



PLANNING COMMISSION
Regular Meeting & Joint Meeting
with Northampton County Planning Commission

Town Hall
August 3, 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 Malcolm Hayward, Ben Lewis, Dennis McCoy and Michael Strub as well as Town Planner Tom Bonadeo and Town Clerk Libby Hume. Commissioner Roger Munz was not in attendance. Also in attendance was former Commissioner Bruce Evans. There were no other members of the public in attendance.

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

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

The Commissioners reviewed the minutes for the July 6, 2010 Regular Meeting. Malcolm Hayward and Ben Lewis stated that they would abstain from the vote since they were not in attendance at the July 6th meeting.

Hearing no objections, Joan Natali stated that the minutes for the July 6, 2010 Regular Meeting was approved by unanimous consent.

Joan Natali stated that the purpose of this meeting was to provide background information to the Commissioners regarding past discussions on the Town Edge Zone and the County's Comprehensive Plan. The meeting would then be recessed so the Commissioners can travel to the former Northampton Middle School and reconvened at 7:00 PM with the County Planning Commission.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

Town Edge Zoning and the County Comprehensive Plan

Town Planner Tom Bonadeo gave a quick history of the issue regarding the Town Edge and distributed excerpts from the 1991 Annexation Agreement between the Town of Cape Charles and Northampton County regarding the Bay Creek property, formerly Brown & Root. Tom Bonadeo read items #8 and #14. Item #8 addressed the corridor between the Town of Cape Charles and Route 13 and the area adjacent to Route 13 and Route 184 (Stone Road) stating that both the County and the Town would receive comments regarding matters relative to both jurisdictions and give due consideration to the comments and other input made by the other. Item #14 addressed the creation of a special zoning district along Stone Road into the Town and along Route 13 within one mile of each

direction of the intersection of Route 13 and Stone Road. Tom Bonadeo added that it was interesting that these issues, which were of concern twenty years ago, were still under discussion.

Tom Bonadeo went on to review the letter from the County Planning Commission inviting the Cape Charles Planning Commission to discuss the Town Edge Zone, which covers the area from Bay Creek to Route 13 and the south side of Stone Road. Tom Bonadeo added that initially, Cape Charles wanted to include the north side of Stone Road as part of the Town Edge, which is mostly farm land, in order to have the ability to provide input to the County in the event the land was ever developed. The joint meeting later this evening would give the Commissioners the opportunity to discuss the Town's intent regarding this area.

Tom Bonadeo informed the Commissioners that the Cape Charles representatives on the Cape Charles-Cheriton Boundary Adjustment Committee would be meeting with District 2 Supervisor Sam Long next week to discuss the County's stand regarding boundary adjustments.

Motion made by Dennis McCoy, seconded by Mike Strub and unanimously approved to recess the Regular Meeting of the Planning Commission until 7:00 p.m. at the former Northampton Middle School.

At 7:00 p.m. in Conference Room #2 at the former Northampton Middle School, Chairman David Fauber, having established a quorum, called to order the Northampton County Planning Commission meeting. County Commissioners in attendance were Marshall Cox, Roberta Kellam, Robert Meyers and Mike Ward. Sandra Benson, Director of Planning & Zoning, Peter Stith, Long Range Planner, and Kay Downing, Assistant Zoning Administrator, were also in attendance.

Joan Natali reconvened the recessed meeting of the Cape Charles Planning Commission.

Chairman David Fauber welcomed the Cape Charles Planning Commission and asked everyone around the table to introduce themselves.

David Fauber explained that the County Commissioners were meeting with the incorporated Towns in the County to discuss the Town Edge Zone as defined in the County Comprehensive Plan. David Fauber went on to state that the Town of Cape Charles seemed to be more concerned with the portion of land along Route 184 into Town.

Tom Bonadeo explained that the Cape Charles Planning Commission had updated the Comprehensive Plan in 2009 and concentrated on Routes 184 and 642 (Old Cape Charles Road) and added that this meeting was a historic meeting with both the Town and County Planning Commissions meeting to discuss this issue.

David Fauber and several other County Commissioners stated that they had not seen the updated Cape Charles Comprehensive Plan. Joan Natali informed the attendees that the Comprehensive Plan was available on the Town's website and contained a section regarding the Town Edge Zone.

Planning & Zoning Director Sandra Benson explained that the County's Comprehensive Plan was adopted in July 2006. A Steering Committee was formed who met with representatives from all the towns to discuss the Town Edge. The Steering Committee considered all the comments that were received and the Town Edge was designated as the County's primary growth area, but development in these areas would not begin until services could be offered. Sandra Benson continued by stating that the County had the impression that Cape Charles already had ideas of what they wanted to see in this area and the goal now was to determine how the County and Cape Charles could move forward and work together in the planning process.

