

Planning Commission

Regular Session

May 2, 2006

7:30 P.M.

At approximately 7:30 p.m. on May 2, 2006 in the Town Council Chambers, Chairman Tom Bonadeo called to order the Regular Session of the Planning Commission. In addition to Chairman Bonadeo, also present were Cela Burge, Joan Natali, Bruce Evans, Eileen Cobb, Karen Jolly Davis, Town Planner Jason Pruitt and Town Clerk Joy Pelletier. Councilman Ken Kuttler was absent. No members of the Public were present.

A moment of silence was observed and all recited the Pledge of Allegiance.

Public Comments

No member of the public was present.

Consent Agenda

Motion made by Cela Burge seconded by Joan Natali and unanimously approved to accept the agenda format as modified.

Motion made by seconded by and unanimously approved to accept the minutes of April 4, 2006 Public Hearing as presented and or modified.

Report Presentations

A. Town Council

Jason Pruitt briefly reviewed the items related to the Planning Commission as discussed at the April 11, 2006 Town Council Meeting. (See Attached) He also mentioned the Conditional Use Permit that was issued for 239 Mason Ave last year. The property owners had requested an extension to the Permit, but had shown no action toward the property.

The conversation turned to the goals of the Planning Commission versus the goals of the Tree Committee. It was determined the goal of the Planning Commission was to enable the ordinance to be more easily and clearly enforced. Parallel to that, it was understood the tree committee was to deliver a more comprehensive plan and possibly a potential ordinance. A discussion followed over how the "significant tree" matter had originated and the process that followed. It was agreed by all to let the tree committee do their job so that the topic could be moved forward then put to rest.

B. Northampton County Joint Local Planning Commission

Jason Pruitt explained that the Northampton County Planning Commission and Cape Charles Planning Commission were exchanging copies of their Planning Commission agendas to facilitate discussion of regional issues. He presented the agenda for the May 3, 2006 meeting of the Northampton County Joint Local Planning Commission and a copy of the draft of the County's Future Use Plan. It was mentioned there were a lot of "Town" words in the Plan. Town's edge and Boundary adjustments were discussed. Cela Suggested all should attend the meeting on Monday night.

Old Business

A. Projections in Setbacks – Heating and Cooling Equipment; Patios

Mr. Pruitt briefly described the effects of the revisions. Bruce Evans indicated obstruction to fire protection may become an issue if the set back is violated. It was agreed that vehicular traffic would be blocked, but sufficient room would be available for hoses and fire personnel.

Motion made by Cela Burge seconded by Eileen Cobb and unanimously approved to accept the revisions to Section 9-8 B3 of the PUD Document allowing projections in setbacks.

Jason Pruitt asked the Commissioners to address Section 4.2 F in the context of patios in setbacks. Section 4.2F does not explicitly define this issue. Mr. Pruitt explained that patios are considered to be structures, therefore cannot extend into setbacks in the districts covered by Section 4.2F. Several residents have questioned this since Section 9-8B of the PUD document states that structures less than 16 inches in height may extend into setbacks – this would cover patios. Mr. Pruitt asked for feedback on whether this item should be made consistent between the two districts. Chairman Bonadeo asked that more information be obtained from the Building Department prior to acting on this issued.

Motion made by Joan Natali, seconded by Bruce Evans and unanimously approved to remove the term air conditioner and substitute in its place heating and cooling units Section 4.2B.

B. Historic District Demolition Regulations – Zoning Ordinance Section 8.21

Jason Pruitt reported that Council had asked the Planning Commission to revisit item B-7 of this Section. This item allows twenty five property owners to question, through a petition, the sale price of a contributing structure proposed for demolition. The Council stated this provision could put an unnecessary cost burden on the applicant and the Town due to the requirement for three additional appraisals if a petition is submitted. Detailed discussion following which included the new ordinances passed concerning demolition of unsafe property. It was agreed that the petitioners would be asked to absorb the cost of the additional appraisal.

Replacement text was discussed.

Motion made by Karen Jolly Davis, seconded by Joan Natali and unanimously approved to forward the amended text to Public Hearing.

Motion made by seconded by Joan Natali and unanimously approved to recess the meeting to meet Wednesday 7:30 p.m.

Planning Commission

Recessed Meeting of the Regular Session

May 3, 2006

On May 3, 2006, in Town Council Chambers, Chairman Tom Bonadeo called to order the recessed meeting of the Regular Session of the Planning Commission. In addition to Chairman Bonadeo, also present were Cela Burge, Joan Natali, Eileen Cobb, Town Planner Jason Pruitt, and Town Clerk Joy Pelletier. There were no members of the Public present.

