



# PLANNING COMMISSION

## Regular Meeting

### Town Hall

### December 6, 2011

In the absence of Chairman Bruce Brinkley and Vice Chairman Dennis McCoy, Town Planner Tom Bonadeo officiated the meeting. At 6:04 p.m. in the Town Hall, having established a quorum, the Regular Meeting of the Planning Commission was called to order. In attendance were Commissioners Malcolm Hayward, Roger Munz, Joan Natali and Mike Strub. Also present was 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 Joan Natali, seconded by Roger Munz and unanimously approved to accept the agenda format as amended.**

The Commissioners reviewed the minutes for the November 1, 2011 Regular Meeting.

Tom Bonadeo stated that Bruce Brinkley had stopped in prior to the meeting and pointed out several changes as follows: i) In the last bulleted paragraph of page 2, second sentence, should show "hang" vs. "hand;" ii) The last sentence of page 2 should show "regard" vs. "regards;" and iii) In the last sentence of page 3, the Code of Virginia required a "registered design professional" vs. "a licensed professional."

There were no additional changes.

**Motion made by Mike Strub, seconded by Roger Munz, to approve the minutes from the November 1, 2011 Regular Meeting as corrected. The motion was unanimously approved.**

#### **REPORTS**

Tom Bonadeo reported the following: i) Town Council awarded the Harbor Bath House contract to Boytos & Boytos which was the only proposal that had a good technical score and was within budget. Several changes to the proposal were submitted and staff was awaiting the final cost figures prior to finalization of the contract. Work should start before the new year; ii) Town Council voted to allow the Mayor to approve the lease for the restaurant at the Harbor once all requirements had been met. The proposer was working on plans and financial requirements at this time; iii) Clean water testing was still underway at the new wastewater treatment plant; iv) The new force main on Mason Avenue was operational and pumping to the sewer plant; v) Three projects were approved by the Historic District Review Board last month. The first project was for replacement of the front doors for the former police station building which was now rented by a golf cart company. The other two projects were additions to historic houses in the 400 block of Tazewell Avenue which were recently purchased by new owners. Additional renovation projects have begun on Mason Avenue in the Northampton Hotel, the "Delisherries" building, the very small empty storefront in the 300 block and a house in the 600 block. At least two new business would be opening when these renovations have been completed. Malcolm Hayward asked about the "Delisherries" building and Tom Bonadeo stated that the owners were working on a new set of plans for the renovation of the building; vi) The Sinclair Tower had finally been permitted and a 44' deep

foundation had been poured using 120 yards of concrete. The erection of the tower was expected to start before Christmas; vii) Gamesa was still working on the environmental portion of the wind turbine application to place a turbine in the bay just off Cape Charles. The Commonwealth of Virginia had a new legislation called Permitting By Rule (PBR) for wind turbines of this size and this project was the first of its kind to use the PBR process. The land connection to the power grid was now in the permit process. It was expected that the permit would be approved before Christmas. This turbine would be a 5MW turbine; viii) The broadband network equipment was expected to be delivered soon and circuits were being designed. Ann Rutledge, Librarian, was developing a plan for the management of the computer lab facility once the network goes live. Bay Creek Communications was using the network to supply service to their customers in Town; ix) A wireless network testing proposal had been received and was on the Town Council agenda for their review later this week; and x) FEMA representatives visited the Town and have submitted a request for \$30K to the Town for beach replenishment. They were also working on a remediation plan for recurring problems which could improve/enhance the existing breakwaters at the north end of the beach.

## **OLD BUSINESS**

### *Sign Ordinance Review – Draft Ordinance*

Tom Bonadeo stated the second half of the reformatted Sign Ordinance from the 2012 International Zoning Ordinance would be reviewed this evening. Several items from the International Zoning Ordinance were not applicable to the Town and have been deleted as shown in the handout. The Commissioners reviewed “Sections 4.1.G. – Permits Required” and “4.1.H. – Specific Sign Requirements” with the following discussion: i) The term “code official” would be replaced with “zoning administrator” throughout the ordinance; ii) Malcolm Hayward commented on the size of signage permitted under “Nonresidential in a residential zone” in Table H.1.a(1) adding that 4 SQFT was small for a business sign and typically signs for funeral homes and churches in the area were larger than 4 SQFT. Tom Bonadeo stated that the zoning ordinance permitted signs up to 20 SQFT for churches, schools, etc. Malcolm Hayward stated that businesses in this area should also be permitted to have larger signs pointing out that a bakery and chocolate business were operational in this zone. Joan Natali stated that, as a neighbor, she would not want larger signs permitted for businesses in a residential zone. Roger Munz added that home-based businesses were not tailored for the public so signage should not be an issue. Joan Natali stated that the bakery and the chocolate business were not permitted to sell directly to the public. Tom Bonadeo concurred and added that home-based businesses were not supposed to be identifiable; iii) Tom Bonadeo stated that some of the language from Table H.1.b on page 14 was applicable and would be used. An updated ordinance would be provided for the next meeting; and iv) There was much discussion regarding Temporary Signs on page 18 including real estate signs (including Open House signs), auction signs, Going Out of Business signs, etc. Real estate signage was currently limited to 4 SQFT and this limitation would remain. Auction signs should be included as Temporary Signs which should be permitted for 30 days with a size not exceeding 48 SQFT. Tom Bonadeo stated that he would streamline this section, filling in the permitted sizes, for review at the next meeting. The Commissioners also discussed the issue of signs being routinely placed in the VDOT right-of-way which was not permitted and brainstormed about a designated location for placement of various temporary signs such as Open House signs, Event signs, etc. There was concern that too many signs would be placed in this designated area that a motorist would not be able to read them. It was agreed that more thought needed to be put into this issue.

