



PLANNING COMMISSION

Regular Meeting

Town Hall

September 7, 2010

At 6:00 p.m. in the Town Hall, Chairwoman Joan Natali, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairwoman Natali, present were Commissioners Bruce Brinkley, Ben Lewis, Dennis McCoy, Roger Munz and Michael Strub as well as Town Planner Tom Bonadeo and Town Clerk Libby Hume. Commissioner Malcolm Hayward arrived at 6:09 p.m. Mr. Chad Saunders of Bayshore Concrete was in attendance for the Connector Road discussions. Mr. Tom Gallagher of Harbor Development Group arrived at 7:25 p.m.

A moment of silence was observed followed by the Pledge of Allegiance.

Joan Natali introduced Bruce Brinkley and welcomed him to the Commission.

PUBLIC COMMENTS

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

CONSENT AGENDA

Hearing no objections, Joan Natali stated that the agenda was approved as presented by unanimous consent.

The Commissioners reviewed the minutes for the July 22, 2010 Joint Meeting with the Town Council, Planning Commission and Harbor Area Review Board and the August 3, 2010 Regular Meeting and Joint Meeting with Northampton County Planning Commission.

Hearing no objections, Joan Natali stated that the minutes for the July 22, 2010 Joint Meeting with the Town Council, Planning Commission and Harbor Area Review Board and the August 3, 2010 Regular Meeting and Joint Meeting with Northampton County Planning Commission were approved as presented by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) The Central Park Grand Opening was a success and he thanked everyone for coming out to help celebrate the grand opening. He was surprised to see that after the evening was over, there was no trash lying around to be picked up; ii) The Breakwater Project is almost complete. There was a barge there today laying additional rock to complete the project. The next Harbor improvement project has been put out to bid and will include floating boat slips and bath facilities; and iii) The tanks for the Wastewater Treatment Plant are almost finished. New scientific developments have allowed the Town to increase the capacity by 30% to 330K GPD from 250K GPD at no extra cost.

There was some discussion regarding the Town's water and Tom Bonadeo explained that the water softener had been offline for several weeks awaiting a part. The current water

system was outdated and replacement parts are no longer being manufactured. Tom Bonadeo went on to inform the Commissioners that two new wells have been drilled on the Keck property but the Town needed to put the project out to bid in order to connect the wells to the water supply.

OLD BUSINESS

Connector Road

Tom Bonadeo stated that the Town had heard from Mr. Richard Foster of Bay Creek regarding his support of a connector road into Southport's industrial park. Tom Bonadeo introduced Mr. Chad Saunders of Bayshore Concrete to give their input regarding the proposed connector road.

Mr. Saunders stated that he could see an added benefit of building this new road especially for the transporting of 140' concrete beams to Route 13. Currently, the truck has to make numerous turns to get out of the Bayshore lot onto Old Cape Charles Road to Parsons Circle to Stone Road and eventually onto Route 13. Mr. Saunders stated that this would be a short-term benefit until the Bay Creek Parkway could be completed from the Bay Creek entrance to Stone Road which would be the more desirable road since it would eliminate several turns and provide a straighter route to Stone Road. Tom Bonadeo added that the Bay Creek road was a requirement for Bay Creek once certain traffic levels have been met which relate to the number of subdivided lots.

Mr. Saunders left following this discussion.

Tom Bonadeo went on to state that the VDOT Economic Development Access Program Guide outlined two types of projects – Regular Projects and Bonded Projects. Depending on the project, bonding may be required, but if Southport is willing to underwrite the local portion of the project, there would be little risk to the Town. It would be difficult to estimate the cost of the road as no engineering drawings or design details are available. Since the plans, which would be provided by Southport, would need to be in place prior to the project submission, little risk exists for the Town. All the surrounding businesses have given favorable recommendations. The land where the road is suggested to be built is currently in a utility easement so cannot be productive to any of the surrounding businesses. The total value of VDOT's program is \$800K. If the road costs more than \$800K, Southport stated that they will provide the additional funds so there would be little risk to the Town. These projects are only funded for localities which would be responsible for numerous submittals as detailed in Appendix C-2 of the VDOT guide, project management and compliance with the regulations. The Town may have to post a bond but if the costs were covered by Southport, little risk exists to the Town.

Motion made by Malcolm Hayward, seconded by Dennis McCoy, to recommend support of an application for an industrial access road to the Town Council in accordance with the Economic Development Access Program Guide administered by VDOT adding a condition to make sure the Town would not be responsible for paying back any funds received if new businesses do not move into the industrial park within the required timeframe.

Boundary Adjustment Discussion

Tom Bonadeo gave a recap of the boundary adjustment discussions for the new Commissioners explaining that there were two types of expansion for localities: i) A boundary adjustment is a friendly agreement between two localities; and ii) An annexation

is a court-ordered expansion of territory. The 1991 Annexation Agreement for Bay Creek was a court-ordered expansion.

