



PLANNING COMMISSION
Regular Meeting
Town Hall
October 5, 2010

At 6:00 p.m. in the Town Hall, Town Planner Tom Bonadeo, having established a quorum, called to order the Regular Meeting of the Planning Commission explaining that Chairwoman Joan Natali was called out of town and would not be in attendance. In attendance were Commissioners Bruce Brinkley, Malcolm Hayward, Dennis McCoy, Roger Munz and Michael Strub. Commissioner Ben Lewis was not in attendance. Also present were Town Clerk Libby Hume as well as one member 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 Roger Munz, seconded by Dennis McCoy and unanimously approved to accept the agenda as presented.

The Commissioners reviewed the minutes for the September 7, 2010 Regular Meeting.

Motion made by Mike Strub, seconded by Roger Munz, to approve the minutes from the September 7, 2010 Regular Meeting. The motion was unanimously approved.

The Commissioners reviewed the revised minutes from the August 3, 2010 Regular Meeting and Joint Meeting with Northampton County Planning Commission. Tom Bonadeo explained that County Planning Commissioner Robert Meyers had requested language be added to the minutes as detailed in the memo which was included in the agenda packet.

Motion made by Roger Munz, seconded by Dennis McCoy, to approved the August 3, 2010 Regular Meeting and Joint Meeting with Northampton County Planning Commission as revised. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) The County is working with Eastville regarding their boundary adjustment application. A closed session was held last month and the Town is trying to obtain a copy of the application to review; ii) The bid opening for the Harbor Improvement project was held on October 4th and one bid, which was over budget, was received. The Town will probably scale back and/or divide the project and put it back out to bid. One contractor probably could not do the entire scope of work

and several contractors that did not bid the project stated that they could not find electrical contractors. Also, the plans called for 24" pilings and there are no contractors on the Eastern Shore equipped to drive pilings of that size; iii) The Central Park Trail project has reached substantial completion and a punch list of items has been created. A meeting has been scheduled for October 7th with the engineers and contractor to review the list. Malcolm Hayward stated that a trail or path needed to be created for golf carts between Bay Creek South and the Town; iv) The construction on the wastewater treatment plant is moving along. The force main connector pipe to Bay Creek has been installed along Old Cape Charles Road; v) The bids for the pump station upgrades also came in high. The engineering is being reviewed to bring the prices within budget; vi) Beach grass will be planted this fall by local high school students as an ecological project. Approximately 15K plants will be planted. The Public Works crew will also be installing winter snow fence along the beach; vii) The Council met regarding the boundary adjustment and it was decided to move forward with the boundary adjustment process. A Boundary Adjustment Committee (BAC) meeting was held on September 29th and Cheriton is also planning to move forward. Since the BAC met, correspondence has been received from residents in the area subdivisions stating that they were not interested in becoming part of Cape Charles; and viii) Invitations for Bids have gone out for fuel services and repairs to the fishing pier and boardwalk.

OLD BUSINESS

Technology/Tourism Zone

Tom Bonadeo explained that a Technology Zone would require a change to the Town Code vs. a zoning ordinance change. The job of the Planning Commission was to review various materials in order to make a recommendation to the Council regarding the establishment of a Technology Zone. The Council would review the Commission's recommendations to determine what incentives could be offered.

Tom Bonadeo stated that the concept of Technology and Tourism Zones with incentives to attract business had proved effective for many large localities and it could be effective for Cape Charles given the right company. Several factors to consider were: i) Zone definition for qualifying company; ii) Criteria for incentives; iii) Actual incentives; iv) Cost and the benefit for Cape Charles and Northampton County. If revenue is given up, what would the Town and County gain in return; and v) Geography for new businesses. Several "technology" businesses were already in Town: i) The Betis Group is a computer technology company and located here because of the general overall environment; ii) Individual computer programmers working from their homes because of the general overall environment; and iii) The Town has had serious inquiries by outside "technology" companies attracted to the Bay Creek environment as a great "live/work/play" environment for establishing a new location for their company. Outside factors played an important role in these businesses not locating in Cape Charles.

Tom Bonadeo went on to state that the broader definition of "applied technology" could be more beneficial to attracting businesses to Cape Charles and a great feature of Town is the connection to the Chesapeake Bay and Atlantic Ocean. Tom Bonadeo suggested that the definition include the application of technology in the marine industry as well as the development of the actual technology itself. The "related service" aspect should be emphasized to include the "installation" and "maintenance" of technology in the

maritime industry and could extend to the training of marine technology personnel creating an ideal foundation for apprenticeship programs and an incentive based program to do so.

In looking at information from other localities, the incentives were generally divided into two categories – tax relief and fee relief – based on the amount of the investment and number of jobs created above the average wage scale. Potential scenarios for a business to qualify for incentives and various possible incentives were reviewed. Tom Bonadeo explained the BPOL process for a new business and added that some of the costs and fees were not included in an existing budget due to the fact that the Town's budget was made up of known revenues and several examples were given.

