



PLANNING COMMISSION
Public Hearing & Regular Meeting
Town Hall
March 2, 2010

At 6:00 p.m. in the Town Hall, Chairwoman Joan Natali called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairwoman Natali, present were Commissioners Eileen Cobb, Bruce Evans, Dennis McCoy and Roger Munz. Commissioner Malcolm Hayward arrived at 6:06 p.m. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were two (2) members of the public in attendance.

Joan Natali stated that the purpose of the Public Hearing was to hear public comments regarding renaming the STIP and PD-STIP Districts and rezoning Parcel 90-A-4C from PD-STIP to Open Space. Town Planner Tom Bonadeo read the public hearing advertisement as published in the February 17th and 24th issues of the Eastern Shore News.

PUBLIC COMMENTS

There were no public comments to be heard. Town Planner Tom Bonadeo read a letter from Mr. Richard Foster of Bay Creek Resort & Club into record. Mr. Foster stated in his letter that he did not object to the rezoning with the understanding that the conservation/wildlife easement, which was outlined in his letter, currently over the site remains in place. (See attached)

Joan Natali closed the Public Hearing portion of the meeting.

REGULAR MEETING PUBLIC COMMENTS

There were no public comments nor any comments submitted in writing prior to the Regular Meeting.

CONSENT AGENDA

The agenda was approved as presented by unanimous consent.

The Commissioners reviewed the minutes for the February 2, 2010 Joint Public Hearing with the Town Council and the February 2, 2010 Regular Meeting.

Motion made by Eileen Cobb, seconded by Roger Munz to approved the minutes for the February 2, 2010 Joint Public Hearing with the Town Council. The motion was approved by unanimous vote.

Several changes were made to the minutes for the February 2, 2010 Regular Meeting as follows:

- Under *Reports, item v*, Joan Natali requested the minutes to be modified to reflect “Cheriton Town Council” vs. “Cheriton Council.”
- Under *Conditional Use Permit Process Modification, item iii*, Joan Natali suggested using “final action” vs. “final approval” since the Council may not approve the application. The phrase “if approved” was added to the end of the last sentence of *item iii* to read “Staff will review the Permit Completion Report with the Town Council and will advise Council of the start date of the one year CUP process, if approved.”

- Under *Conditional Use Permit Process Modification, item vi*, “if granted” was added to the end of the first sentence to read “No permit for the same use may be reviewed within one year of the expiration of the CUP or the one-year extension of the CUP, if granted.”
- Under *New Business, Text Change – Name Change STIP and PD-STIP Zones*, reference to the “Sustainable Technologies Park” was changed to “Sustainable Technologies Industrial Park” which was the correct name of the park with “Industrial” representing the “I” in “STIP.”

The minutes for the February 2, 2010 Regular Meeting were approved by unanimous consent as amended.

REPORTS

Tom Bonadeo reported the following: i) The Northampton County Planning Commission has changed their meeting dates which now coincide with the Cape Charles Planning Commission meetings. Their agenda is attached which shows that they are scheduled to review the Cape Charles Historic Town Entrance Corridor Overlay District as well as a Wind Energy Subcommittee presentation. Tom Bonadeo stated that he would try to obtain information regarding their Wind Energy presentation for the Commission; ii) The Breakwater Project contract was signed, the pre-construction meeting has been scheduled for March 4, 2010 and the Notice to Proceed should be issued that day; iii) FEMA provided their final report re: the beach assessment due to the November Nor’easter and Cape Charles will not receive any funds for beach replenishment at this time. The Virginia Department of Emergency Management is currently reviewing the report for possible modification in the Town’s favor; iv) The Central Park Trail Project is underway. Progress is being made as the second drainage area is being constructed. Weather has hindered progress. Sod will be used in the entire park area and the first draft of the irrigation plan and redesign is in process. There are still approximately 20 large trees needing to be moved. If the trees are not moved within the next two weeks, they will start budding and may not survive the move; v) The Cape Charles and Cheriton Boundary Adjustment Sub-committee met last week to continue their work. This topic is an agenda item and more details will be discussed later in the meeting; and vi) The Blessing of the Fleet is scheduled for April 9-10 and is the first major event of the summer season.

