



Planning Commission  
Recessed Session  
October 30, 2007  
6:00 P.M.

At approximately 6:00 p.m. in Town Council Chambers, Chairwoman Cela Burge called to order the Recessed Session of the Planning Commission. In addition to Cela Burge, present were Ken Kuttler, Karen Davis, Bruce Evans, and Andie Morgan. Joan Natali arrived shortly after the gavel sounded. Also present were Town Planner Tom Bonadeo, Town Clerk Joy Pelletier and approximately eight members of the public.

Ms. Burge opened the meeting stating as this was a continuation of a recessed meeting, there would be only one item of business discussed and that would be the rezoning request from the Harbor Development Group.

The discussion began with the issue of height. Ms. Burge indicated that legal counsel had been sought for an opinion concerning whether the current Zoning Ordinance had verbiage which would allow the Commissioners to make a recommendation to grant heights greater than stipulated in the ordinances. The response from the attorney Paul Watson was under the current zoning ordinance the Commissions had no authority to recommend height over the fifty-five foot limit either a Conditional Use process or a Conditional Zoning process.

Mr. Bonadeo offered two options to enable the Commissioners to move forward on the application process: 1) look at the application to discuss the conditional uses as requested but not deal with the height; 2) make text changes to the ordinance.

Ken Kuttler pointed out there were no differentiations to height on the north side versus the south side of the Harbor, and perhaps considering the mixed use potential on the south side of the Harbor, there should be differences. Possibly any changes that are made to the zoning ordinance should address that issue also.

The consensus was that the ordinance needed to be changed on the south side of the Harbor something above fifty-five feet as long as the average height would be fifty-five feet. It was also agreed articulated heights and the "stepped" process from the waterside were desirable.

Ms. Burge asked the applicant for input as to their need for the height beyond the fifty-five feet. Ms. Rinner indicated some of the building heights could be adjusted but the boatel must be higher for use and to be a buffer between the complex and Bayshore Concrete, and there would be a need for sixty-four feet for residential.

Discussion followed as to how to handle the dilemma. Several courses of action were discussed. It was mentioned that as presented, the height was an issue that could not be resolved without the text changes, therefore the application would be denied if both parties were not willing to compromise. If denied, the applicant would have to wait a year to reapply. If the applicant

withdrew the application, the 100 day clock would stop. The final option was to postpone any further work on the application until the text changes were approved. If time came close to the 100 day limit, the applicant could then withdraw the application and resubmit later. Ms. Burge asked the applicant to put their decision in writing for documentation.

**Motion made by Karen Davis, seconded by Andie Morgan and unanimously approved to have the Town Planner interact with the applicant to decide the course of action, whether it be to table, withdraw or letting the action stand.**

The subject then turned to density issues and that the last meeting it had been agreed that the ratios would be equal thirds of the total number of units. Mr. Bonadeo broke down the number of potential full time residents and potential transient occupancy at full build-out. He then mentioned he had spoken with the tourism group who were fully supportive of bringing the hotel aboard as there was no meeting room space for large groups.

Limited discussion over traffic and traffic patterns took place. Mr. Bonadeo mentioned he had left messages with VDOT for their input but had not heard back with any detail.

After analysis, it was suggested 360 units be the maximum with a minimum of 120 of those units being ~~hotel units~~ non-transient residential units (corrected 11/08/07).

**Motion made by Bruce Evans, seconded by Ken Kuttler to accept the maximum gross number of units as being 360, 240 of which would be commercial and 120 units would be residential.**

After discussion, the motion, with the permission of Commissioner Evans, was amended.


**Motion made by Joan Natali, seconded by Ken Kuttler and unanimously approved that the maximum gross number of units to be 360 with 240 commercial units and a mandatory (added 11/08/07) minimum of 120 mandatory (corrected 11/08/07) multifamily units.**

**Announcement.**

Ms. Burge announced she had received an E-mail from the Town Manager, Joe Vaccaro that beginning November 5, 2007, the Boards and Commission would not have the services of the Town Clerk for the production of minutes. She stated she had visited with Mr. Vaccaro to clarify that the minutes would be taped with the transcription to be done by someone other than the Town Clerk. She added notes would be taken by one member of the Planning Commission to assist in the transcription.

**Motion made by Joan Natali, seconded by Ken Kuttler and unanimously approved to adjourn the Recessed Session.**

  
Town Clerk

  
Chairwoman