

Planning Commission

Regular Session Agenda

Town Hall

September 4, 2012

6:00 P.M.

1. Call to Order
 - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
 - c. Reports
5. Old Business
 - a. Density – Harbor District – Mason Avenue Corridor
 - b. Proposed Text Change – Section 3.6.C - Conditional Uses
6. New Business
 - a. Review Bank of America Building and Property purchase.
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
August 7, 2012

At 6:00 p.m. in the Town Hall, Vice Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Malcolm Hayward, Joan Natali and Mike Strub. There were currently three (3) vacancies on the Commission. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were 6 members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

PUBLIC COMMENTS

Dorie Southern, 104 Tazewell Avenue

Ms. Southern stated that she wanted to speak about the agenda items which were important. Ms. Southern went on to talk about the Old Business item, Density of Harbor District / Mason Avenue Corridor stating that this agenda item had something behind it that the citizens did not know about and continued to state that in 2006 the Town hired a firm that cost thousands of dollars to do a study entitled Harbor Area Conceptual Master Plan and Design Guidelines. In 2007, the Town paid thousands more dollars to do a study entitled Harbor Area Architectural Design Standards. The Town's Zoning Ordinance required a Harbor Development Certificate application for anyone wishing to develop property in the Harbor District. Ms. Southern stated that none of this was mentioned in the Staff Report provided to the Planning Commission and asked whether the Commission had referred to it. Ms. Southern asked if the Commissioners knew what was behind the proposed density issue. Ms. Southern went on to talk about the New Business item, Proposed Text Change – Section 3.6.C Conditional Uses for 718 Randolph Avenue and EIS Holdings and stated that the Town Planner received a letter dated June 22, 2012 requesting changes in the zoning requirements in the C-1 Zone. The company referred to had a property that included commercial on the ground floor and an apartment on the second floor and wanted to construct a building behind the existing building for two apartments. Ms. Southern went on to state that while it might be in the interests of the Town to allow the second building to be constructed with a special exception or zoning change, it was not right to provide it without understanding what was being done. Ms. Southern stated that the question that was not being asked was, "Where did this fit in the Comprehensive Plan?" And added that the Staff Report did not address the Comprehensive Plan." Ms. Southern stated that these were two comments on the issues at hand and added that she hoped that the Planning Commission would pay attention to the Comprehensive Plan and the other plans and studies that had been done. Ms. Southern added that had this been done so, she did not think there would be a sewer plant where it was in the Harbor District.

Frank Wendell, 515 Monroe Avenue

Mr. Wendell stated that he had a couple of items that he wanted to mention and proceeded to read from page 8 of the July 10, 2012 Planning Commission minutes where Tom Bonadeo explained that the historic restoration and adaptive reuse of the old school building would be an investment of over \$2M, interjecting that a lot of that was tax money, in the neighborhood and the restoration would improve the neighborhood values. Mr. Wendell went on to talk about the density that was not allowed in the R-1 zone, but by definition was allowed in R-3. Mr. Wendell stated that he understood why the area was being proposed to be rezoned as R-1

so as not to be considered spot zoning and went on to state that the project had to pass the Comprehensive Plan litmus test of compatibility. Mr. Wendell continued to state that there were real estate studies that showed that if apartment buildings were put next to single family residences it depressed the values of the single family residences and asked whether the Town had a study that showed the opposite or if that was merely someone's opinion. Decisions should not be based on someone's personal opinion but quantitative analytical information when dealing with someone's property values. Mr. Wendell went on to state that he had missed the Planning Commission public hearing but he understood that there was one condition to the approval of the conditional use permit which was that the basketball court be relocated. Mr. Wendell continued to state that there was no discussion regarding who would pay for the relocation of the basketball court and had actually heard that the Town would be paying for this. Mr. Wendell stated that he wanted to hear discussion regarding this issue and asked why the Town would not ask the developer to pay for the relocation of the basketball court when it was trying to save money to convert the bank into a library/computer lab/possible miscellaneous use and added that he did not understand why the Town would not ask the developer to pay for it. The developer was standing to profit from turning a public asset into a private building. Mr. Wendell demanded discussion on the table regarding who was to pay for the basketball court.

Joan Natali and Tom Bonadeo stated that this was the public comment period and not a time for discussion.

Mr. Wendell continued to state that he did not agree that the developer had any legal standing to ask for the rezoning and added that at the last meeting, he had asked for discussion regarding why the Town would not follow the lawyer's advice regarding a buyback clause and performance bond. Mr. Wendell stated that the Commissioners needed to read the Comprehensive Plan and needed to get familiar with arbitration and concluded by stating that he felt this was arbitrary and capricious.

There were no other comments from the public nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Motion made by Joan Natali, seconded by Mike Strub and unanimously approved, to accept the agenda as presented.

The Commissioners reviewed the minutes for the July 10, 2012 Regular Meeting and the July 26, 2012 Public Hearing and Special Meeting.

Mike Strub stated that some of Ms. Deborah Bender's comments on the first page of the July 10, 2012 Regular Meeting minutes appeared to be quoted and suggested that quotation marks be added. Mike Strub noted a typographical error on page 7 and Joan Natali noted a change to page 9.

Joan Natali noted that on page 5 of the July 26, 2012 Public Hearing and Special Meeting minutes, Mr. Chad Davis' address was incorrect and Mike Strub noted a typographical error in the paragraph containing Mr. Davis' comments.

Motion made by Mike Strub, seconded by Malcolm Hayward, to approve the minutes from the July 10, 2012 Regular Meeting and the July 26, 2012 Public Hearing and Special Meeting as corrected. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) All the buildings at the Harbor have been completed and the final parking layout was to be done. The center area would be angled parking; ii) The Shanty building was complete, the concrete pad for the dumpster had been poured and the required fencing around the dumpster should be installed soon. Air conditioning had also been added; iii) The old wastewater treatment plant was being demolished. The steel had been removed. The concrete demolition was underway and the polishing pond was being removed. After completion of the demolition, the property would be turned over to South Port Investors who had a long-term lease for the property; iv) There were numerous remodeling projects throughout Town. Many new homeowners were fixing up second homes as prices continued to be low. There were also some new opportunities for spec homes; v) The Town met with VDOT and its contractor this afternoon to review the sidewalk project which would repair or replace broken sidewalks and curbs. No new sidewalks would be constructed under this project which could cost up to \$1M. The Town would be working with the contractor to install some new sidewalks; vi) VDOT was still working on crossing signs for Route 642 (Old Cape Charles Road). Two more sets of golf cart crossing signs would be installed at the Bay Creek entrance and by the old Rosenwald School. VDOT would not install the signage until the bridges over the ditches were built; and vii) The Planning Commission previously worked on the Technology Zone covering the entire Town which was adopted by the Town Council. Council would also be reviewing a Tourism Zone with similar incentives which were permitted by the State Code.

