so FAR could be applied to each area differently. The Commissioners reviewed the information and maps regarding the area designated as "Main Street Mixed Use" on page 18 of the Master Plan; ii) These areas should have the elevation requirements applied differently. The areas along Mason Avenue should be lower heights while the areas on the south side of the harbor should be higher allowances. The height averaging formula and required "broken" elevations along Mason Avenue should be eliminated; and iii) Parking at levels other than ground level would count as floor space. Tom Bonadeo explained that in keeping with the current buildings along the north side of Mason Avenue, buildings in the Mason Avenue corridor could be limited to heights of 24' which would accommodate a two-story building. Heights up to 40' would be permitted by conditional use to average heights of 36'. The current limitations of heights of 40' by right and up to 55' by conditional use with an average of 45' could be kept in place for buildings on the south side of the harbor. Tom Bonadeo advised that any proposed changes would have to go through a public process before being adopted by the Town Council.

The Commissioners discussed the Tavi property and the project that was proposed several years ago in regards to the size of the buildings, the Town grid, parking, setbacks, etc. Tom Bonadeo stated that the "road" on the side of the property belonged to Tavi and the railroad had ingress/egress rights to the area for access to the railroad property. The railroad had allowed the Town to install a pathway to the harbor for pedestrians, bicyclists and golf carts.

There was much discussion comparing the north side of Mason Avenue, which was zoned as C-1 Commercial, to the south side of Mason Avenue, which was zoned as Harbor District. Tom Bonadeo explained that in Mixed Use, 50% of the first floor was required to be commercial and 50% could be residential as long as the exterior of the building appeared to be commercial. The north side of Mason Avenue (C-1 zone) did not allow residential on the first floor.

Tom Bonadeo stated that he would make the modifications as discussed and provide additional examples for the next meeting.

NEW BUSINESS

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

Tom Bonadeo stated that a conditional use permit (CUP) application was received for the use of a dwelling unit over a commercial space at 712 Randolph Avenue and introduced Leon Parham of Parham Architecture and Historic Restoration who was representing the applicant/property owner Mr. John Huchler.

Mr. Parham stated that the applicant had been experiencing difficulty in renting the commercial space on the second floor since the Eastern Shore Community College left several years ago and distributed larger versions of the plans for the Commissioners to review. The dwelling unit would be a large, three-bedroom, three and a half bathroom apartment using the same floor plan as the existing office space. The location of this space was the second floor of the building housing Mosher Rehabilitation.

Tom Bonadeo added that the applicant also owned the neighboring property which also had a CUP for dwellings over a commercial space. There were already residents in the next building and the apartments had been in these buildings for some years. Tom Bonadeo went on to state that the property met the table of parking standards which required one parking space per 300 square feet of commercial area and two spaces per residential dwelling unit. The comprehensive plan promoted mixed use in all commercial zones as a way of promoting economic development. Empty commercial space provided no economic growth while a full residential apartment created purchasing power and income for the landlord, town and county.

There was some discussion regarding the possibility of this unit becoming a multi-family dwelling and Mr. Parham stated that the proposed apartment would house a single family. Tom Bonadeo added that this could be multi-family over commercial but the table of parking standards would have to be met. There was much discussion regarding the parking available in the front of the building and in the area between the two buildings which was used during the day by the patients and staff of Mosher Physical Therapy. Mr. Parham stated that three designated parking spaces would be located in the back of the building for this unit.

Dan Burke asked about the limits in the number of people that could occupy the dwelling. Tom Bonadeo stated that this would be a building code issue and not in the purview of the Planning Commission.

Andy Buchholz stated that a precedent had been set with the CUP issued for the building next door to allow residential over commercial space.

Tom Bonadeo stated that this evening's review was to provide the Commissioners exposure to the proposed plan and asked that they go to the site to look at the building. A public hearing needed to be scheduled and advertised in the Eastern Shore News and letters needed to be mailed to the adjoining property owners notifying them of the proposed plan and information regarding the public hearing. Tom Bonadeo went on to explain that the CUP process required that several criteria be met as set forth in Article IV, Section 4.3 of the Cape Charles Zoning Ordinance. After hearing any public comments, the Commissioners would review the application and the conditions for issuance, insuring that the 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. After consideration, the Commission would make a recommendation to the Town Council who would also review the application, hold another public hearing, and review any comments along with the Planning Commission recommendation and make their decision regarding the CUP.

Andy Buchholz asked about water and sewer hookups and fees. Tom Bonadeo explained that water and sewer hookups fell under the Building Code and Public Utilities Departments and were not in the purview of the Planning Commission. Andy Buchholz voiced his concern that the entire building could be served by one hookup and meter since the spaces were rented commercially and what would happen when the second floor apartment was rented as residential if it was all done under one meter. Andy Buchholz went on to ask whether the two floors of the building could be sold separately. Tom Bonadeo stated that it could be sold separately if the building were converted into condos and went on to explain that in the CUP process, if the Commissioners were to find an issue that could cause an adverse effect to the health, safety, or welfare of the people living or working in the neighborhood, condition(s) could be imposed.

Motion made by Bill Stramm, seconded by Dan Burke, to move forward with scheduling a public hearing for May 7, 2013 preceding the Planning Commission regular meeting. The motion was approved by unanimous consent.

ANNOUNCEMENTS

There were no announcements.

Motion made by Andy Buchholz, seconded by Sandra Salopek, to adjourn the Planning Commission meeting. The motion was approved by unanimous consent.

Commissioner Joan Natali

Town Clerk