Tom Bonadeo went on to state that the Town has been discussing a possible boundary adjustment with the objective of protecting the area regarding zoning decisions and possible development. What happens along Route 13 affects the Cape Charles downtown area. The Town has been working with Cheriton to meet at Route 13 and share the zoning decisions in the area along Route 13 with plans to protect both towns. A Boundary Adjustment Committee (BAC) was formed with representatives from Cheriton and Cape Charles. The Cape Charles members are Tom Bonadeo and Councilmen Larry Veber and Mike Sullivan. The BAC has not met for several months and a joint meeting of the Cape Charles and Cheriton Planning Commissions has not yet been successfully arranged but is expected to take place at some time. In August, the Cape Charles representatives of the BAC met with District 2 Supervisor Sam Long who appeared to be in favor of a boundary adjustment for both Cheriton and Cape Charles.

On August 3rd, the Cape Charles Planning Commission met with the Northampton County Planning Commission to discuss the County's Town Edge Zone and it was a very positive and productive meeting. The Town Edge Zone consists of the area south of Route 184 (Stone Road) to Route 642 (Old Cape Charles Road). As a result of this joint meeting, the County Planning Commission agreed to send copies of any rezoning applications that may affect the incorporated towns within the County for review by the towns' planning commissions in order for the towns to be able to provide input back to the County Planning Commission prior to their public hearing.

Malcolm Hayward asked whether the Town would continue to pursue the boundary adjustment issue if the plans for the two Planning Commissions to work together come to fruition. Tom Bonadeo responded that the Town Council held a work session on August 26th and agreed to move forward with the boundary adjustment while still having the Planning Commission work with the County on the Town Edge Zone.

Tom Bonadeo continued stating that there was a lot of work involved in applying for a boundary adjustment and that this issue would be on next month's agenda and the County's Zoning Ordinance needed to be reviewed regarding language that would need to be added to the Town's Zoning Ordinance.

Technology / Tourism Zone

The Commissioners reviewed the Technology Zone Matrix prepared by Tom Bonadeo which showed the localities (towns, cities and counties) in the State of Virginia that have established Technology Zones and the types of businesses that qualify and the varying incentives offered. Only 3 localities had a population less than 10K. The majority of incentives were discounts of fees and taxes with a range from 3, 5 and 10 years which is the maximum allowed by State Code. Many localities rebate fees and discounts due to the speculative nature of the new businesses. Many localities also include existing businesses if they were to expand and increase the number in their work force.

There was some discussion regarding the possible incentives that the Town could establish and it was noted that small businesses could view the BPOL tax as a "penalty" for doing well.

Mike Strub questioned that even though the agenda item was titled "Technology/Tourism Zone," it seemed that all the discussion was regarding the Technology Zone. Tom Bonadeo explained that he could not locate a list of localities that have established Tourism Zones and that the requirements listed in the Code of Virginia for the 2 zones are very similar so it was decided to combine discussion regarding the 2 zones. Tom Bonadeo added that the main difference was that incentives in the Tourism Zone could span 20 years vs. 10 years for the Technology Zone. Tom Bonadeo added that the Technology Zone was the first objective since the Town Council requested the Commission to look into the possibility of establishing such a zone in Town.

There was some discussion regarding whether certain areas should be designated or whether the entire town should be established as a Technology and/or Tourism Zone. The general consensus was to include the entire town in the zone(s).

The Commissioners listed the following business types to include in the Tourism Zone: bed & breakfasts, restaurants, service businesses (kayak rentals, etc.), short-term rentals, Bay Creek Railway, boat rentals, hotels/motels, and golf cart rentals.

For the next meeting, Tom Bonadeo will draft language for a Technology Zone ordinance for review by the Commissioners. Information will be gathered regarding the Tourism Zone as well.

Harbor Area Review Board Replacement

Tom Bonadeo explained that the Harbor Area Review Board (HARB) was comprised of a Town Council representative, 2 Planning Commissioners, a representative from the Historic District Review Board and 2 citizens. Joan Natali was one of the representatives from the Planning Commission but another representative needed to be named to replace Eileen Cobb who resigned from the Commission and HARB.

The HARB meets as needed on the third Thursday of the month at 6:00 p.m. Landmark Development has been working on a detailed application which will be reviewed by the HARB once it has been submitted. The responsibility of the HARB was to review the Harbor Area Design Guidelines, similar to the Historic District Review Board's review of the Historic District Guidelines, and report back to the Planning Commission.

Joan Natali asked for volunteers to serve. Bruce Brinkley, Malcolm Hayward and Dennis McCoy expressed their interest in serving. After some discussion regarding drawing names to choose the representative, Bruce Brinkley and Malcolm Hayward withdrew their names from consideration. Dennis McCoy was named the new Planning Commission representative to the HARB.

NEW BUSINESS

Conditional Rezoning – Randolph Avenue and Strawberry Street

Tom Bonadeo explained that the Mack building at the corner of Strawberry Street and Randolph Avenue was recently sold and the new owner planned to convert the one-story section of the building which faced Randolph Avenue into residential apartments. The applicant did not have a complete application and chose to delay submission until October. Tom Bonadeo asked the Commissioners to review the ordinance on conditional zoning and to visit the site prior to the next meeting.

ANNOUNCEMENTS

Northampton County has finalized the transfer of ownership of the 23 acres designated as the Cape Charles Coastal Habitat Natural Area Preserve to the Department of Conservation and Recreation (DCR). The DCR has repaired the ramp and will be building a new 12'x12' viewing platform. The DCR is asking for volunteers to help maintain the area.

Hearing no objections, Joan Natali adjourned the Regular Meeting of the Planning Commission by unanimous consent.

Chairwoman Joan Natali

Town Clerk