Malcolm Hayward asked about the smell around the wastewater treatment plant. Tom Bonadeo explained how the vacuum system worked and with so little use, the sewage sat in the tank until it filled and became septic before it was pumped to the treatment plant. When the system was not pumping, there was very little odor. Staff was looking into several options, one of which was to add water to periodically flush the system. Dennis McCoy added that Bay Creek had water in their ponds for that purpose if needed to which Tom Bonadeo agreed. Tom Bonadeo added that the Bay Creek ponds would eventually be used for the effluent reuse.

OLD BUSINESS

A. *Density - Harbor District - Mason Avenue Corridor*

Tom Bonadeo stated that the Commission reviewed the density issue at the December 2011 meeting adding that the Harbor District was the least developed area of Town. Two large projects were submitted over the last several years and were approved under the current zoning ordinance. Both projects had positive growth potential but showed some of the potential weaknesses of the ordinance which contained no specific number of residential units for the Harbor Zone. Tom Bonadeo named several items which might benefit from review by the Commissioners and added that density was not defined in any zone except the basic residential zones. This issue needed to be reviewed by the Commission and potentially added to the Harbor District and other commercial zones where residential use was permitted by conditional use permit (CUP). Tom Bonadeo continued to explain that the Harbor District Zone allowed residential units over commercial space and up to 50% of the first floor. All residential space must have its own entrance at the street level and there was no limitation to the number of units on a property. The Harbor District also required 25% open space.

Tom Bonadeo pointed out the areas included in the Harbor District Zone on the map and stated that a large portion of the land in zone was owned by the railroad. Tom Bonadeo also showed the plans from Landmark Holdings US for the six acres at the end of Mason Avenue along the Harbor which were previously approved for seven buildings. The Conceptual Master Plan showed a varying difference in heights and density. This area was

marked as Main Street Mixed Use. There was much discussion regarding the differences in the Harbor District and C-1 Commercial and the specifics regarding the Cape Harbor Project. Tom Bonadeo stated that the CUP for Landmark Holdings had expired but the CUP for Harbor Development (Mr. Tom Gallagher) was still in effect due to the Governor extending CUPs approved during a certain timeframe to 2015. Mr. Gallagher was still working with the Army Corps of Engineers regarding permits.

Tom Bonadeo stated that the object of this review was to get the zoning ordinance more in line with the Conceptual Master Plan in regards to density and the heights could possibly be reviewed later. What was the proper number for the Harbor District, especially along the edge of Mason Avenue? The railroad owned all the property in the Harbor District along Mason Avenue with the exception of the former Belo building, the Cape Charles Medical Center and the Landmark Holdings property.

The Commissioners reviewed other spaces in Town. The Wilson Building at 245 Mason Avenue covered the entire lot with no off street parking spaces and contained nine apartments with two to three bedrooms each. The building at 115 Mason Avenue contained four apartments on one lot with several parking spaces in the back. The density of the Wilson Building was out of line with 60-70 per acre and the building was too tall for the surrounding area.

Malcolm Hayward had numerous questions regarding the Cape Harbor Project and Joan Natali reminded the Commissioners that the Cape Harbor Project was no longer valid since its CUP had expired. Malcolm Hayward pointed out uses for this property for residential along the waterfront, asked why the area could not be rezoned as residential and stated that he could envision town homes along the waterfront with boat slips. Tom Bonadeo stated that the purpose was to determine how many residents would be permitted in the area.

Malcolm Hayward asked Dorie Southern regarding her questions on density during the public comment period. Ms. Southern stated that she wanted to know why the Town was doing this review and who was asking for it. Tom Bonadeo responded that no one had asked for this review and that it was being done to clear up the zoning ordinance regarding density in the Harbor District Zone since it was not currently defined.

Tom Bonadeo referred to several pages from the planning book "Planning the Built Environment" (pages 173, 172 and 168) and reviewed each with the Commissioners. Cape Charles currently had a density of 8 per acre for single family dwellings. Tom Bonadeo showed the Commissioners Mr. Gallagher's plans for two boatels and three apartment buildings.

Dennis McCoy stated that the Commissioners needed to ensure that proposed projects kept the integrity of the existing Historic District and visually complimented the area and was a practical use in the area.

Tom Bonadeo stated that it was important to get the discussion regarding this issue started. Joan Natali asked for clarification that the Commissioners were looking at the residential density only which excluded hotels. Tom Bonadeo responded in the affirmative.

Mike Strub clarified that this discussion was to prepare for the future.

Tom Bonadeo informed the Commissioners that earlier this year, the County initiated proceedings to sell the Landmark Holdings property due to the taxes being delinquent. Someone could have bought the property at auction and, without a clear zoning ordinance, a project similar to the Cape Harbor Project could have been built.

Tom Bonadeo asked the Commissioners to review the provided information from the planners book, especially the paragraph on page 168, for the next meeting. Tom Bonadeo added that a future meeting regarding heights might be appropriate.

NEW BUSINESS

A. *Proposed Text Change – Section 3.6.C – Conditional Uses*

Tom Bonadeo stated that a letter from Mr. John Huchler, the owner of 718 Randolph Avenue was received requesting a change to the C-1 zoning as it pertained to residential use in the commercial zone. Mr. Huchler wanted to construct a second building behind the existing building for two apartments. This was the property where Stephen Fox's office was located as well as the former Two Sisters store. Tom Bonadeo stated that there was adequate space behind the existing building to construct a second building with an alley to park cars to meet the parking standards.

The ordinance currently allowed residential use only on the second floor with separate access to the street level. Tom Bonadeo added that the Harbor District Zone had a similar allowance with an additional clause allowing 50% of the first floor to be used for residential as long as the front of the building appeared as commercial. Tom Bonadeo went on to state that the C-1 zone consisted primarily of existing buildings along Mason Avenue and the 700 block of Randolph Avenue and the allowance of residential use in this zone was to encourage the rehabilitation of the buildings in this area. The Wilson building was once a four-story commercial building and the mix of commercial space and residential space was chosen to maximize the ground floor commercial space to revitalize the downtown knowing that a four-story retail space would not be viable. In lieu of changing the ordinance, Mr. Huchler could apply for a variance to allow some use of the first floor but the rules for variances would apply such as having to define a hardship.

