

Planning Commission
Public Hearing
and
Regular Session Agenda
April 3, 2012
6:00 P.M.

1. Call to Order – Planning Commission Public Hearing and Regular Session
 - a. Roll Call – Establish a quorum
 - b. Hear Public Comment on the Zoning Map Amendment and CUP for the School property
 - c. Close Public Hearing
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. Sign Ordinance Review – Draft Ordinance
 - b. CUP and Rezoning of parcel
6. New Business
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
March 6, 2012

At 6:05 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Vice Chair Dennis McCoy and Commissioner Mike Strub. Commissioners Malcolm Hayward, Roger Munz and Joan Natali were not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

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

REGULAR MEETING PUBLIC COMMENTS

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

Bruce Brinkley stated that he and his wife were travelling through eastern Maryland and drove through Cambridge, Snow Hill and Pocomoke. These towns all had numerous empty store fronts similar to Cape Charles. Bruce Brinkley added that he knew of several small towns in Virginia with similar circumstances as well.

Mike Strub stated that the people in Northern Virginia and points to the west all went to Virginia Beach, St. Michaels, Ocean City and Rehoboth Beach and no where else.

CONSENT AGENDA

Since there were only three Commissioners in attendance this evening, Tom Bonadeo requested that Item 5a-Sign Ordinance Review be removed from this month's agenda.

Motion made by Mike Strub, seconded by Dennis McCoy and unanimously approved to amend the agenda as discussed.

The Commissioners reviewed the minutes for the February 7, 2012 Joint Public Hearing with Town Council and the February 7, 2012 Regular Meeting.

There was some discussion regarding the fact that minutes had to be presented in the past tense since it was a recap of what happened during the meeting.

Bruce Brinkley noted several typographical errors.

Motion made by Dennis McCoy, seconded by Mike Strub, to approve the minutes from the February 7, 2012 Joint Public Hearing with Town Council as presented and the February 7, 2012 Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) The restaurant building at the Harbor had been erected and the roof was almost complete; ii) The contractor had raised the walls and roof of the Harbor Bath House and the sheathing was almost done; iii) The AT&T antennas were installed on the Sinclair FM Tower but not yet connected; and iv) The Wetlands Board met and issued a permit for Gamesa to run the submarine cable to cross the intertidal zone and coming ashore on the Bay Coast Railroad property. The Board also approved an application for the Bay Vista subdivision to install a breakwater extending from the existing Bay Creek system to the old ferry dock area with upland

restoration and a beach nourishment plan. As part of the project, the Board required the removal of the emergency concrete riprap that was placed after Hurricane Irene. Both applications should be on the Virginia Marine Resources Commission's March agenda. The complete applications were available for review if any of the Commissioners were interested.

In regards to the Broadband Network update item, Dennis McCoy asked where the computer lab was located. Tom Bonadeo responded that the lab was currently located in the front room of the Cape Charles Christian School. Tom Bonadeo added that the Town Hall now had a 25MB broadband connection as part of a one-year contract with the Eastern Shore of Virginia Broadband Association (ESVBA). Part of the 25MB was for wireless testing to get better access for those without wired connections.

OLD BUSINESS

Adaptive Reuse - Text Change R-1

The Commissioners reviewed the proposed modifications to § 3.2.C.7 of the Zoning Ordinance to allow for adaptive reuse of some buildings in the Residential (R-1) Zone of the Historic District, such as the old Presbyterian Church, the former Cape Charles School, the Cape Charles Memorial Library along with other church buildings that were not candidates for single family homes. The purpose was to restore the fabric of the existing structures vs. tearing down the structures and building something new.

A public hearing was held earlier this evening and no comments were received.

Motion made by Mike Strub, seconded by Dennis McCoy, to recommend approval of the proposed text change to § 3.2.C.7 of the Cape Charles Zoning Ordinance to Town Council. The motion was unanimously approved.

NEW BUSINESS

CUP and Rezoning of Parcel

Tom Bonadeo stated that a group of individuals were rallying to preserve the former school as a Town building. The Town Council received an unsolicited proposal for the historic restoration of the building using tax credits which required 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 was in accordance with the proposed Adaptive Reuse text amendment. The proposal was still under review and being discussed in closed session due to negotiations. This item (6a) was part of the process and the Town Council requested the Planning Commission review a conditional use permit for the adaptive reuse of the school.

Tom Bonadeo stated that the park and former school properties were currently zoned as Open Space when the Town adopted a zoning ordinance. 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 were not part of that definition. The Town Council would like to correct the zoning map to show the school property as being in the R-1 Zone changing the school from a nonconforming structure to a legal structure in the R-1 Zone. This would have to be done whether the school building was used as a community center or renovated into dwelling units. Tom Bonadeo pointed out the property on the Bauman and Sanborn Maps and explained the history of the school being built at the current location.

