

Planning Commission

Public Hearing

&

Special Meeting Agenda

July 26, 2012

St. Charles Parish Hall

6:00 P.M.

1. Call Public Hearing and Special Meeting to Order; Roll Call
 - a. Read advertisement
 - b. Hear Public Comment on the following:
 - i. The proposed rezoning from O-S (Open Space) to R-1 (Residential) of the area bounded on the north by Madison Avenue, on the east by Plum Street, on the south by parcel 83A3-1-23 and on the west by parcel 83A3-1-287 (lot 287) – the area contains parcels 83A3-1-281, 83A3-1-282, 83A3-1-283, 83A3-1-284, 83A3-1-285, 83A3-1-286 (lots 281 through 286), a portion of the area that was originally North Park Row, and the Old Cape Charles High School Building (collectively, the “Old School Area”); and
 - ii. The Conditional Use Permit submitted by Echelon Resources Inc. to rehabilitate and use the Old School Area for an Adaptive Reuse. The proposed Adaptive Reuse includes the historic rehabilitation of the Old School Area for use as 17 residential apartments in accordance with applicable guidelines.
2. Close Public Hearing portion and move to Special Meeting
3. Order of Business
 - a. Discuss and make recommendation to the Town Council regarding rezoning of the Old School Area O-S to R-1 as described above; and
 - b. Discuss and make recommendation to the Town Council that, in the event the Town Council approves the rezoning, the Conditional Use Permit for Adaptive Reuse (as described above) be granted.
4. Adjourn

Planning Commission Staff Report

From: Tom Bonadeo
Date: July 26, 2012
Item: 3A–Proposed Zoning Map Amendment
Attachments: Bauman's Map and Exhibit A

Background

The Town Council of Cape Charles, by Ordinance 20120614, approved the sale of certain property owned by the Town, collectively called the “Old School Area”, to Echelon Resources, Inc. (“Echelon”). Echelon intends by adaptive reuse to rehabilitate the Old School Area and convert it to seventeen residential apartment units and surrounding grounds (the “Old School Rehabilitation”).

The Old School Area is defined as the area bounded on the north by Madison Avenue, on the east by Plum Street, on the south by parcel 83A3-1-23 and on the west by lot 287 – the area contains lots 281 through 286, a portion of the area that was originally North Park Row, and the Old Cape Charles High School Building (exhibit A).

The Town Council adopted Resolution 20120628 to refer to the Planning Commission the proposed amendment of the zoning map for public necessity, convenience, general welfare, and good zoning practice and for consideration of the rezoning of the Old School Area from Open Space to R-1.

The current zoning of the Old School Area as Open Space does not allow for the Old School Rehabilitation (Section 3.15.B). The zoning district R-1 allows, by conditional use permit, for the Old School Rehabilitation as an Adaptive Reuse.

Item Specifics

The Open Space zoning district does not allow for adaptive reuse. The open space zone is intended for open air types of activities.

The Old School Area was originally part of a street (North Park Row) and residential lots (281-287). A former Town Council bought the residential lots and built a school when space ran out of the Monroe Avenue building. The park, as designed by Bauman and Scott, was made into the school yard area for football, baseball and other activities.

An earlier Planning Commission zoned the school yard and school area Open Space and the school was allowed to continue as a non-conforming use (grandfathered). When a non-conforming use ceases for four years the “grandfathering” ceases and the subsequent use must conform to the zoning ordinance. The TEA – 21 Grant Project restored the Park as Phase I of the project.

The R-1 zone requires a CUP for Adaptive Reuse of existing structures within the R-1 zone.

These permitted uses, conditional uses and definitions, as well as public necessity, convenience, general welfare, and good zoning practice require consideration of rezoning of the Old School Area from Open Space to R-1.

At its meeting on July 17, 2012, the Historic District Review Board discussed the Historic Restoration of the building and the proposed use. The Board agrees that a Historic Rehabilitation in accordance with the Secretary of the Interior’s Guidelines, they did not agree with the proposed

use as apartments. In its advisory capacity, the Board does not recommend the use of the old school building as apartments.

Town staff, however, believes that the Old School Rehabilitation proposed by Echelon is the best use for the Old School Area.

The Planning Commission held a public hearing earlier this evening to hear comments regarding the proposed zoning map amendment.

Recommendations

Review and discuss the items above and make a recommendation by roll call vote to Town Council.