Tom Bonadeo stated that Cape Charles would like to include the north side of Route 184 as part of the Town Edge Zone, even though the majority of the area was currently agricultural. This land could be sold in the future and rezoned. Water surrounds the majority of the Town and this land was the only “edge” shared with the County and was also the entrance to the historic district. Tom Bonadeo went on to state that the Town was also concerned with Cheriton’s Town Edge and would like to see additional engagement with Cheriton regarding the Route 13 corridor. Tom Bonadeo distributed an excerpt from the 1991 Annexation Agreement and read items #8 and #14, which covered this area and added that when the Food Lion was built on Route 13, the Town of Cape Charles lost four retail businesses. Tom Bonadeo went on to state that it would be relatively easy to add Town Edge language to the Town’s Zoning Ordinance and it would be appropriate to have language referring to the Town Edge Zone in both the Town and County Zoning Ordinances.

David Fauber clarified that once the Town Edge Zone has been established and the Towns’ input received, the land still belongs to the County.

Joan Natali added that even though the County would own the land, the Town would like to have input on any development in this area.

Sandra Benson stated that the Annexation Agreement was not discussed by the Steering Committee or Planning Commission when developing the 2006 Comprehensive Plan.

Robert Meyers stated that after reading the language in the Annexation Agreement, it would seem that the Food Lion complex should not have been permitted. There was further discussion regarding this issue and the determination of a type of mechanism that could be put in place to engage Cape Charles in the County process to prohibit more business being taken from within the Town. Both the County and the Town needed to work together to ensure a procedure was put in place. *Robert Meyers added that Town residents were encouraged to attend the County Planning commission public hearing to voice their support or concerns, as appropriate, on any issue(s) which could impact the Town, its residents or its businesses. (Revised minutes approved October 5, 2010. Last sentence added per County Planning Commissioner Meyers’ request.)*

The discussion moved to the land on the north side of Route 184 and that the Steering Committee felt that this land should be zoned agricultural. Mike Ward asked why Cape Charles agreed to this if they wanted it included in the Town Edge and whether a follow-up meeting was scheduled after the Steering Committee made their determination regarding this area to discuss the issues with Cape Charles. Sandra Benson responded that a follow-up meeting was not held at the time.

Joan Natali added that the Town was not given an opportunity to provide input and that the Town wanted this area included in the Town Edge to protect the view shed coming into Town.

Sandra Benson stated that during this current process, the County needed to review the zoning and certain areas would probably be rezoned. Roberta Kellam suggested that it may be possible to have a Town Edge Zone and a Town Edge-Agricultural Zone.

Tom Bonadeo stated that the first objective of the Town is protection of the corridor and work could be done on the corridor overlay without affecting the zoning.

Mike Ward asked if Cape Charles considered the approval of the hotel on Route 13 inconsistent with #14 of the Annexation Agreement. Tom Bonadeo responded affirmatively due to the fact that the Town was not informed or given an opportunity to be involved in the decision and future business

permitted in this surrounding area could affect the Town. The Town was not given an opportunity to participate in the discussions except to go to the public hearing. The Town was not notified of the request regarding the hotel since it was not an adjacent land owner.

Robert Meyers stated that the County could remedy this situation in the future by notifying towns of any application regarding the Town Edge area.

Tom Bonadeo added that the Town hoped that it would be able to discuss a rezoning application before it was taken to a public forum. There was some discussion regarding notifications to the towns at the time an application was received. David Fauber stated that if the towns had to meet first and be given the opportunity to provide their input, the entire process would be delayed.

Tom Bonadeo stated that Cape Charles was interested in participating in the process as early as possible. Marshall Cox suggested that the Town could attend the public hearing to express their concerns and the County could table the issue to the next meeting if needed.

Sandra Benson stated that in moving forward, the notification issue could easily be addressed. This was a work in progress and it would be appropriate to talk about the planning process for an area in the Town Edge Zone.

Tom Bonadeo stated that both the County and Town Planning Commissions hold their meetings on the same night. If the Town could be notified at the same time that notification was sent to County Commissioners, the Cape Charles Planning Commission could review the information at their meeting and provide input to the County prior to the public hearing.

Robert Meyers agreed that the Town forwards their agenda and information to the County regularly and suggested that the County could do the same and provide the information to the towns on a regular basis. David Fauber agreed that this process could be adopted for all towns in the County. Robert Meyers suggested that a formal notification procedure to the towns be put in place to ensure it continues in the future and does not stop with the turnover in the Planning Commission and County staff. There was some discussion as to what needed to be done to put this procedure in place.

Sandra Benson stated that the Board of Supervisors could be asked and it could be emphasized in the Comprehensive Plan stressing cooperation between the County and the towns.

Bruce Evans agreed and stated that this could be reviewed by the Town Council as well and added that he felt that this meeting was indeed a historic meeting.

David Fauber stated that the County Planning Commission would review the corridor overlay and asked Sandra Benson and Tom Bonadeo to review dates for future joint meetings. David Fauber added that he felt that this was a positive meeting and the future could be bright if the County and towns could work together.

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

Chairwoman Joan Natali

Town Clerk