Tom Bonadeo informed the Commissioners that the Town Council was holding a Public Information meeting on Saturday, March 10th, at 10:00 AM, so staff and Council could provide the facts to the citizens and interested individuals. Tom Bonadeo reviewed a 25-year timeline of the old school as follow:

1987 - 1993: Money was very tight. Legal action was taken to force the Town to give the school and students to the County. The building was badly in need of repair and the Town could not afford to make the necessary repairs. The County evaluated the school and found \$188K in needed maintenance to the building. The County opted to close the Cape Charles and Cheriton schools and build a new school in Kiptopeke. The Town sued the County to get the school property, which included the park, back. Six years had lapsed and the County had not done anything to the building - the roof was leaking, the boiler did not work and there was a list of other items needing repair as well.

1993: The Town started the Jersey Project on the northeast part of Town using funding from the Community Development Block Grant Program and asked for financial assistance for the school building. The request was denied.

1995: Brown & Root (predecessor to Bay Creek) was working on plans for Accawmacke Plantation and proffered \$69K for a new roof and built the tennis courts. The Town paid \$9,500 in addition to cover the cost overruns for the new roof.

Late 1990s: The Town was almost broke. \$62K was needed to repair the heating system. The Town paid \$4K to have an inventory study of the school completed.

1999: The Town spent \$3K - \$8K for an engineering review of the school. A cost estimate of \$1.59M was received to renovate the school for dwelling units. The Town could not afford to move forward.

2000: The temporary buildings around the school were removed.

2005: The Town considered borrowing \$2M to repair the building. The project was referred to the Code Official to review.

2006: Another engineering and architectural review was done. A cost estimate of \$3.5M was received to renovate the building for Town offices. The Town could not afford to move forward.

2007: Town Council appointed a Temporary Space Committee, which eventually became the Real Estate Committee. The Recreation, Police and Public Works Departments moved into the building. The Committee studied all town-owned real estate and determined that it would cost too much money to repair/renovate the school.

20 years had lapsed (1987-2007) and nothing had been done about the condition of the building.

2007: The Town approached the Accomack-Northampton Planning District Commission for assistance to see if anything could be done and received a \$5K grant towards plans to renovate into apartments. Leon Parham did the plans. A loan was approved if the apartments were to be workforce housing units. A group of individuals, similar to the current group, opposed the plans wanting to keep the building as a school and the project was scrapped.

November 2008: A group of individuals wanted to "save" the school and Town Council agreed to allow the group the opportunity to raise funds to fix the building.

November 2009: The Cape Charles Christian School was interested in locating their new school in the building. The lease of the property was to begin in 2010 and the renovations were to be completed in 2012. The Cape Charles Christian School could not raise enough money to renovate the school so the request was withdrawn.

Late 2011: The Town received an unsolicited proposal from Echelon Resources, Inc., for a quality historic restoration of a commercial nature using Historic Tax Credits. Without the Historic Tax Credits, no one would be able to do anything with the building and the Town did not qualify for tax credits.

Also, during this timeframe, the Town was required to upgrade the wastewater treatment plant at a cost of \$16M. Fortunately, grants were obtained to cover the cost of the majority of the project and the Town borrowed about \$5M. It would be good to capitalize on Echelon Resources doing the historic restoration of the building which would increase the property values of the surrounding area.

The proposal did not include the tennis courts, as rumored. The basketball courts would be relocated. The current basketball court would be used for off-street parking for the tenants. If the building was used for Town offices, the number of parking spaces would be increased and impossible to keep off the street.

Echelon Resources had a good track record with similar projects in other towns around the State. None of the projects were for low-income housing. The entire neighborhood would benefit. Echelon Resources was the only real prospect that had come forward that could fund the project and they were expecting to spend about \$130 per square foot for the renovation to apartments.

Bruce Brinkley expressed his reservations regarding the amount of rentable space and whether Echelon Resources would be able to rent 16 or 17 apartments on a full-time basis. Tom Bonadeo stated that the apartments would be studio and one-bedroom apartments renting in the \$600/month range. These apartments would be good for young professionals. Currently, it was very difficult for them to find individual apartments of this type for rent. Patrick Hand renovated the Mack Building into apartments and they were currently rented.

Tom Bonadeo went on to state that Echelon Resources was taking a chance and their bank was taking a chance. The rent could not be too low or Echelon Resources would not be able to pay back their loan. There was some discussion on the consequences if Echelon Resources could not repay the loan. Tom Bonadeo stated that if that happened, the Town would still have a restored historic structure.

