

PLANNING COMMISSION

Minutes -Regular Session February 1, 2005

At approximately 7:30 p.m. on February 1, 2005, Chairman Tom Bonadeo called the session to order. In addition to Chairman Bonadeo, the following members were present: Joan Natali, Bruce L. Evans, and Karen Jolly Davis. Absent was Ken Kuttler. Also present were Town Manager, Tim Krawczel and Town Clerk, Joy. There were no members of the Public present.

Invocation and Pledge of Allegiance

There was a moment of silence. All recited the Pledge of Allegiance.

Consent Agenda

Motion was made by Joan Natali Bruce Evans seconded by Karen Jolly Davis and unanimously passed to approve the agenda of January 4, 2005 as amended.

Motion was made by Bruce Evans seconded by Joan Natali to accept the minutes of the Public Hearing and the minutes of the regular session of the Planning Commission of January 4, 2005 as revised.

Old Business

A. HDRB regarding Sec. 4.10, RE: Demolition Guidelines.

Tom Bonadeo gave a detailed overview; all discussed. It was decided to have a joint work session with the HDRB to revise the sections.

B. By-Laws

Extensive discussion was held; several changes were recommended. A new copy of the By-Laws with changes will be presented at the next meeting.

Motion to recommend approval to Town Council made by Karen Jolly Davis, seconded by Ken Kuttler and unanimously approved.

245 Mason Avenue – 1st floor commercial 2nd floor residential

Limited discussion was held. New floor plans were examined. Issue of retail on first floor clarified and parking remains an issue.

Motion made by Bruce Evans, seconded by Joan Natali and unanimously approved to forward to Town Council with recommendation of approval.

7 Strawberry Street – 1st floor commercial 2nd and 3rd residential

Motion to move forward to Town Council with recommendation of approval was made by Joan Natalie, seconded by Bruce Evans and unanimously approved.

B. Zoning Map

Creation of Village District Land Use classification

Tom Bonadeo explained the purpose of the application clarifying this application pertains only to the Planned Unit Development of Bay Creek Development and does not affect Historic Cape Charles. Don MacClennan was asked for an update of the changes offered. Discussion held concerning alleyways, basement definition, height restrictions, and viewing structures.

Ken Kuttler moved to recommend to Town Council approval of the creation of the Village District land use for use in the “PUD” as the documents present including the clarifications. Bruce Evans seconded the motion which was unanimously approved.

C. Rezoning & Conditional Zoning

Oxbridge Investments property, formerly known as the Myers property

Tom Bonadeo asked for discussion. Karen Jolly Davis clarified that in the current zoning, as STIP, most of the uses are conditional. Discussion of proffers ensued. Tom Bonadeo clarified the differences between conditional use and conditional zoning. Ken Kuttler asked if anyone had any objections to the rezoning.

Karen Jolly Davis moved to recommend approval of the rezoning of Oxbridge Investments’ property from STIP to Harbor District. The motion was seconded by Joan Natali and unanimously approved.

Change the existing 53.34 acres of Special Commercial district.

Tom Bonadeo restated the purpose of the application clarifying there would be no net change in the total commercial acreage and that this application pertains only to the “PUD” and not to Historical Cape Charles.

Bruce Evans moved to recommend to Town Council approval to change the existing 53.34 acres of Special Commercial District. The motion was seconded by Ken Kuttler and unanimously approved.

Bay Creek Parcel KK, along route 184, from PUD residential to Commercial

Tom Bonadeo described the location of this parcel and the commercial nature of the area. Concerns were brought forward over the proposed commercial use as this is the entry way to the Town, i.e. fast food restaurants, car dealerships, etc. Discussion concerning a corridor overlay was held along with the time frames of approval. Comparison of commercial uses ensued.

Motion to recommend approval of rezoning Parcel KK from PUD residential to commercial was made by Joan Natali, seconded by Ken Kuttler and unanimously approved.

322 Randolph Avenue from R-1 to C-1 (conditional).

Tom Bonadeo asked for discussion. He clarified the application and the location of the property. Concerns raised over the commercial aspects, i.e. zero lot line, alleyway. Karen Jolly Davis recused herself from the voting as she is an adjacent property owner. **Bruce Evans made a motion that this conditional zoning request not be granted. Ken Kuttler seconded the motion which was unanimously approved.**

New Business

Historic Review Board recommendation regarding Section 4.10 of the Cape Charles Ordinance

Cela Burge made a few comments: Section IV applies to all districts in the Town. The conflict comes because it was put in prior to the Historic District Overlay was created. Before there was a Historic District Overlay, there was a concern about protecting buildings that had architectural historic significance under which there was no other protection. There was also a concern about demolition by neglect (section B). The Historic District Overlay deals *only* with the Historic District. Section VIII has good coverage of the same topic, but only to the extent that it applies to the Historic District. It was agreed time should be spent in working to get the two sections of the Zoning Ordinance to mesh.

Rezoning – Keck Farm

Cela Burge gave an overview of this property, defined what R-3 really means and discussed how this master plan fits into the R-3 zone. Discussion ensued over parking, affordable housing, road use and green space, availability of water and waste water treatment, the impact to the roadway and what value is added by this rezoning. Tom Bonadeo reminded all involved not to look at the layout, that could change, but to decide if rezoning the property is appropriate. Questions from the Public concerning Zoning Ordinance were asked and answered. Portions of Section II of the ordinance were read. Tom Bonadeo posed the idea to all to think about how this request falls into the Town's Comprehensive Plan

Motion was made by Karen Jolly Davis to table this application until more information is provided, seconded by Bruce Evans and unanimously approved.

Election of Officers

Floor opened for nominations of Chairperson.

Karen Jolly Davis nominated Tom Bonadeo as Chairperson, the motion was seconded by Joan Natali. As there were no further nominations, Tom Bonadeo became the Chairperson.

Floor opened for nominations for Vice-Chairperson.

Ken Kuttler nominated Joan Natali as Vice-Chairperson, the nomination was seconded by Bruce Evans, and as there were no further nominations, Joan Natali became Vice-Chairperson.

Zoning Changes

Karen Jolly Davis shared information learned in the class she was taking concerning time frames in deciding upon zoning issues. It was suggested the ordinance be rewritten to accommodate longer periods of time for decision making if it parallels the Code of Virginia. She will research this matter further and share the results with the Commission at the next meeting.

Tom Bonadeo asked the commissions to think of suggestions they could make concerning the by-laws and also to look around Town and begin thinking about parking issues. Prior to next meeting, please E-mail any suggestions; they will be discussed at next month's meeting.

Joan Natali moved to adjourn the meeting. The motion was seconded by Ken Kuttler and unanimously approved.

Acting Chairman

Town Clerk