Tom Bonadeo asked the Commissioners to go look at the property for further discussion at the next meeting and added that it was legitimate for people to ask to change the zoning ordinance. Changes to the zoning ordinance would affect a large area and the Commissioners needed to review the information to make sure that if any changes were made, it was being done for the best of the C-1 and not just for Mr. Huchler.

OTHER

Tom Bonadeo stated that he was meeting with VDOT next week regarding the sidewalk project and would be going through Town to identify damaged sidewalks, curbs, gutters and driveways for repair and replacement. VDOT had a prescriptive right-of-way which meant that VDOT did not own the land but managed and maintained it. People were required to put in a sidewalk when they built a new house.

Malcolm Hayward asked about the parking on Peach Street. Tom Bonadeo stated that Peach Street parking was being reviewed as part of the Multi-Use Trail project.

Dennis McCoy asked about the progress regarding filling the vacancies on the Planning Commission. Tom Bonadeo stated that seven applications were received and the Town Council would be interviewing the applicants within the next several weeks.

Joan Natali asked whether the presentation given during the Walkability Tour could be made available to the Planning Commission. Tom Bonadeo stated that the presenter, Dan Burden, was modifying the presentation to include areas that were discussed and would provide a copy for the Town. When received, copies would be made available to the Commissioners. Tom Bonadeo added that Mr. Burden was very impressed with Cape Charles.

ANNOUNCEMENTS

There were no announcements.

Motion made by Joan Natali, seconded by Mike Strub, to adjourn the Planning Commission meeting. The motion was approved by unanimous consent.

Vice Chairman Dennis McCoy

Town Clerk

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Planning Commission Staff Report

From: Tom Bonadeo
Date: September 4, 2012
Item: 4C – Reports
Attachments:

Item Specifics

1. The Northampton County website is www.co.northampton.va.us and contains the updated information from county meetings. The Northampton Planning Commission also meets on this night and a copy of their agenda is attached when available prior to printing.
2. The Harbor Redevelopment Plan – All buildings have been completed and the final parking layout is being completed. The major item left to complete is the parking layout and bollards. Concrete and steel bollards will be installed to protect items above ground in the parking area.
3. The old WWTP is undergoing demolition. The polishing pond and liner have been removed and the remaining sludge is drying out to be spread out and covered with topsoil. Southport in on site making site improvements
4. The Historic Review Board met last month. The Board reviewed and approved one remodeling project on Jefferson Avenue.
5. Numerous remodeling projects are underway throughout town. New homeowners are fixing up second homes as the prices continue to be low. We have some new opportunities for spec homes maybe later this summer. New development projects are on tap for other areas in Cape Charles, stay tuned.
6. Working with VDOT on a sidewalk repair project but paperwork is not yet complete. Nothings a done deal until all the contracts are signed.
7. VDOT is working on the sidewalk and curb project. They have started on Washington Avenue and plan to work to the south (towards Mason Avenue).
8. There is a "under contract" sign on Reliable Building Supplies building. Let's hope it goes to completion. Several houses have closed this month and all are people who plan to stay in Cape Charles in the future.
9. If you visit the Bay Vista and Sea Breeze area you will see the Wave Attenuation Devices (WADs) being installed. These devices serve a similar purpose to the stone breakwaters but they are capable of gathering sand on their own and they act more like a living shoreline than the solid rocks. The WADs will extend from the Bay Creek breakwaters to the Sea Breeze shore.

Planning Commission Staff Report

From: Tom Bonadeo

Date: September 4, 2012

Item: 5A – Review of Density in Harbor District Zone – Mason Avenue Corridor

Attachments: Table of densities, FAR examples

Item Specifics

The Commission reviewed the Density issue at the August meeting in 2012. The current economic situation has created new building challenges for real estate developers. The Harbor District Zone is the least developed area of Town. Two large projects were submitted and approved under this zoning ordinance. Both projects had positive growth potential while showing some of the potential weaknesses of the ordinance. No specific number of residential units is specified in the Harbor Zone.

Discussion

A review of the "control" items that are in the ordinance and some that are missing is in order. Control items are those parts of the ordinance that can be measured such:

1. Setbacks measured in feet. These are defined in the zoning ordinance for setbacks from the waterfront.
2. Elevation is measured in feet and stories. Harbor District allows some higher buildings but offsets that height with an average height per block.
3. Density can be measured in units per acre or other measurements.
4. Open space is measured in a percent of gross square feet. The current open space requirement for Harbor District is 25%.

Density is not defined in the Harbor District Zone. This should be reviewed and potentially added to Harbor District and other commercial zones where residential use is allowed by Conditional Use Permit (CUP).

The Harbor District Zone allows residential units over commercial space. It also allows partial use (50%) of the first floor as residential space. All residential space must have its own entrance at street level. There is no limitation of the number of units on a property.

Last meeting the Commission reviewed ways to measure density, by Units per Acre and Floor Area Ratio (FAR). We will review more detail on FAR as this is the general method for measuring density. FAR also takes into account open space and height. Some facts about Harbor District are:

1. 25% open space is required.
2. Parking is not part of open space.
3. Current height regulation is 40' with a CUP for some higher to 55'.
4. The Mason Avenue corridor is between Mason Avenue and the Harbor. The Master Plan recommends that this area be treated more like Mason Avenue than like the Harbor.

The planning book "Planning the Built Environment" has numerous tables and guidelines that are generally used for this type of definition. In addition to the tables from the last meeting, two new tables are included, one showing coverage and one showing different FAR and its relationship to coverage.

If we use FAR, open space and height together we can control density and keep the overall building size more in keeping with the north side of Mason Avenue.

Here are sample Densities of existing areas in Cape Charles using DU per acre:

1. The "standard" lot in the Cape Charles Residential area is 5600 square feet which yields 7.7 units per acre.
 - a. This allows for onsite parking and 50% open space.
 - b. Maximum elevation of 40 feet but no more than 2 ½ stories.
 - c. What is the FAR?

2. The C-1 Commercial area allows dwelling units only above the first floor and with separate access to the street level, not through a commercial unit.
 - a. The densest location is the Wilson Building that has nine dwelling units on three floors.
 - b. This location is covers one 5600 square foot lot.
 - c. All parking is on-street parking.
 - d. This is about 69 units per acre.
 - e. The building is 4 stories.
 - f. What is the FAR?

3. The building at 115 Mason Avenue is on a 35 foot wide lot with 4 dwelling units.
 - a. This provides a density of 35 units per acre
 - b. This lot only allows 3 on-site parking spaces.
 - c. The building is 3 stories.
 - d. What is the FAR?