C. *Comprehensive Plan Draft Section – Land Use and Community Character*

Jason Pruitt introduced this topic. Joan Natali asked to see the preservation plan for the Town of Cape Charles and was assured there were at least two copies in the offices. Discussion contained updating the preservation plan. Discussion also contained information concerning the annexation agreement and how that evolved. It was explained that Brown and Root purchased land at the edge of town and asked that the property be annexed into the town thinking the annexation may be beneficial to them and to the Town. During this time additional properties were also included in the annexation (Reliable property and Bay Shore Concrete). The question was posed concerning the absence of information for the additional residential units projected in the Bay Creek PUD. Proposed text adjustments were discussed. Additional editorial comments were made. Chairman Bonadeo remarked on the changes to downtown businesses, i.e. retail businesses leaving the area versus the real estate offices coming into town.

D. *Population Study Status Report*

Mr. Pruitt reported that between 80% and 90% of the survey was complete. He asked the Commissioners how much further they would like to go with this. It was stated that with the limited population of the Historic District, that even 10% of the population could make a difference. It was also mentioned that Paradigm Design would be helping with the public meetings on the Comprehensive Plan which would relieve the Planning Commission giving the Commissioners a chance to observe and guide the meetings.

E. *Historic Landmark Preservation – Rosenwald School*

As suggested at the last Planning Commission, Mr. Pruitt had contacted Dr. Carter for his suggestions on how to handle the circumstances surrounding the Rosenwald School. He reported Dr. Carter was willing to offer advice. Dr. Carter indicated any effort to preserve the building should be a broad based effort eliciting the help of local non-profit agencies, etc. Mr. Pruitt mentioned he had also spoken with Laura Calnan (an active member with the national historic commissions and agencies) offered to help in any manner she could.

Several scenarios for extending the Historic District were reviewed: 1) include only the Rosenwald School in the Historic District (this option may increase the possibility of litigation); 2) include the School and neighboring parcels in the Historic District; 3) include the School and create a corridor along Old Cape Charles Road. Mr. Pruitt mentioned the Railroad property is governed under Interstate Commerce and most likely should not be included in an overlay. It was mentioned, however, the railroad itself and the barge operation are part of the history of Old Cape Charles and would be worthy of mention. Mr. Pruitt asked for the Commissioners' input to approach Town Council about their thoughts on a zoning map amendment and whether they would support holding a joint Public Hearing.

Motion made by Cela Burge, seconded by Joan Natali and unanimously approved to ask the Council to support for further study of this issue including a joint public hearing.

New Business

A. Route 184 Corridor Overlay District

Mr. Pruitt reported that at their retreat, Council designated this project to be a priority. The discussion began by reviewing and dissecting several examples of corridor enhancement districts developed by other localities. Mr. Pruitt mentioned anything decided concerning the overlay would serve as a foundation for the Land Use section of the Comprehensive Plan. Limited discussion was held as to how the area should look. The Planning Commissioners asked Mr. Pruitt to organize their suggestions and bring back to next meeting an outline of the ideas.

B. Accessory Apartments

Cela opened discussion by referring to last October's notes and the list of suggested criteria governing accessory apartment. The discussion evolved into the concern over the lack of affordable housing and how these accessory apartments may offer appropriate locations to house school teachers, fire protection personnel, etc. It was mentioned, however, the Historic District Review Boards point of not putting the proper restrictions in place could cause a decrease in the open spaces in Town as well as impact parking in the residential zones. Additional discussion followed which included: allowing the use through a Conditional Use Permit, only allowing family members to utilize the space, following building guidelines of flood plain elevations, minimum square footage, access provided by separate entrances, whether the apartments should be attached or detached from the main house, etc.

C. Fence Heights – Zoning Ordinance Section 4.2 G

Mr. Pruitt indicated this item was brought forward due heating and cooling equipment being installed on raised platforms to keep it out of the flood areas. He stated the height of these platforms raise the equipment to a level which exceeds the height of fencing surrounding the properties. The aesthetics of these situations had been brought to Mr. Pruitt's attention. He wanted the Commissioners to be aware of the issue and asked for their input. It was agreed, not much could be done as this was the norm for protecting the equipment. The Commissioners did ask Mr. Pruitt to bring this back to the table at a future date for them to address fencing in side yards on corner lots.

Announcements

A. Town Elections – May 2, 2006, Trinity Methodist Church Social Hall, 6am – 7pm

B. Harbor meeting. The date to schedule this was discussed.

Motion made by Joan Natali seconded by Eileen Cobb and unanimously approved to adjourn meeting.

Chairman

Town Clerk