The Commissioners reviewed language in the Executive Summary from the Lynchburg Economic Development Authority and the ordinance from Stafford County regarding their technology zones.

Tom Bonadeo stated that all commercial zones in Town would be included in the recommended Technology Zone. There was discussion regarding limiting the areas to the commercial zones vs. allowing the Technology Zone to include the entire Town.

Tom Bonadeo summarized the recommendation to include: i) The Town's definition should include the standard technology development definition and an applied technology definition specifically related to the maritime industry which was one of the Town's greatest strengths; ii) The incentives could be pay and rebate based on the amount of investment and job creation for jobs at twice the county average; iii) Rebate and/or forgive some fees and Town taxes; and iv) Consider all property in commercial zones for inclusion in the Technology Zone.

Malcolm Hayward stated that he agreed but felt that it would be more beneficial for the Town to establish a Tourism Zone since more businesses could fall under the definition of a tourism-related business. Tom Bonadeo stated that he would include Tourism Zone as part of the Planning Commission recommendation to Council.

Motion made by Bruce Brinkley, seconded by Mike Strub, to recommend the establishment of a Technology Zone as presented and to ensure that all issues assigned to the Planning Commission by Council were addressed in the letter of recommendation.

Group Home

Tom Bonadeo explained that during the last General Assembly session, the Code of Virginia § 15.2-2291 was modified to include a group home of eight or less with one or more resident advisors was equal to residency by a single family and no conditions more restrictive could be placed on the group home than was placed on the single family. Currently, the Cape Charles Zoning Ordinance considered a group home as a Home Occupation and did not allow group homes in any residential district.

There was much discussion regarding this legislation and Malcolm Hayward expressed his concern regarding the number of group homes which could be permitted in Town. Bruce Brinkley stated that the group homes would still have to abide by the building

codes and the Town had no choice but to allow them per the new State legislation. Tom Bonadeo explained that the changes to the zoning ordinance had to be structured as per the Code of Virginia and that he would modify the definition of a Single Family Residence to include a group home.

Motion made by Bruce Brinkley, seconded by Roger Munz, to schedule a public hearing for November 2, 2010 prior to the Planning Commission Regular Meeting to add the new group home definition per § 15.2-2291 of the Code of Virginia. The motion was unanimously approved.

Temporary Family Healthcare Structure

Tom Bonadeo explained that during the last General Assembly session, House Bill 1307 was adopted requiring all zoning ordinances make allowances for Temporary Family Health Care Structures. To meet the requirement, language could be added to § 4.3.E of the Town's Zoning Ordinance to read as follows: "8. Temporary Family Health Care Structures are only allowed per the Code of Virginia Section 15.2-2292.1." Definitions for "Caregiver," "Temporary Family Health Care Structure," and "Mentally or physically impaired person" would be added to the definitions in § 2 of the Zoning Ordinance.

Bruce Brinkley stated that this legislation dealt with "mobile" units placed in backyards but existing setback limitations would have to be met and recommended the Commissioners search "granny pods" on the Internet for more information.

Motion made by Roger Munz, seconded by Mike Strub, to schedule a public hearing for November 2, 2010 prior to the Planning Commission Regular Meeting to hear comments regarding the proposed modifications as discussed. The motion was unanimously approved.

Modifications to Zoning Ordinance – Chesapeake Bay Preservation

Tom Bonadeo explained that Cape Charles was the first locality to become a Chesapeake Bay Preservation locality ten years ago and therefore was the first locality to be audited. During a review of Town Ordinances, the Department of Conservation and Recreation noted that the Town's Site Plan Ordinance did not directly specify the required elements according to the Plan and Plat Requirement Checklist. A text change adding that the buffer and RPA (Resource Protection Area) note must appear on the site plan was required to bring the ordinance into compliance.

Motion made by Roger Munz, seconded by Dennis McCoy, to schedule a public hearing for November 2, 2010 prior to the Planning Commission Regular Meeting to hear comments regarding the proposed modifications as discussed. The motion was unanimously approved.

NEW BUSINESS

Update on Historic District Guidelines

Tom Bonadeo stated that the Historic District Review Board began the process of updating the Historic Guidelines and some references appear in the Town's Zoning Ordinance. As changes are made, they will be presented to the Planning Commission for review.

Malcolm Hayward asked whether the Comprehensive Plan needed to be updated as changes were approved regarding the Technology Zone, Economic Development, Tourism, etc. Tom Bonadeo stated that he would look at the Comprehensive Plan and recommend addition of items as they are approved.

Dennis McCoy noted that elections for Chairperson and Co-chairperson would be held at the November meeting.

ANNOUNCEMENTS

There were no announcements.

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

Town Planner

Town Clerk