



PLANNING COMMISSION

Regular Meeting

Town Hall

February 5, 2013

At approximately 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, 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. Vice Chair Mike Strub was not in attendance. Also present were Town Planner Tom Bonadeo, Town Clerk Libby Hume and Officer Jim Pruitt. There were 3 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 Joan Natali, seconded by Bill Stramm, to accept the agenda format as presented. The motion was approved by unanimous consent.

The Commissioners reviewed the minutes for the January 9, 2013 Regular Meeting.

Motion made by Sandra Salopek, seconded by Joan Natali, to approve the minutes from the January 9, 2013 Regular Meeting as presented. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) The Town would be making temporary repairs to the Fun Pier in accordance with the engineer's plan in an effort to get it reopened for the season. The pier was a very important amenity in the Town. Replacement planning would begin immediately and the Town was working with FEMA on this project. The problem was that FEMA would only replace the pier in its current location; ii) VDOT continued with the sidewalk repair project. The contractor would move to Mason Avenue after completion of the lower portion of Monroe Avenue to ensure the work on Mason Avenue was done before summer; iii) The Friends of the Cape Charles Memorial Library were having a fundraising Gala Event on February 23rd from 6:00 PM – 8:00 PM. Joan Natali added that she was selling tickets; iv) South Port was progressing with the wetlands mitigation and some preliminary work had begun on parcel 12 for the removal of the old fender piles. An application had been received for review by the Harbor Area Review Board; v) Tom was working with the new owner of Aqua to get them reopened; vi) Some inquiries were received for new development in Bay Creek; vii) There were still some foreclosures on primarily empty houses. People were buying them and fixing them up; viii) The Virginia Certified Planning Commissioner Program was a two session program and had been scheduled for March 25-26 and June 10-11, both in Richmond. Tom distributed information regarding the program to the new Commissioners and explained the classes. Tom asked the Commissioners to contact Libby or Amanda if they were available to attend so arrangements could be made; ix) The Public Works crew was working on the snow fence at the beach. The fencing would be taken down early to mid-May; x) Tom showed the Commissioners the drawing of Phase 2 of the Cape Charles Trail Plan and explained that a median would be installed on the northern portion of Peach Street similar to the median on the southern portion. There would be a 10' sidewalk along one side of Peach Street similar to the sidewalk

around Central Park. The sidewalk would also be installed on the north side of Washington Avenue to Fig Street and to the beach. The Phase 2 drawings would be forwarded to VDOT for their review as part of the grant process; and xi) The Town was also planning to build a sidewalk from Heritage Acres into the Town. This could not be included as part of the VDOT sidewalk project.

OLD BUSINESS

A. *Density – Town Council Letter*

Tom Bonadeo stated that at the January meeting, the Commissioners had agreed that FAR was a viable method for calculating density in the Harbor District. The Harbor Area Conceptual Master Plan divided the zone into areas relative to their relationship with other zones such as the north side of Mason Avenue and the existing Historic District. Tom Bonadeo reviewed the current Harbor District regulations as follows: i) 25% open space was required; ii) Parking was not part of open space; iii) The current height regulation was 40' with a conditional use permit up to 55'; iv) The Mason Avenue corridor was between the National Historic District and the Harbor and the Master Plan recommended that this area be treated more like Mason Avenue than the Harbor; v) The Harbor District Zone allowed residential units over commercial space and 50% of the first floor to be used as residential space. All residential space must have its own entrance at the street level; and vi) There was currently no limitation to the number of residential units on a property. The Commissioners previously reviewed the math ratios and had reached a consensus that a FAR of about 1.25 provided the density, open space and height most resembling the north side of Mason Avenue. Several modifications to the zoning 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. The areas around the Harbor should be delineated in the ordinance so that FAR could be applied to each area differently; ii) These areas should also have the elevation requirements applied differently. The areas along Mason Avenue should be lower in height while the areas on the south side of the Harbor should have higher allowances. The height averaging formula and the requirement for "broken" elevations should be eliminated; iii) A FAR table should be created with smaller ratios (1.25) along Mason Avenue and larger ratios (1.5 to 1.75) on the south side of the Harbor; and v) Existing lots bordering Mason Avenue and the Harbor needed to be defined. The Commissioners reviewed a letter to be submitted to the Town Council recommending the incorporation of FAR into the existing ordinance.

Motion made by Bill Stramm, seconded by Joan Natali, to forward the letter to the Town Council recommending modification to the Harbor District ordinance to incorporate FAR. The motion was approved by unanimous consent.

NEW BUSINESS

A. *Section VIII – Historic District Ordinance and Guidelines*

Tom Bonadeo explained that the Historic District Overlay was Section VIII of the Cape Charles Zoning Ordinance. In addition to the ordinance was a set of Historic District Guidelines which had been approved by Council. The Historic District Review Board worked under the Guidelines. Unfortunately, there were some discrepancies between the two documents in some specific areas of administration. The Commissioners reviewed the Historic District Review Board Process Flow Chart which was part of the Guidelines which showed that only disapproved applications could be appealed. Unfortunately, this language was not included in the Zoning Ordinance. Tom Bonadeo stated that much of the language in the zoning ordinance and guidelines were taken from the Town of Smithfield. There was some conflicting/unclear language in Smithfield's ordinance. A legal opinion was needed regarding several issues including a definition of an "aggrieved" party. Town Manager Heather Arcos had sent a request to legal counsel for their review and recommended language. Upon receipt of the information from legal counsel, this issue would be brought back for review by the Commissioners.

Dan Burke asked about Section VIII of the Zoning Ordinance – Historic District Overlay. Tom Bonadeo explained that there were two parts to the Historic District. The first was the National Historic District which included most of the older portion of the Town, but not all. The Town enacted the Overlay District to protect the other areas in the historic part of Town.

Tom Bonadeo stated that with the current issues on the table, the review of the Sign Ordinance would be continued at the March meeting.

ANNOUNCEMENTS

Tom Bonadeo stated that the auditors were here over the last two days reviewing the Town's financial records and all went well.

Bill Stramm mentioned that he would be out of Town in March and would not be able to attend the next meeting.

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

Chairman Dennis McCoy

Town Clerk