



TOWN COUNCIL/PLANNING COMMISSION

Joint Public Hearing

June 5, 2012

Cape Charles Fire Hall

6:00 PM

1. Call to Order at 6:00 PM

- A. Roll Call
- B. Establish quorum

2. Public Hearing Comments:

- A. Conditional Use Permit and Zoning Map Amendment
 - i. Parcels 83A3-1-281 through 285 and part of 83A3-1-286 and 23

3. Adjournment

Conditional Use Permit and Zoning Map Amendment

Parcels 83A3-1-281 through 285 and part of 83A3-1-285 and 23

Background

The Town Council wishes to amend the zoning map of the Town of Cape Charles. The original design of the lots in Cape Charles included residential lots on both the north and south sides of the central park area. The lots along South Park Row and the western half of North Park Row have been used for single family houses as intended. Prior to the introduction of zoning ordinances, the lots on the northeast corner were used to construct a school to replace the aging school in the 600 block of Monroe Avenue.

The park property and the school property were zoned Open Space when Cape Charles adopted a zoning ordinance. In the zoning ordinance process, the definition of Open Space was left out until recently when the Planning Commission and Council adopted a definition for the zone. Schools and churches are not part of that definition but they are part of the R-1 Zone definition. This would change the school from a nonconforming structure to a legal structure in the R-1 Zone.

The Council also requests the Planning Commission review of a Conditional Use Permit (CUP) for the Adaptive Reuse of the School. The Council has received an unsolicited proposal for the Historic Restoration of the building. This proposal includes the restoration for tax credits that requires the review and approval of the Virginia Department of Historic Resources for both Federal and State tax credits. The Adaptive Reuse of the building for 16-17 apartments and/or community center is in accordance with the proposed Adaptive Reuse text amendment which was adopted on March 8th.

Item Specifics

The Zoning Map Amendment is for lots 281,282, 283, 284, 285, part of 286 and the area that was originally North Park Row. This is the area now used for the school and parking.

The goal of this Adaptive Reuse is to enable the Historic Restoration of the Old High School Building. During the years before the transfer to Northampton County and subsequent closing, the building had become a liability. The roof was in need of replacement and the Town would not spend the money to replace it. The building was transferred to the County school system with a "promise" that the building would be repaired. The roof was not replaced at that time and after closing of the school by the County, the building was transferred back (1993) to the Town. The lack of maintenance by previous Councils ended in the replacement of the roof as a proffer from Brown & Root as part of the annexation agreement. The roof was finally replaced in 1995 with B&R paying \$69,000 and the Town paying the cost overrun of just over \$9,000.

The primary purpose of the Adaptive Reuse is to provide for the Historic Restoration of the building (cost of \$2M plus) and to change the long standing liability to an asset for the Cape Charles National Historic District.

The CUP process requires that the permitted use 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. This use will restore the building to a safe condition and correct the problem of broken windows and a location for vandalism.
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 in an area that has been depressed for over 20 years. This restoration will improve the neighborhood values with a newly renovated building.
 - 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.
 - c. The historic renovation 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 Comprehensive Plan specifically sets multiple goals, two of which are:
 - i. Provide for the adaptive reuse of the school.
 - ii. Establish a community center.

This application meets the requirements of the zoning ordinance for conditional use permits.