New development also must meet the table of parking standards. This means that the development will be required to have on-site parking that will take up square footage. The table requires one parking space per bedroom. Parking is not allowed in the open space of the development in the Harbor District.

The definition of a dwelling unit says one or more rooms. The zoning ordinance does not regulate the number of bedrooms in the unit. The Floor Area Ration (FAR) would be useful in the Harbor District as it regulates total area not just units. FAR is often used in commercial development as it regulates the square footage relationship rather than the number of dwelling units. A dwelling unit can also vary in size and number of bedrooms. Figure 14.5 shows this relationship.

Reviewing Figure 14.5 shows that a density of 25 to 35 units per acre or a FAR of .5 to .9 allows enough open space to meet the parking requirements, keep the height relatively low and provide sufficient dwelling units.

Recommendation

Review and discuss the exercises using FAR working toward a density requirement...

Figure 14.1. Examples of Building Coverage

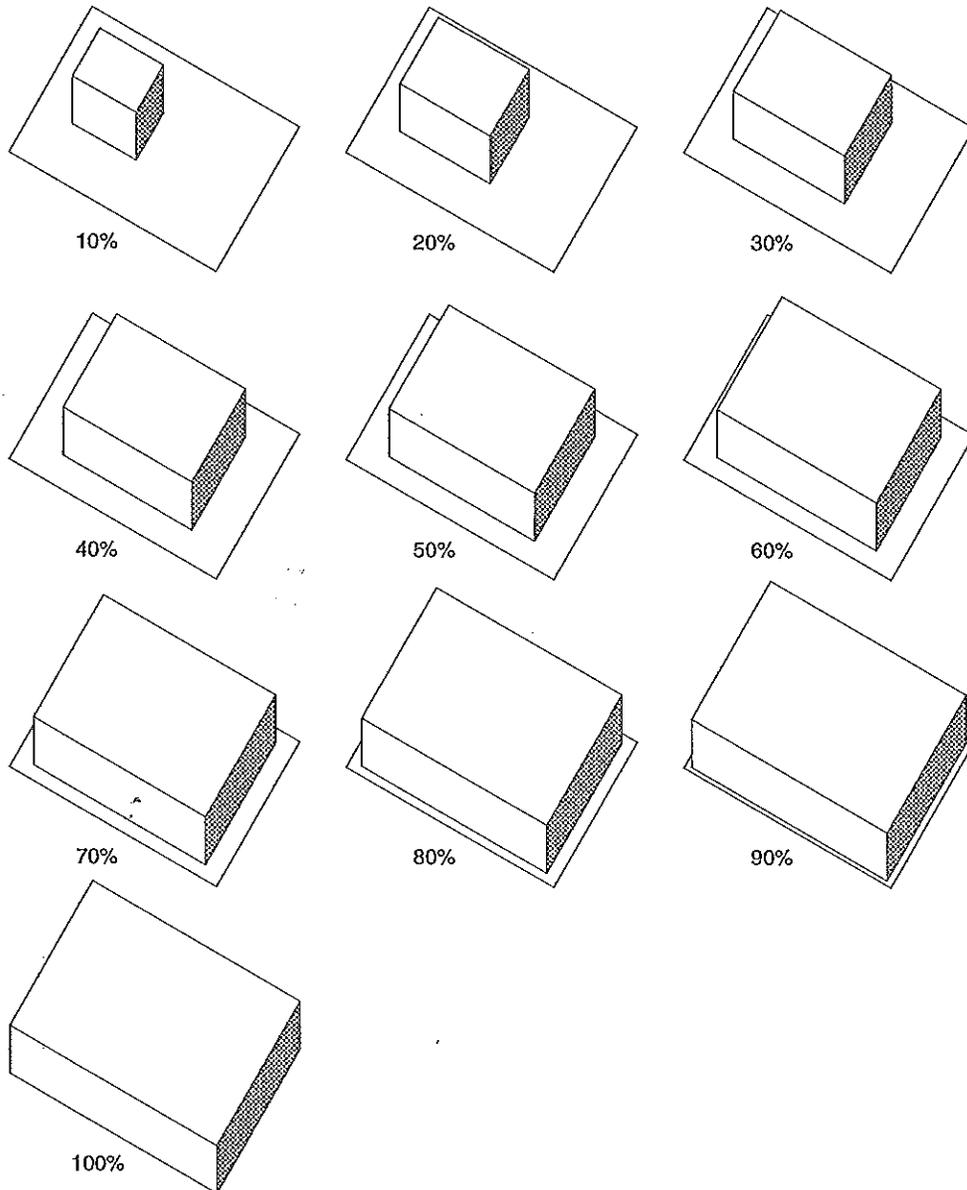


Figure 14.2. Sites Developed With a Floor Area Ratio of 1.0

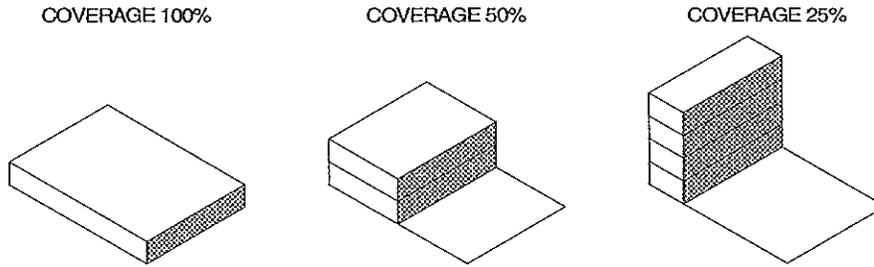


Figure 14.3. Sites Developed With a Floor Area Ratio of 0.5

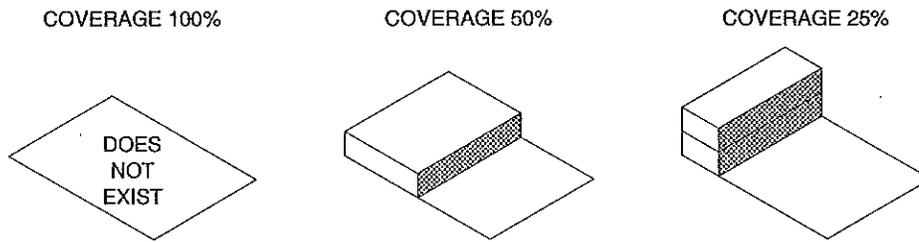
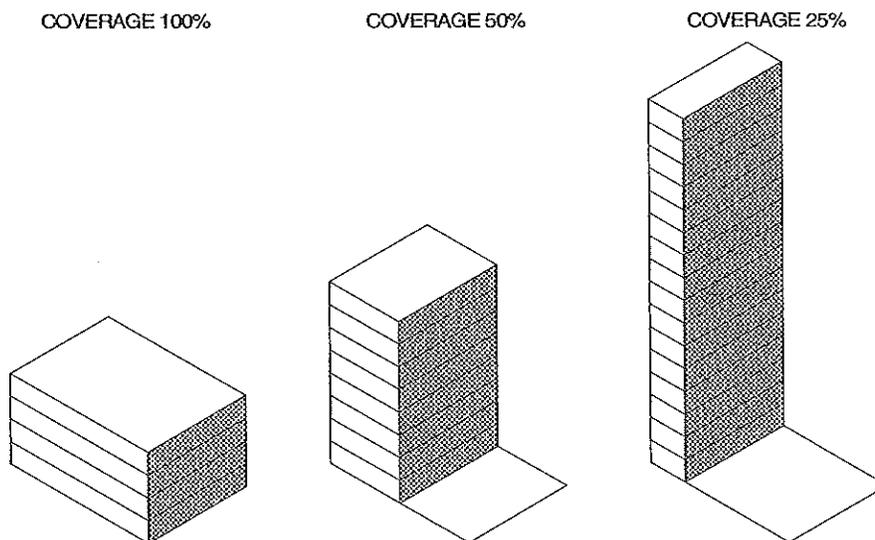


Figure 14.4. Sites Developed With a Floor Area Ratio of 4.0



streets, and facilities serving the local population (such as local schools, local parks, and local shopping facilities). The area specifically excludes land uses serving populations outside of the area being analyzed (such as state universities, regional shopping centers, and regional airports). The land area may or may not include vacant land.

Jurisdiction-wide residential density—The number of dwelling units per unit area (such as square miles or square kilometers) of land within the political boundaries of a jurisdiction. (The area usually includes residential, commercial, industrial, recreational, and institutional land uses, as well as vacant land, military bases, airports, and bodies of water.)

Residential density is most often expressed in terms of dwelling units (DU) per acre (ac). Sometimes, however, the inverse of this term, lot area per dwelling unit, is used.

USING RESIDENTIAL DENSITY AS A DESIGN TOOL

Residential density, expressed in *dwelling units per acre (DU/ac)* is used as an overview planning tool.

Residential density, expressed in *lot area per dwelling unit*, is used as a regulatory tool (e.g., in specific zoning regulations).

- When calculating the yield for single building sites, density figures (expressed in terms of square feet of lot area per DU) are used.

- For a site that is to be subdivided (with streets to be subtracted from the gross area) the number of gross acres in each land use is multiplied by the gross residential density of that land use which results in an approximate yield in number of dwelling units.

- For a site that is to be subdivided (with streets, parks, shopping centers, and schools), the gross area of the tract in

acres is multiplied by the neighborhood density figure which is closest to the typical type of dwelling that will be built on the property; this will produce an approximation of the number of dwelling units that the area will produce.

