



Planning Commission

Regular Session Agenda

December 5, 2006

7:30 P.M.

At approximately 7:30 in Town Council Chambers, Chairman Tom Bonadeo called to order the Regular Session of the Planning Commission. In addition to Chairman Bonadeo, present were Joan Natali, Karen Davis, Ken Kuttler, Bruce Evans, Cela Burge and Eileen Cobb. Also present were, Town Planner Jason Pruitt, Town Clerk Joy Pelletier and approximately 5 members of the public.

All observed a moment of silence and then recited the Pledge of Allegiance.

Public Comments

Bud Baxter –Project Manager for Gallagher & Assoc.

Mr. Baxter stated that although he was not a resident of Cape Charles, he was interested in the growth and success of the Town. His further comments related to using the STIP building to create a Public Safety building which would house the Volunteer Fire Department, the Police Department and possibly the Rescue Squad. He suggested with the US Coast Guard having a permanent base in Cape Charles, grant funds from Homeland Security for expansion, remodeling the structure and moving the communications tower may be more easily obtained.

Melvin Dudley – 303 Madison Ave.

Mr. Dudley's focus concerned the local Bed & Breakfast industry. He stated increasing the number of bedrooms allowed per structure and allowing the owner to live away from the Bed and Breakfast changes the business to an Inn or Hotel. He agreed with a suggested maximum of no more than 50% of the total square foot of the structure be used as the business.

Bruce Evans responded by stating that requiring the owner to live in the Bed & Breakfast is a detriment as an economic development tool. He further stated if the current requirement was not in place, there would be more Bed & Breakfast establishments in Town.

Motion made by Ken Kuttler, seconded by Joan Natali and unanimously approved to amend the agenda by postponing items E, F, and G from Old Business and hear New Business (item 7) prior to Old Business (item 6).

Motion to accept the minutes of November 7, 2006 as amended made by Karen Davis, seconded by Ken Kuttler and unanimously approved.

Report Presentations

- A. *Town Council*
- B. *Northampton County Joint Local Planning Commission*

Motion made by Joan Natali, seconded by Eileen Cobb and unanimously approved to accept the Town Council report and the report on Northampton County Joint Local Planning Commission as presented in written form.

- C. *Virginia Certified Planning Commissioners Graduate Seminar*
Karen Jolly Davis reported the seminar was beneficial and encouraged everyone to attend when the opportunity presented itself.

Ms. Davis touched on several items of interest including several legislative updates, transfer of development rights, shifting the burden of upgrading local roads to the locality in conjunction with projections made in the Comprehensive Plan, addressing the needs of elderly and affordable housing, linking land use planning with transportation planning, changes to proffer procedures, and changes to subdivision ordinance.

Old Business

- A. *Harbor Area Conceptual Master Plan and Design Guidelines – Implementation*
Jason Pruitt reviewed options of implementing the “Guidelines” into the Comprehensive Plan and Zoning Ordinance. Creating a pattern book was discussed. As well as moving forward on a zoning ordinance. Monthly work sessions were suggested.
- B. *Comprehensive Plan/Population Study Status Report*
The Commissioners discussed following through until the end of the year and stop. With the information gathered to this point the information is skewed favoring one part of the Historic District over another.
- C. *Water Usage Projections*
Mr. Pruitt remarked this item was for Informational purposes only; no action was needed. He presented the preliminary estimates of water requirements provided by the owner of the Portunity property which was proposed to support: 295 dwelling units, a boatel, a marina, an inn, restaurants and additional commercial space.
- D. *Route 184 Corridor Overlay District*
Mr. Pruitt presented a rough draft of the Overlay District which was a modified form of the Northampton County Route 13 Corridor Overlay District. The Commissioners looked at a map of the area described and discussed details of the meeting Chairman Bonadeo had attended with County Officials.
- E. *Accessory Apartments*
Item removed from Agenda
- F. *Master Tree Plan and Tree Conservation and Preservation Ordinance*
Item removed from Agenda
- G. *Bed and Breakfast Regulations*

Item removed from Agenda

New Business

A. *Conditional Use Permit Application – 209 Mason Avenue*

Town Planner Jason Pruitt reviewed the application with the Planning Commission. The application requested the conversion of the structure to have three retail spaces on the first floor and six residential spaces between the second and third floors. He explained in C-1 districts dwelling units are allowed as conditional uses provided they are not located at street level but have access to street level. The developer, Jim Alberts was present to answer questions.

Motion made by Karen Davis, seconded by Joan Natali and unanimously approved to schedule a Public Hearing jointly with Town Council in January, 2007.

B. *Cape Harbor Property*

Jason Pruitt stated, based on our current Zoning Ordinance, the application for Conditional Use was incomplete as a site plan was missing. Discussion followed concerning preparing a site plan was not feasible as the density issue was not resolved.

The developer, Jim Alberts reviewed the proposed concept with the Commissioners. The concept included a yacht club with approximately 200 boat slips, a clubhouse, swimming pool and fitness/spa and approximately 304 condominium units. The design allowed for 782 parking spaces. He indicated the project would maintain the historical essence of the Town but would be as environment friendly as possible.

Additional discussion over Section 4.3, Section C, Conditional Use Permits, followed. Bud Baxter of Gallagher and Associates who has experience with similar projects in Virginia Beach/Norfolk areas offered suggestions for modification.

The appropriate sections of the ordinance were dissected by the Commissioners with a conclusion as stated in the following motion.

Motion made by Joan Natali, seconded by Karen Davis to change Section 4.3 Conditional Use Permit Section C from “a site plan in accordance with the site plan ordinance” to “a plot plan in accordance with the site plan ordinance”.

Motion made by Bruce Evans seconded by Joan Natali to send the modification of Section 4.3, Conditional Use Permit, Section C to Public Hearing at 7:00 p.m. on January 4, 2007.

C. *Proposed Subdivision Ordinance Revisions*

Jason Pruitt explained that the Code of Virginia allows localities to require sub-dividers to pay the pro rata share of certain public facility costs and/or off site road improvements based on the impacts caused by the subdivisions. He further stated that, as Cape Charles upgrades its facilities, costs associated with new subdivision development should be recovered.

Mr. Pruitt indicated the Town’s attorney felt the current ordinance was vague and suggested improvements such as directly quoting the State Code Section 15.2-2243. He also referenced ordinances of other localities.

He then reported the Town Council would be addressing the issue at their December meeting and Public Hearings may be necessary. He also mentioned research was being completed on whether related facility costs from development of a single lot not requiring subdivision could be recovered and how that would be computed.

Announcements

- A. The Planning Commission January regular session had been rescheduled from January 2, 2007 to January 4, 2007 at 7:30pm with Public Hearing at 7:00 p.m.

- B. Package E-mailed in addition to hard copy.
Mr. Pruitt asked the Commissioners if they'd like their packages E-mailed in place of hard copy. No consensus was reached.

At approximately 11:09 p.m.:

Motion made by Cela Burge, seconded by Joan Natali and unanimously approved to adjourn the Regular Session of the Planning Commission.

Chairman

Town Clerk