Planning Commission Staff Report

From: Tom Bonadeo

Date: July 26, 2012

Item: 3B – Conditional Use Permit (CUP) Application – Echelon Resources, Inc.

Attachments: Application and associated documentation, Historic District Review Board Minutes

Background

The Town Council adopted Resolution 20120628 to refer to the Planning Commission the proposed amendment of the zoning map for public necessity, convenience, general welfare, and good zoning practice and for consideration of the rezoning of the Old School Area from Open Space to R-1. The Resolution also requires the Planning Commission to consider whether, in the event the rezoning is approved by the Town Council, a Conditional Use Permit (CUP) should be granted for the Old School Rehabilitation as an Adaptive Reuse and make a recommendation in connection therewith.

The Planning Commission has received a completed CUP application for the Adaptive Reuse to rehabilitate the Old School Area and convert it to seventeen residential apartment units and surrounding grounds. Earlier this evening the Planning Commission held a public hearing.

The Old School Area is that real property bounded on the north by Madison Avenue, on the east by Plum Street, on the south by parcel 83A3-1-23 and on the west by lot 287 – the area contains lots 281 through 286, a portion of the area that was originally North Park Row, and the Old Cape Charles High School building.

Item Specifics

The CUP application and the zoning ordinance require the Planning Commission and Town Council to consider the following items and that the permitted use(s) will not:

1. **Adversely affect the health, safety or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect the other land uses within the particular surrounding neighborhood.**
 - a. The residential adaptive reuse will restore the building in accordance with the Guidelines of the Secretary of the Interior for Rehabilitation.
 - b. The neighborhood surrounding the park is R-1 including the houses and apartments on North Park Row.
2. **Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.**
 - a. The historic restoration and adaptive reuse will be an investment of over \$2 million dollars in the neighborhood. This restoration will improve the neighborhood values with a newly rehabilitated building in accordance with the Secretary of the Interior's Guidelines.
 - b. The density of the site will be no more that the western park row site or the underlying zoning of R-1. This property covers the equivalent of 7 town lots or the equivalent space for 7 single family residences. The 4 two - bedroom apartments at 11 Park Row are on a single lot.
 - c. The residential use would require only about 17 spaces of off street parking. This parking will be provided in the area that is currently off-street parking and on the west side of the building.

- d. The historic renovation in either use will be an asset to the improvements in the adjacent Park.
- 3. Be in conflict with the purpose of the Comprehensive Plan.**
- a. The current Comprehensive Plan stresses the preservation of contributing historic structures and the Virginia Department of Historic Resources in partnership with the U.S. Secretary of the Interior have promulgated rules and tax credits especially for the adaptive reuse of these contributing structures.
 - b. Page 44 of the Plan specifically sets multiple goals, one of which is to:
 - i. Provide for the adaptive reuse of the school building
 - ii. Other items referring to community center and library are separated in the Comprehensive Plan as past studies have shown that they could not be accomplished in the same building (Schriver & Holland Study).
 - iii. The requirements are also based on growth expected at about 3%. Cape Charles has not met this growth rate as shown in the last census.

At its meeting on July 17, 2012, the Historic District Review Board discussed the Historic Rehabilitation of the building and the proposed use as apartments. The Board agrees that a Historic Rehabilitation in accordance with the Secretary of the Interior's Guidelines, they did not agree with the proposed use. In its advisory capacity, the Board does not recommend the use of the old school building as apartments.

Town staff, however, believes that rehabilitating the Old School Area as an Adaptive Reuse for residential apartments is the best use for the Old School Area.

The Planning Commission should consider these additional points:

- 1. The use is compatible with the permitted uses in the R-1.
- 2. The plan will meet the table of parking standards.
- 3. New utility services will be placed underground.
- 4. The structure is a contributing structure to the National Historic District
- 5. The Historic Review Board agrees with a Historic Restoration but not with the use as apartments.
- 6. Historic District Review Board should have final review and approval of plans (subject to normal procedures for review, recommendation and appeals) prior to any rehabilitation of any such structure.

The Planning Commission held a public hearing earlier this evening to hear comments regarding the Conditional Use Permit Application from Echelon Resources, Inc.

Recommendations

Review and discuss the application and public comment and make a recommendation by roll call vote to Town Council to grant the Conditional Use Permit for Adaptive Reuse for residential apartments.