It must be noted that the above calculations will give approximations only. For more precise figures, one must specify how many units of each building type will be built, the average lot area per dwelling unit for each building type, the percent of the area that will be used for streets, and the percent of the area that will be used for community facilities. This detailed analysis can usually be made only after a fairly detailed site plan has been developed.

Table 14.1 reports typical residential densities. Note that these are generalized approximations only, and that the values reported in the table are not standards that apply everywhere.

COVERAGE AND FLOOR AREA RATIO

Some additional terms are used when describing or calculating residential density:

Coverage—The area of a building lot that is covered by a structure, expressed in square feet; the proportion of a building lot that is covered by a structure, expressed in percent or in decimal parts.

Floor area ratio (FAR)—The ratio between the total gross floor area on all stories of a structure to the gross area of the building lot on which the structure is located.

Floor area ratios are often used in regulating the density of development of commercial and industrial properties; they are rarely used in regulating residential properties. This is because experience has shown that when a FAR is the primary regulation in apartment zoning, property owners tend to crowd their properties with many small apartment units

Table 14.1. Typical Residential Densities

Residential Use	Lot Area (sq. ft./DU)	Net Residential Density (DU/acre)	Gross Residential Density (DU/ac)	Neighborhood Residential Density (DU/ac)
Rural estates	20 acres	.05	.05	.05
Rural residential	5 acres	.20	.16	.15
Low-density, single family	20,000	2.2	1.7	1.5
Medium-density, single family	8,000	5.5	4.0	3.5
High-density, single family	5,000	8.7	6.5	5.2
Duplexes	4,000	11	8	6
Low-density row house	3,500	12	8	6
High-density row house	2,500	17	12	10
Low-density townhouse	5,400	8	6	5
High-density townhouse	2,700	16	12	10
1-story apartments	2,400	18	13	10
3-story apartments	1,200	36	25	20
6-story apartments	600	72	50	35
12-story apartments	300	145	100	60

* DU/acre = dwelling units per acre
 * sq. ft./DU = area in the building site in square feet per dwelling unit

rather than fewer moderate-sized units. (In some instances, this may be a desired effect; in others, it may be considered an adverse impact.)

Figure 14.1 illustrates a variety of building coverages. It may be noted that very low coverage figures are usually found only in low-density suburban and rural areas; and that very high coverage figures are usually found only in dense urban areas. A coverage of 100 percent is extreme and is almost never found.

Figure 14.2 illustrates three sites, each of which is developed to a FAR of 1.0 (that is, each site has a structure on it which is equal in floor area to the land area of the site). The figure on the left shows development when the building coverage is 100 percent; the figure in the middle shows development with a

coverage of 50 percent; the one on the right has a coverage of 25 percent.

Figure 14.3 illustrates the same three sites, but this time each of them is developed to a FAR of 0.5. Since it is impossible to develop a site at 100 percent coverage while having a FAR of 0.5, no structure is shown in the left-hand diagram.

Figure 14.4 again illustrates the three sites, but this time each one is developed to a FAR of 4.0.

RELATIONSHIPS AMONG BUILDING TYPE, RESIDENTIAL DENSITY, AND FLOOR AREA RATIO

Table 14.2 presents a number of examples of residential buildings that might be built under a variety of assumed conditions.

