



PLANNING COMMISSION

Regular Meeting

Town Hall
May 17, 2010

At 6:03 p.m. in the Town Hall, Chairwoman Joan Natali called to order the Regular Meeting of the Planning Commission. In addition to Chairwoman Natali, present were Commissioners Malcolm Hayward and Dennis McCoy. Commissioners Bruce Evans, Roger Munz and Ben Lewis were not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

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 March 2, 2010 Regular Meeting.

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

REPORTS

Tom Bonadeo reported the following: i) The Breakwater Project is in full swing and is already an improvement at the Harbor. The current section being built is the middle section. As part of this phase of the project, one more section will be constructed to the north of this one. A future phase of the Harbor Development Plan includes floating boat docks, ground work, water and sewage upgrades, parking and bathrooms with showers. The Virginia Port Authority just announced that the Town has been awarded \$447K, out of the \$1M available, for Harbor improvements; ii) As part of the Beach Replenishment Project, the dune between Monroe and Madison Avenues will be leveled with the sidewalk, moved seaward and surrounded by sand fence to rebuild the dune further seaward. Sand will be added at the north end of the beach; iii) The Cape Charles Trail Project is underway and the final layout can be seen by walking around the park. The trees have been relocated, new trees will be planted, the sidewalks are about 75% completed, the fountain will be installed, sod will be installed and 17 of the 34 planned lights will be installed. The wiring for the additional 17 lights will also be installed so the lights can be added by the Town at a later date. The Town also received notification that it was awarded an additional \$347K from a VDOT grant for the trail; iv) The Cape Charles-Cheriton Boundary Adjustment Subcommittee did not meet in April. Due to the recent elections, Councilman Burdiss will need to be replaced upon expiration of his term which ends on June 30, 2010. Staff is also trying to schedule a joint meeting with the Cheriton Planning Commission; v) The Town advertised for bids to remove the excess top soil from the park and the bid opening was held earlier today. Three bids were received and it looks like the majority of the soil will be moved from the park to the wastewater treatment plant site. Mayor Sullivan has asked that several truckloads of soil be moved to the public works yard behind Rayfield's for citizens' use.

OLD BUSINESS

Conditional Use Permit Process - Modification

The Commissioners reviewed the changes to Section 4.3.D. of the zoning ordinance which were recommended by legal counsel. Tom Bonadeo explained that the recommended changes were not substantial and could be handled as text changes.

Motion made by Malcolm Hayward, seconded by Dennis McCoy to forward the recommended changes to the Town Council for their approval. The motion was approved by unanimous consent.

Boundary Adjustment Discussion

Tom Bonadeo informed the Commissioners that the Cape Charles-Cheriton Boundary Adjustment Committee did not meet in April and a joint meeting of the Cape Charles and Cheriton Planning Commissions has not been successfully arranged. Tom Bonadeo suggested that the Commissioners review the Cheriton Zoning Ordinance at their leisure.

Tom Bonadeo explained that the Town needs to determine whether to move forward with a boundary adjustment request. At this time, the Town cannot meet the County's criteria which require that 80% of the available lots in Town are used. The Town also needs to present a reason why the area between Cape Charles and Route 13 are needed. The County has not been provided with any information from either Cape Charles or Cheriton regarding the plans regarding a boundary adjustment request. Currently, Cheriton's dilemma is in regards to septic issues and the fact that no new commercial entities can move into the downtown area but with the formation of the PSA and the possibility of a regional wastewater system, this issue may be resolved. Tom Bonadeo recommended that further discussion on this matter be suspended until the joint meeting can be arranged with the Cheriton Planning Commission.

NEW BUSINESS

Connector Road

Tom Bonadeo informed the Commissioners that the Town Council has requested that the Planning Commission study the potential for a connector road between westbound Old Cape Charles Road (Route 642) and the entrance to Bayshore Concrete for the enhancement of attracting industrial / technology business to Cape Charles. Tom Bonadeo reviewed previous plans of the proposed road from Bay Creek to Route 184. The original plans show the extension of Bay Creek Parkway extending to Route 184 and Old Cape Charles Road becoming a dead end before reaching the Bay Creek property. VDOT has concerns with this plan in that there would only be one route in and out of Cape Charles and it poses a safety issue in regards to emergency vehicles' access into the Town. Tom Bonadeo also reviewed VDOT's 2020 Plan which shows an at-grade crossing at Fig Street to Old Cape Charles Road and a roundabout at the intersection of Fig Street and Randolph Avenue. After some discussion, Tom Bonadeo asked the Commissioners to take a look at the area and be prepared to discuss this issue further at the June meeting.

Technology Zone

Tom Bonadeo informed the Commissioners that the Town Council has requested that the Planning Commission study the potential of establishing a Technology Zone to attract certain types of businesses to the Town. Tom Bonadeo reviewed the Technology Zone workbook which contains a copy of the Virginia State Code for Technology Zones, a summary of localities within the State that have established zones and a synopsis of each zone and its offerings, and samples of ordinances for Technology Zones. Joan Natali stated that, technically, the entire Town of Cape Charles could be designated as a Technology Zone. There was much discussion regarding home-based businesses which are how most commercial businesses get started. There was also

much discussion regarding various incentives that municipalities can offer to lure businesses to their jurisdiction. Joan Natali added that the objectives are to bring people to the Town and to bring businesses, which will bring jobs, to the Town. Tom Bonadeo asked the Commissioners to review the documents in the workbook for further discussion at upcoming meetings.

Malcolm Hayward asked about the creation of a Local Tourism Zone, which was one of the zones included in the section from the Code of Virginia. Tom Bonadeo stated that he would gather more information regarding Tourism Zones which will be provided at the June meeting.

Section 4.2.G Fences and Walls

Tom Bonadeo explained that Roger Munz had requested that discussion regarding Section 4.2.G. – Fences and Walls be placed on the meeting agenda, specifically in regards to a fence that is currently in place on a property in the 500 block of Tazewell Avenue. Unfortunately, Roger Munz was not in attendance at the meeting to express his concerns. The Commissioners reviewed the guidelines for fences and walls in the Historic District Guidelines.

Variance Time Limit – Section 2.6.7

Tom Bonadeo explained that during a Board of Zoning Appeals hearing, it was discovered that the Zoning Ordinance may have a conflict with the State Code regarding time limitations on variances. The Town's ordinance has been reviewed by legal counsel and the legal recommendation is to remove the language regarding the one-year expiration from the ordinance and insert language allowing specific conditions on variances, if required. After review of the specifics regarding the variance request which prompted the legal review, the Commissioners agreed to change the ordinance as recommended by legal counsel. Joan Natali asked that a copy of the legal memo with the recommended changes be forwarded to the Commission to review. Tom Bonadeo will draft the text change to be reviewed by the Commissioners at the June meeting along with a copy of the legal memo. If the updated language is acceptable to the Commissioners, a public hearing can be scheduled for July to hear comments regarding this change.

ANNOUNCEMENTS

Tom Bonadeo informed the Commissioners that the Harbor Redevelopment Plans should be going out for bids soon. The plans have already been approved by the Town Council. Tom Bonadeo added that he would provide the information to the Commissioners for their review.

The Regular Meeting of the Planning Commission was adjourned by unanimous consent.

Chairwoman Joan Natali

Town Clerk