OLD BUSINESS

Conditional Use Permit Process - Modification

Tom Bonadeo explained that the Planning Commission’s recommended changes to the Conditional Use Permit Process were reviewed by the Town Council at their February 11, 2010 meeting. Upon review of the recommendations, the Council requested that the modifications be reviewed by legal counsel to help strengthen the language. Tom Bonadeo stated that upon hearing back from legal counsel, he would provide their recommendations to the Commissioners for their review. Tom Bonadeo added that if any of the Commissioners had any ideas, email them to him and he would forward it to the attorneys.

Text Change – Name Change STIP and PD-STIP Zones

Tom Bonadeo explained that these two zones were named for the Sustainable Technologies Park. The STIP zone is the industrial area outside the Planned Unit Development (PUD) and the PD-STIP is in the industrial zone within the original area of the PUD. The recommended changes are as follows: i) PD-STIP would be renamed as General Business/Light Industrial – Harbor Designation (GBI–H1) which more closely reflects the type of uses in this zone; and ii) STIP would be renamed as Industrial – M2 which reflects the more industrial nature of this zone. A public hearing was held earlier this evening; no comments were heard nor were any comments submitted in writing prior to the public hearing.

Motion made by Roger Munz, seconded Eileen Cobb and unanimously approved to forward a recommendation to the Town Council for approval of the name changes for the PD-STIP and STIP Zones as discussed.

Rezoning of County / DCR Property 90-A-4C

Tom Bonadeo explained the Cape Charles Coastal Habitat Natural Area Preserve is a wildlife area of 23-29 acres located within the Town limits. The land was formerly part of the STIP and was zoned PD-STIP along with the rest of the land within the PUD industrial park and is currently owned by Northampton County. The Planning Commission had suggested rezoning this area from PD-STIP to Open Space. Letters were sent to the adjoining landowners in accordance with the ordinance and a public hearing was held earlier this evening. No comments were heard but a letter was submitted by Mr. Richard Foster of Bay Creek Resort and Club which was read into record during the public hearing. Tom Bonadeo stated that the restrictions referred to in the letter are in the deed for the property for which the Town is not a party. Tom Bonadeo proceeded to review several items included in the deed and also noted that he spoke to representatives from South Port and Bay Shore Concrete and neither party had any objections to the zoning change for this parcel.

Motion made by Bruce Evans, seconded by Roger Munz and unanimously approved to forward a recommendation to the Town Council for approval of the rezoning of Parcel 90-A-4C from PD-STIP to Open Space.

Boundary Adjustment Discussion

Tom Bonadeo explained the Cape Charles and Cheriton Town Councils appointed a subcommittee to work on the process of a potential boundary adjustment. The subcommittee met and a Memorandum of Agreement has been developed which will be signed by both Councils at their respective meetings. A press release has also been printed in the Eastern Shore News. There are many requirements to complete a boundary adjustment study and legal counsel for the Towns will supply a list of specific requirements shortly and completing this list will be the work of the subcommittee, Town Planning Commissions and staff.

The Commissioners reviewed a new map showing the potential area for a boundary adjustment along with a spreadsheet of the parcels containing general information about the parcels which was compiled from a County database. Tom Bonadeo explained that people are assuming that the boundary adjustment has already been completed, which it has not. No boundary adjustment has been proposed as yet. The Sub-committee is just starting the process to see if it would be feasible or not. Tom Bonadeo went on to give an example of Jim Alberts' proposal several years ago for a hotel and shopping center on Route 13 by Tower Hill. The County did approve a hotel on the property then proceeded to rezone the property as "Town Edge" which does not permit hotels. The County has recently rezoned the property again to allow a hotel to be constructed. Neither Cheriton nor Cape Charles had any input in this process.

