

Planning Commission

Recessed Session

October 15, 2007

At approximately 6:00 p.m. Chairwoman Cela Burge called to order the recessed session on the Planning Commission. In addition to Chairwoman Burge, also present were Andy Morgan, Eileen Cobb, Bruce Evans, and Karen Davis. Joan Natali arrived at approximately 6:10 p.m. and Ken Kuttler arrived at approximately 6:15 p.m. Also present were Town Planner Tom Bonadeo, Town Clerk Joy Pelletier and approximately 14 members of the public.

Chairwoman Cela Burge welcomed Andy Morgan as the newest member of the Planning Commission replacing Tom Bonadeo's vacated space. Ms. Burge then announced that as this session was recessed from a previous session only business related to that meeting could be discussed. The business of the evening would be the continued discussion on the rezoning request for the Harbor Development Group. She did, however, ask if anyone wished to speak concerning the rezoning request made by the Harbor Development Group.

Public Comments

John Dobbs - President of Bayshore Concrete Products in Cape Charles

Mr. Dobbs in speaking on behalf of Bayshore Concrete indicated strong opposition to the density proposed by the Harbor Development Group. He remarked the pre-cast concrete plant omitted noise as well as dust. He stated the area would be better developed in a commercial manner compatible with the existing companies. The further away the residential development could be the better. He further stated he and other members of Bayshore Concrete were present to find out the details of the planned development.

OLD BUSINESS

Chairwoman Burge announced there would be two areas of discussion, density and height. Within the density discussion issues to be considered would be defining the variety of residential and commercial.

Tom Bonadeo recapped the types of units planned some of which would be conditional uses. He also pointed out with the hotel use would be commercial; however, the total number of units may have to be separated from other residential use.

Much discussion took place over living spaces and transient spaces. It was pointed out that if all units were converted into hotel use, the project would no longer fit into the master plan. Extended stay units were also discussed – how would they fit into the definitions?

Clarification was made as to what would be considered the first floor. As shown in the plan, the first floor would be shared by parking area and commercial use.

Ken Kuttler stated the Master Plan expresses the desire that Cape Charles be a vacation destination. In light of that, the project should include shops and restaurants, and not consider hotels as the only commercial outlet.

Karen Davis expressed concern over transportation issues in conjunction with the density. She asked whether the Planning Commission should look into what the roadways could hold. (added the following statement as missing from draft 11/08/07) Ms. Davis added that her primary concern was the impact of the mix of the types of traffic, i.e. truck, cars, train and boats.

After hesitation to place a maximum percentage on residential units and a willingness to allow a higher percentage of hotel units, an agreement was reached that the numbers of rental, commercial and residential units could be separated, each being 1/3 of the total.

Motion made by Joan Natali, seconded by Karen Davis and unanimously approved to recess for five minutes.

At approximately 7:31 p.m. the meeting was reconvened.

Chairwoman Cella Burge directed the second portion of the meeting to height limitations. She pointed out that although she is an attorney and had done research on whether the Planning Commissioners were actually authorized to approve a height other than what the Harbor District ordinance allows she would not speak as an attorney, but only as a member of the Planning Commission.

Ms. Burge then read a ~~court opinion~~ from the Virginia Government Attorney's Handbook (corrected 11/08/07) which suggested that to allow the height differences, an amendment should be made to the ordinance that would allow excepting proffers in exchange for the exception. Another idea was to make height adjustment would be to make it a conditional use.

All agreed that the item should be taken to the Town's attorney for an opinion.

Ken Kuttler said using Bayshore Concrete equipment heights as examples he was uncomfortable with the heights proposed. He did agree the Boatel should be higher than the rest of the structures in the complex to be used as a buffer between the commercial and the residential units.

No consensus for height was reached. All agreed that ninety feet was too high and that they would support something more in the range of fifty-five to seventy feet. The Commissioners also agreed the boatel should be the highest structure.

Chairwoman Burge recapped the accomplishment of the meeting as follows:
Two issues were discussed, density and height.

- In discussing density:

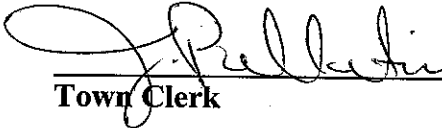
- A consensus was reached that the number of commercial units, transient and traditional residential units should be proportionate but no maximum density determined.
- In discussing height:
 - It was determined to ask for a legal opinion to ascertain whether the current ordinance would allow exceeding the height restrictions.
 - VDOT would be contacted concerning the design capacity of the current roads in that area.
 - A majority agreement was reached that heights in excess of fifty-five feet were in keeping with the Village District heights and more discussion would be held.

Ms. Burge then mentioned the clock was ticking – work had to be accomplished to meet the 100 day window in bringing the project to Council. It was agreed to resume this meeting on the 30th of October at 6:00 p.m.

Ms. Burge then mentioned the next regular session meeting would fall on Election Day and asked if the Commissioners would like to move the meeting to another date. Thursday, November 8, 2007 at 6:00 was chosen.

Motion made by Eileen Cobb, seconded by Karen Davis and unanimously approved to move the Regular Session from November 6, 2007 to November 8, 2007.

Motion made by Joan Natali, seconded by Ken Kuttler and unanimously approved to recess this meeting until October 30th at 6:00 p.m.



Town Clerk



Chairwoman