Table 14.2. Relationships Among Building Type, Residential Density, and Floor Area Ratio

Figure	Type of Structure	ASSUMED SPECIFICATIONS				RESULTING PATTERN			
		Lot Size (sq. ft.)	Floor Area per DU (sq. ft.)	Parking Spaces per DU	Number of Stories	Residential Density (DUs per DU (sq. ft.))	DUs per Not Acre	Floor Area Ratio (FAR)	Coverage (percent)
A	Detached, single-family house	40,000	2,000	not shown	1	40,000	1.1	0.05	5
B	Detached, single-family house	10,000	2,000	not shown	2	10,000	4.4	0.2	10
C	Detached, single-family house	5,000	2,000	not shown	2	5,000	8.7	0.4	20
D	Row house	2,500	2,000	not shown	2	2,500	17.4	0.8	40
E	Fourplex	10,000	1,000	1.0	2	2,500	17.4	0.4	20
F	2-story garden apartment	20,000	1,000	1.0	2	1,550	25	0.6	30
G	3-story garden apartment	20,000	1,000	1.0	3	1,100	40	0.9	30
H	3-story apartment over parking	20,000	1,000	1.0	3 res 1 pkg	690	63	1.4 1.5*	48
I	5-story apartment over 2-story parking	20,000	1,000	1.0	6 res 2 pkg	350	125	2.9 3.5*	48
J	5-story apartment over 1-story parking	40,000	1,000	1.0	6 res 1 pkg	400	109	2.5 3.5*	42 res 100 pkg
K	12-story apartment over 1-story parking	40,000	1,000	1.0	12 res 1 pkg	400	109	2.5 3.5*	21 res 100 pkg
L	12-story apartment over 3-story parking	40,000	1,000	1.0	12 res 3 pkg	214	200	4.7 6.6*	39 res 64 pkg

* DU = dwelling unit
 * The FAR counts floor area in the structure devoted to both residential and parking uses. Other FARs, not marked by an asterisk, are calculated on the basis of residential floor area only.

Figure 14.5 illustrates what the buildings in our calculations that each dwelling unit has a floor area of 2,000 square feet. The space for parking cars has not been shown in these illustrations because off-street parking presents no serious problems at these residential densities.

The left-hand row in Figure 14.5 contains only single-family homes, ranging in density from a low-density suburban home with a density of 1.1 DU/ac to urban row houses at a density of 17.4 DU/ac. It has been assumed low-rise apartment houses, ranging in den-

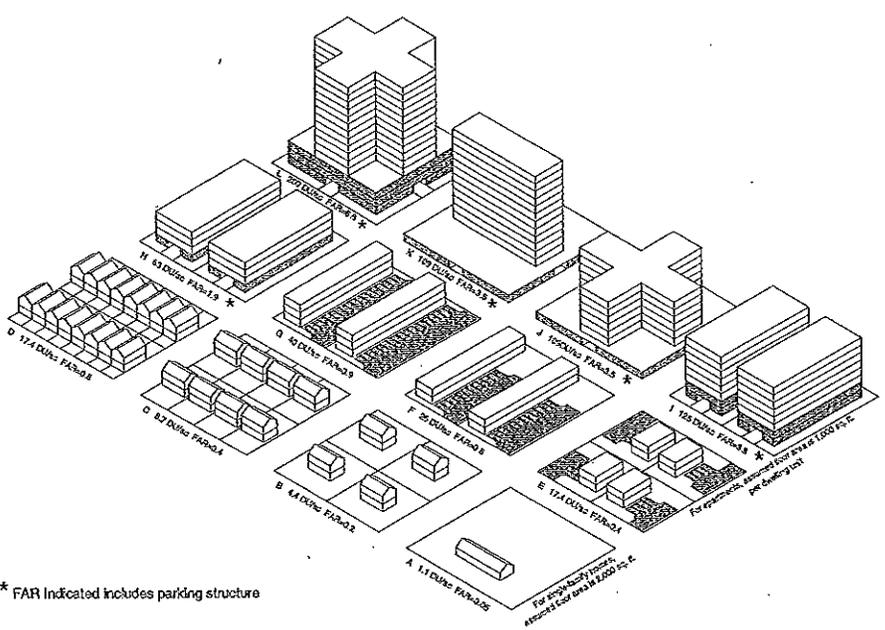


Figure 14.5. Relationships Among Building Type, Residential Density, and Floor Area Ratio

Planning Commission Staff Report

From: Tom Bonadeo

Date: September 4, 2012

Item: 5B – Review of C-1 Conditional Use – Residential over Commercial

Attachments: Letter

Item Specifics

The Town Planner received a letter requesting a change to the C-1 zoning as it pertains to residential use in the commercial zone. At the last meeting the Commission reviewed the ordinance and the “homework” was to review the location and the potential impact on the C-1 zone overall

Discussion

Discuss the findings of the site visits. Discuss the existing ordinance.

In lieu of changing the ordinance, the owner could apply for a variance to allow some use of the first floor. The rules for variances would apply such as defining a hardship.

Recommendation

Review the ordinance for future consideration. Staff will ask the owner to make an application for the modification.

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Item: 6A – Review Bank of America purchase for substantial compliance with the Comprehensive Plan

Attachments: Comp Plan pages

Item Specifics

The Town Council has executed a purchase sales agreement with Bank of America for the building and associated property. The contract has a "due diligence" time period during which staff is exploring the building, its condition, the possible uses and the substantial compliance with the Comprehensive Plan. The property consists of four parcels.

1. The Bank of America building and the property on which it stands. The proposed use will be an enlarged space for the Cape Charles Library and Computer Lab. The third floor may be used for municipal offices when the need arises.
2. The paved parking lot directly behind (north) the bank. The proposed use of this property is for an alley to the 200 block of Mason Avenue, parking and future expansion.
3. The two lots on Randolph Avenue (lots 644 and 641). These two lots are zoned C-1 and the proposed use could be parking for Mason Avenue business customers.

Discussion

The Executive Summary of the Comprehensive Plan states on page 7 that Cape Charles will;

- Build or acquire a new Municipal Center
 - The purchase of the Bank building has space on the third floor for additional offices that could be used for staff if the need arises. Public uses and office uses are both allowed in the C-1 zone.
- Expand the parking in the Commercial District
 - The Planning Commission, on previous occasions, has recommended that these lots along with the lots across from the Post Office be used for parking. These locations are both zoned C-1 and parking is allowed in this zone.
- Establish a complete network of community trails, sidewalks and alleyways for the health, safety and welfare of all.
 - The Town Council has studied the implementation of an alley in the 200 block of Mason Avenue. The area was surveyed and Paul Watson reviewed the potential of the alley. The Bank ownership of this property was in the way of the alley implementation. This purchase will enable the alley implementation.