There was much discussion regarding this issue. Dennis McCoy asked how the Commissioners were to handle the numerous emails regarding boundary adjustments and how can the emails get added to the record so the public can get their "voices" heard. Tom Bonadeo stated that the public is welcome to attend all meetings and can speak for three minutes during the public comment period for both the regular Town Council and Planning Commission meetings. Bruce Evans added that all of the Boundary Adjustment Sub-committee meetings are also open to the public for observation and education. When the committee begins their discussions regarding the actual boundary adjustments, public hearings will be held so the public can express their concerns. Tom Bonadeo agreed and added that currently, it would be premature to hold any public hearings since the Towns are still in the preliminary stages of determining the process.

Dennis McCoy added that he wanted to make sure that it was clear to the public that the Planning Commission could not respond to the emails and that it was important that they know there was a process that needs to be completed before either Town could move forward with an application for boundary adjustment. Roger Munz asked how the area was determined and whether Tower Hill and Kings Creek could be removed from the proposed area. Tom Bonadeo explained that the area was determined geographically using logical boundaries and that it was practical to include Tower Hill and Kings Creek in the discussion and that there was value in including these areas in the initial study. Tom Bonadeo continued stating that several issues to be discussed were water, sewer and police protection and that he could see a possible agreement between the County, Cheriton and Cape Charles regarding managing the businesses along the Route 13 corridor but the studies are needed to determine what can or cannot be done.

Tom Bonadeo moved the discussion to the Memorandum of Agreement (MOA) which was finalized by the sub-committee at their last meeting and addresses an extraterritorial agreement and dual planning area where both towns would have zoning approval for both sides of Route 13 and asked the Commissioners to start thinking about the types of businesses that should be permitted along Route 13. Tom Bonadeo went on to stress that this is not about tax dollars or a money-making proposition. If the surrounding area is taken in by the Town, the Town would need to expand the Public Works staff, Police Department and other areas which possibly would cost more than the amount collected in tax revenue. Tom Bonadeo added that his office is always open for citizens with questions regarding this issue.

Malcolm Hayward stated that there were two thoughts regarding businesses along Route 13. One was to develop it and people will stop and may come into Town. Another thought is to not develop it and people may come into Town or they may drive on by along Route 13. Bruce Evans cited Food Lion as an example. When the Food Lion was built on Route 13, Cape Charles lost three businesses. Some travelers may stop in to Food Lion to pick up some items, but the citizens of Town lost the grocery stores that were located conveniently in the Town. A movie theater was also mentioned. If a theater opened along Route 13, travelers would not stop to watch a movie. If a hotel was opened, travelers staying at the hotel, may go to the movies whether the theater was in Town or along Route 13, especially if information was available in the hotel.

St. Michaels was brought up as a good model for Cape Charles as a Town that had fought the big box stores and thrived. Malcolm Hayward stated that he felt that Cape Charles was mainly a tourist town and it did not matter what happens along Route 13. Dennis McCoy questioned the sustainability of being a tourist town. Bruce Evans added that the charm and character of the Towns on the Eastern Shore is what brings people here. Tom Bonadeo stated that if we are a tourist town and if we are to grow, something was needed along Route 13 to bring people into town. Malcolm Hayward suggested asking Old Dominion University or another institution to help with an economic development study. Bruce Evans compared Route 13 on the Eastern Shore to Route 13 in Dover, DE and stated that was an example of what not to allow. Tom Bonadeo stated that he would try to get zoning information from St. Michaels and asked if there were any other towns that he should contact. Dennis McCoy suggested looking at some towns that were unsuccessful to learn from their mistakes.

Tom Bonadeo stated that he would contact Sandra Benson regarding the County Planning Commission meeting. Malcolm Hayward stated that he thought that the Northampton County Chamber of Commerce was doing an economic development study and Tom Bonadeo stated that he would contact Rob Savage.

Tom Bonadeo went on the state that as part of a future plan for this area, the Commissioners could discuss land use for the area, particularly along Routes 13 and 184 which is an area already under discussion with the County as part of the Corridor Overlay and that time would be allotted at each meeting to discuss this topic or other topics required by the sub-committee. For the April meeting, Tom Bonadeo asked the Commissioners to think about input regarding development in the Corridor Overlay, and any zoning issues, etc.

NEW BUSINESS

There was no new business to review.

ANNOUNCEMENTS

There were no announcements.

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

Chairwoman Joan Natali

Town Clerk