### *Demolition of Structures – Section 8.22*

The Commissioners continued their review of Section 8.22 – Hazardous Buildings or Structures and agreed that the additional requirements as currently required by staff should be added to the zoning ordinance. In regards to the alternate procedure for demolition, Roger Munz expressed his concern that the current ordinance stated that the structure was to be offered for sale for 12 months at a fair market value and if no bona-fide offer was received, then the structure could be demolished. Roger Munz suggested that this language be changed to state that the structure was to

be offered for sale for 12 months at a price not to exceed an appraised fair market value. The Commissioners were agreeable to this change. Tom Bonadeo stated that last month, the Commissioners discussed the difference between “a structural engineer,” which was required in the Town’s current process, vs. “a registered design professional,” which was required in the Code of Virginia and added that he had discussed this issue with Code Official Jeb Brady and they preferred to keep the Town’s requirement of “structural engineer” which they felt strengthened the process. Tom Bonadeo added that he would make the changes as discussed for further review next month since not everyone was in attendance at this meeting.

#### *Review of Density in Residential over Commercial CUPs*

As discussed at the last meeting, it was agreed that “Density” should be reviewed and possibly added to the Harbor District and other commercial zones where residential use was permitted by a Conditional Use Permit (CUP). The current ordinance allowed residential over commercial space and up to 50% of the first floor. The ordinance also stated that residential space must have its own entrance at street level but there was no limitation to the number of units on a property. The Commissioners reviewed various tables and the guidelines included in the planning book “*Planning the Built Environment*.” Tom Bonadeo explained the different categories for residential densities shown in Table 14.1 as follows: “Net Residential Density” did not include streets, sidewalks, etc.; “Gross Residential Density” included streets, sidewalks, etc.; and “Neighborhood Residential Density” included streets, sidewalks, parks, stores, etc. As an example, Tom Bonadeo pointed out that the Cape Harbor plans did not include schools, etc. so the “Gross Residential Density” numbers would be used in this case. Joan Natali stated that she thought, from previous discussions, that the Town intended for the south side of the Harbor area/Mason Avenue to be denser and the north side of Mason Avenue would be more like the Historic District. Tom Bonadeo agreed but added that this intent was not carried over into the zoning ordinance. The purpose of this current review of the ordinance was to add density numbers for the various districts.

The Commissioners also discussed below-grade parking which was proposed in the Cape Harbor Project. Tom Bonadeo stated that with the soil in this area, flooding issues, etc., the Commissioners may opt to restrict parking, etc. below the flood level and added that he would research information for the Community Rating System (CRS) regarding this issue and report back at the next meeting. Tom Bonadeo asked the Commissioners to review existing densities, square footages and elevations to create a density recommendation for the Harbor District and other commercial zones and added that he would draft a similar table for review next month.

#### **NEW BUSINESS**

##### *Subdivision Ordinance – Addition of Boundary Adjustment Language*

Tom Bonadeo stated that the current Zoning Ordinance did not provide for a basic function of land development called a Boundary Adjustment including the vacating of lot lines to create larger parcels and/or the movement of a line between two existing parcels where no additional lots were created. The subdivision ordinance had been used in the past for this process but most of the requirements were oriented to create more parcels and could not be applied to a boundary adjustment. Northampton County used to have this feature included in their ordinance but it was removed during the last zoning modification. The County was also working to restore this feature in their ordinance.

Tom Bonadeo explained that the Town owned four contiguous lots on Madison Avenue where the skateboard park was located but could not build one building across the four lots because the current ordinance required side yard setbacks on each lot. The Town could vacate the lot lines to create one large lot but the ordinance required that the subdivision of property ordinance be followed even though we were not making smaller lots from larger ones. The Town recently had to follow this procedure to vacate the lot lines for the lots where the new Public Works maintenance building was being erected.

The Commissioners reviewed language from old Northampton County Zoning Ordinance regarding this issue and agreed that similar language should be incorporated into the Cape Charles Zoning Ordinance. A Public Hearing would have to be held prior to adoption of the language by the Town Council and Tom Bonadeo recommended that a joint public hearing be held with the Town Council to streamline the process and save the added expense of advertising for two public hearings.

**Motion made by Mike Strub, seconded by Joan Natali and unanimously approved to incorporate the language from the Northampton County Zoning Ordinance into the Cape Charles Zoning Ordinance and schedule a joint public hearing with the Town Council for January 3, 2012 preceding the Planning Commission Regular Meeting.**

*Annual Election of Chair and Vice-Chair*

Due to the absence of Chairman Bruce Brinkley and Vice-Chairman Dennis McCoy, Tom Bonadeo suggested postponing the elections of the 2012 Chair and Vice-Chair until the January meeting. The Commissioners agreed.

**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.**

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Town Planner Tom Bonadeo

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Town Clerk