The **Public Services and Programs** section of the Plan also states that the Town Plan includes;

- Relocating the Library to a larger space with adequate provisions for increased patronage, meeting rooms and technology.
 - The first floor of the Bank building is over twice the space of the existing Library and has room for Technology and meeting space. The current library will also be available for meeting/community space. The Comprehensive Plan does not specify location for the expanded library but in the C-1 zone, libraries are permitted by right.
- Relocating the Town offices including space for archives and the police department.

- The building has two safes well suited for archives. Paper documents from both the Town documents and the Historical Society documents could be housed there. The Library also has documents that would be well protected by the safe.
- The Police Department has moved from its rented location to the Town offices.
- Acquiring strategic undeveloped properties.
 - The two lots on Randolph and the parking area to the north of the bank building are strategic properties for the implementation of the Comprehensive Plan as outlined above. The assessed value of the properties is nearly five times the purchase price. The alleyway and parking area could not be reasonably established at “retail” prices.

The Zoning Ordinance is the law that implements the Comprehensive Plan. The Bank of America Building and associated property is located in the C-1 zone. The statement of intent is “to preserve and enhance the mixed-use urban nature of Cape Charles”. Mixed-use is defined as the integrated uses such as office, retail, public or entertainment in a compact urban form. The Comprehensive Plan does not specify where a relocated library would be placed as the zoning ordinance and capable building would determine the location. The Comprehensive Plan, Section III, Future Land Use references the Town of Cape Charles Zoning Ordinance as a guiding document.

Recommendation

Review the building and property uses and Comp Plan for substantial compliance. Communicate the findings to Town Council, indicating approval or disapproval with written reason therefor.

In public sessions, citizens stated that they want:

- Cape Charles to be self-sufficient and walkableⁱⁱⁱ
- Commercial growth located in town, rather than on the Route 13^{iv}
- New development around the harbor to be a mix of businesses and residences
- New development around the harbor to be designed to blend with the existing historic architecture^v
- A network of trails that connect all the Town's neighborhoods and amenities^{vi}

Cape Charles will grow a sustainable economy by taking advantage of its existing assets, particularly the Chesapeake Bay, the Town's public beach, the Town's deep-water harbor, the Bay Creek golf and marina communities and the Town's historical and environmental assets. Economic development efforts will continue to support existing businesses, community oriented commerce, tourism and marine-related business. Therefore, access to the waterfront is essential.^{vii}

Protecting open space is a priority. In cooperation with the county, viewsheds along the town's entrance corridors should be preserved. Cape Charles's citizens would like a distinct, green gateway into Cape Charles from the intersection of Routes 13 and 184.^{viii} Protecting the green infrastructure within town—the tree canopy, vegetated buffers and public plantings—is also vital.^{ix}

The people want Cape Charles to be a fun, interesting, and culturally vibrant place to live and visit. To that end, the town government will nurture partnerships with arts and civic organizations, the museum, community college, library, churches, senior and youth groups.

We will continue to make improvements to the town's infrastructure. First, and most important, are expanded water and wastewater treatment capacities.^{xi} In addition, Cape Charles will

- improve town-owned facilities at the harbor^{xii},
- connect all neighborhoods to the regional broadband network and intermodal transportation pathway,
- build or acquire a new municipal center^{xiii}
- upgrade the storm water management system^{xiv},
- cooperate with the relocation of power and telephone lines underground,
- expand public parking in the Commercial District,
- establish a complete network of community trails, sidewalks, and alleyways for the health, safety and welfare of all^{xv}.

To accomplish these goals, Cape Charles has developed a strong and workable plan. Details of this plan can be found in the following sections:

- VISION STATEMENT & EXECUTIVE SUMMARY
- SETTINGS
- FUTURE LAND USE & MAP
- NEIGHBORHOODS
- ECONOMIC VITALITY
- TRANSPORTATION AND UTILITIES
- AMENITIES

nearby. In addition to serving an important ecological function, the Chesapeake Bay and its tributaries are vital to the local economy and lifestyle. These natural environments are delicate and should be protected from degradation. The Town's concern for its natural resources is illustrated by projects such as building the Fun Pier and the recent beach replenishment. Land use policies must continue to take into account the importance of the local environment to protect these resources for present and future generations.

II.6 Public Utilities⁷

Similarly, the area's ground water resources must also be protected. The Town's public utility systems have allowed for denser development in Cape Charles than in the rest of Northampton County. As discussed in the Natural Conditions chapter of Appendix I: 2007 Cape Charles Comprehensive Plan Draft Existing Conditions, private wells and septic systems in and around Cape Charles can threaten the Town's water supply. The Town has a policy of prohibiting new private deep wells and septic systems. The Town also encourages Northampton County to adhere to its policy of concentrating denser development within incorporated towns. This will help prevent dense development served by private well and septic systems from occurring in neighboring rural areas. The Town's public utility systems must be maintained and expanded to ensure that current and future needs are met. Recent upgrades and repairs to the water system are indicative of the Town's continuing effort to provide for these needs. Major capital expenditures will be required for the construction of new facilities. Grants, connection charges and developer funding will help finance the process.

II.7 Community Facilities and Services⁸

Significant improvements have been made to community facilities and services in recent years. Major upgrades have been made to public facilities, such as the Cape Charles Harbor, the public beach, the Fun Pier and Central Park. The Town's staff has also expanded to meet the changing needs of Cape Charles. Expanded and new facilities have been created including the Arnold Palmer and Jack Nicklaus Signature Golf Courses at Bay Creek, the Palace Theatre and Bay Creek Marina.

While major progress has been made, additional improvements are still needed. The Town lacks adequate space to house its growing staff. More space is needed for the Library, which can be accomplished through expansion of the existing building or a new location. The Cape Charles Harbor needs additional upgrades, such as new boat slips, a permanent Harbormaster building, new piling and whalers for the south side and a method of blocking westerly swells from entering the harbor. Citizens have also expressed interest in having a Community Center. Most of these needs are related to the growth Cape Charles has experienced in recent years. As Cape Charles grows and changes, additional needs for facilities and services will continue to arise.

⁷ Ibid., p. 86-94

⁸ Ibid., p. 72-85

III.2 Future Land Use

The Future Land Use Map (see page 22) and the associated Future Land Use Categories show Cape Charles' boundaries at the current time.

The Future Land Use Map represents an assignment of the components of the Plan Concept discussed beginning in Section III.5 to appropriate land use designations for the Comprehensive Plan. These broad designations are:

- Residential Community Areas
- Employment Areas
- Community Character Areas

Each of these areas contains several land use categories. These categories describe the type, character, and scale of land uses and associated functions.

III.2.1 Residential Community Areas

The Future Land Use Map includes a designation of several Residential Community Area categories:

- Main Street Mixed Use (Commercial Residential)
- Harbor Mixed Use (Harbor)
- Traditional Residential (Single, Mixed, Multi-Family)
- Low Density Residential (Residential Estates)
- Planned Unit Development (Accawmacke Plantation now known as Bay Creek)

The Future Land Use Map and text on the following pages describe and illustrate the locations of the land use categories.

III.2.1.1 Main Street Mixed Use (Commercial Residential)

This designation recognizes the unique juxtaposition of the existing residential structures within the central business district and the future needs of Cape Charles' Commercial District. It is intended to promote and encourage retention of existing residential buildings while allowing and encouraging commercial and other compatible uses for these buildings.

The Main Street Mixed Use designation represents predominately small-scale mixed use buildings characterized by retail, office, restaurant, educational, civic and entertainment uses on the street level, with residential uses on upper floors. Pedestrian activity is of the highest priority, so buildings would be located close to the street and sidewalks are wide and feature street furnishings, lighting, and other amenities.

III.2.1.2 Harbor Mixed Use (Harbor)

The Harbor Mixed Use designation was established to encourage a vibrant working waterfront area that has a strong economic benefit to the Town with compatible new industry and

with the zoning designation of a majority of the neighboring properties.

- It is critical to the public safety and welfare of all Cape Charles citizens and visitors to maintain two completely independent routes (both ingress and egress) to Route 13 in the case of an emergency situation.
- Boundary adjustment options.
- Evaluate options and establish a Corridor Overlay for Route 184 and Rte 642.

III.6.2 Future Land Use Recommendations - Intermediate Term or Tactical

In addition to any Near Term Future Land Use recommendations listed above, these recommendations are targeted for implementation in the three to five year time frame.

III.6.3 Future Land Use Recommendations - Long Term or Strategic

In addition to the recommendations listed above, these recommendations are targeted for implantation beyond the five year time frame.

- The Railroad designation is intended to acknowledge the railroad owned properties as important historic and economic resources within the Town of Cape Charles. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.
- Bayshore Concrete Products is an important economic anchor for both the town and the county. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.
- The property currently owned by the government and used as a United States Coast Guard – Station Cape Charles facility performs a necessary and important safety and security function for the entire area. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.

References:

Town of Cape Charles documents:

Harbor Area Conceptual Master Plan and Design Guidelines

Historic District Guidelines

Master Tree Plan

Tree Conservation and Preservation Ordinance

Town of Cape Charles Zoning Ordinance

Zoning Regulations for Accawmacke Plantation

- Develop story boards of Town history and environmental features for installation along the Trail

III-D.5 Public Services and Programs

Public services and facilities supporting growth in Town is a major concern for all its present and potential citizens. Newcomers, businesses and visitors alike have an expectation that the Town has in place all the required facilities and services to accommodate them. These include physical facilities such as water and waste water systems, police, as well as amenities such as a library, recreational programs and town events. The State requirements supporting its citizens in the Town must also be met. The Comprehensive Plan serves to guide continued improvement in the various systems and put in place new programs to achieve a greater level of comfort and convenience.

Presently, Cape Charles has the basic services required for the safety and convenience of its citizens. The Cape Charles Police Department works in conjunction with county and state resources to provide for a safe community. The Cape Charles Volunteer Fire Company and the Cape Charles Rescue Service, Inc. also work cooperatively with other local fire companies and rescue squads to provide fire protection and emergency medical services. It is important for the Town to continually provide support to the police and volunteer fire companies to upgrade the technology and equipment and education needed for them to do their jobs successfully.

Other community services and facilities available include the town offices, the library, a community college and museum. Several of these facilities are housed in inadequate buildings. Growth of the Town will require an increase in space for community services, therefore, the Town plans include:

- The restoration of the Cape Charles School as an adaptive reuse to preserve this structure
- Establishing a Community Center
- Relocating the Library to a larger space with adequate provision for increased patronage, meeting rooms and technology
- Relocating the Town offices including space for archives and the police department
- Developing educational programs with the community college to support town endeavors such as a tree stewardship program
- Acquiring strategic undeveloped properties (e.g., the Rosenwald School, Schlegel property)

III-D.6 Recreational, Cultural and Youth Activities

The Town of Cape Charles offers a variety of recreational and cultural opportunities which attract its citizens, tourists, visitors and sportsmen. Boaters enjoy access to the Chesapeake Bay and Atlantic Ocean from the Town's harbor and Bay Creek Marina and fishermen make excellent use of the newly extended Fun Pier. Cape Charles offers the only public beach on the Chesapeake Bay along the Eastern Shore, and it is a very popular spot for visitors to swim, bird watch, kiteboard, water ski, etc. While water oriented activities are certainly the most visible, Cape

Section IV - Implementation

Tom to do intro paragraph (per Steve's recommendation)

IV.1 Town Council Priorities

1. Prepare and maintain a rolling 5 year CIP
2. WTP and WWTP Improvements
3. Business Development. Create Economic Development Committee
4. Future Land Use Plan – Boundary Adjustment
5. Establish a Corridor Overlay for Routes 184 and 642
6. Continue Alley Easement and Ownership Project
7. Explore Public Works locations
8. Work to eliminate substandard housing in Town
9. Work with non-profits to aid property owners who cannot repair their homes
10. Comprehensive Review of Town Code
11. Continue development of a Recreation Program
12. Continue Support of Chamber of Commerce and Tourism
13. Establish a Town Community Center
14. Develop Town Parking Solutions
15. Promote water and energy conservation
16. Research Chesapeake Bay Meteor Impact interpretive center
17. Research more cooperative agreement with County Sheriff and more flexible Police Schedule

IV.2 Harbor Conceptual Master Plan

1. Inventory historic sites in the Harbor area and encourage rehabilitation
2. Commemorate historic sites such as the Meteor Site
3. Establish an Architecture Plan for the Harbor
4. Encourage rail development for commuter and scenic routes
5. At-grade railroad crossings should be encouraged where feasible
6. Integrate a pedestrian network from town to harbor
7. Develop additional docking facilities at the Harbor
8. Keep parking areas green by using means such as pervious material
9. New parking structures, if used, should be compatible with adjacent structures
10. Incorporate traffic calming features to slow traffic in the Historic Core
11. Maintain the harbor as a multi-modal transportation hub
12. Minimize dependence on private auto transportation
13. Preservation and restoration of the Rosenwald School
14. Enhance Jetty Maintenance
15. Create a public recreational meeting area
16. Raise the level of the channel jetty to above mean high water