OTHER

Tom Bonadeo stated that as part of the Town's Comprehensive Plan, a Capital Investment Plan was developed which included \$1.7M for the old school and blight remediation. A bill was recently passed by the Senate to allow localities to appoint a receiver to fix blighted properties.

ANNOUNCEMENTS

There were no announcements.

Motion made by Mike Strub, seconded by Dennis McCoy, and unanimously approved to adjourn the Regular Meeting of the Planning Commission.

Chairman Bruce Brinkley

Town Clerk



DRAFT
TOWN COUNCIL & PLANNING COMMISSION
Joint Public Hearing
Town Hall
March 6, 2012
6:00 p.m.

At 6:00 p.m. Chairman Bruce Brinkley, having established a quorum, called to order the Public Hearing of the Planning Commission. In addition to Chairman Brinkley, present were Vice Chairman Dennis McCoy and Commissioner Mike Strub. Commissioners Malcolm Hayward, Roger Munz and Joan Natali were not in attendance.

Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon and Councilmen Bennett, Evans, Sullivan and Veber. Councilwoman Natali was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

Mayor Sullivan announced that the evening's Joint Public Hearing was to hear public comment regarding the proposed modifications to the Cape Charles Zoning Ordinance Section 3.2.C.7 regarding Adaptive Reuse.

PUBLIC COMMENTS:

Tom Bonadeo stated that several questions were asked regarding why this change was being done only to the R-1 zone and other zones were not included. The questions were not submitted in writing, but the answer was that the R-1 zone was the most restrictive and the other zones already permitted a variety of uses by conditional use permit.

There were no public comments to be heard and no written comments were submitted prior to the hearing.

Motion made by Councilman Bennett, seconded by Councilman Veber, to close the Town Council Public Hearing. The motion was approved by unanimous consent.

Bruce Brinkley closed the Public Hearing portion of the Planning Commission Meeting.

Mayor Sullivan

Chairman Brinkley

Town Clerk

Planning Commission Staff Report

From: Tom Bonadeo

Date: April 3, 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 –Boyto & Boyto has completed the exterior of the building as well as all mechanical rough in work. Insulation has been installed and drywall will start later this week.
3. The Restaurant Building for the Harbor has been closed in and mechanical rough in work is in progress.
4. The boardwalk along the south and west sides of the dock have been completed and we now have a great walkway with benches and rails. The connection to the RR crossing is completed except for final crushed stone shells.
5. The WWTP is taking the full load and is working towards certification. There is short list of items to be completed.
6. The new force main on Mason Avenue is pumping again! The final inspections were done and the system is now in use.
7. Work on the beach has started for the summer. The Town has rented equipment for sand moving and we will be adding sand to the north end of the beach.
8. The Historic Review Board met last month. The Board reviewed and approved one remodeling project.
9. The AT&T antennas have been installed, connected and put in service on the new tower. AT&T has not installed new computer equipment a 3G upgrade. Verizon will be next and as mentioned earlier, there is room for 3 competing cell phone providers.
10. The Gamesa permit for a 5MG wind turbine has been approved by VMRC. The Coast Guard and Army Corps of Engineers may add some restrictions but I expected that the tower construction could begin early in 2013.
11. The Wetlands Board has approved both the Gamesa project and the Bay Vista project. The VMRC has also issued a permit to install a new form of breakwater called Wave Attenuation Devices (WADs). This breakwater would extend from the existing Bay Creek system to the old ferry dock area. This system is “new” to Virginia and VMRC has required some monitoring of the system performance.

12. The Broadband Network equipment is installed and the Town Hall is working on the new service. The computer lab is also connected and operational. The Wireless testing is currently underway. After the testing is complete, a Request for Proposal will be issued for wireless service provider in Cape Charles.

Tom Bonadeo

From: kdowning@co.northampton.va.us
Sent: Friday, March 30, 2012 11:40 AM
To: 'Ron West'
Cc: planner@capecharles.org; wbaines@microenterprises.com; rcmorrison2@verizon.net; obxgolf@aol.com; byork@tbaonline.org
Subject: April 3 Planning Commission Agenda

Agenda
Northampton County Planning Commission
Tuesday, April 3, 2012
16404 Courthouse Road, Eastville, VA
7:00 p.m., Board Chambers

1. Call to order
2. Establishment of a quorum
3. Review and acceptance of the agenda
4. Public hearings: none.
5. Matters from the public
6. Consideration of minutes
 - A. March 6, 2012
7. New business
 - A. Commission subcommittees and Virginia Freedom of Information Act
 - B. Potential subdivision ordinance amendment – legislation pertaining to property held in trust for a family member
8. Unfinished business
 - A. Procedural matters
 - B. Low Impact Commercial Uses (micro-business) draft language (Commissioners Kellam & Ward)
 - C. Zoning Code §154.111, agricultural ponds draft language (Commissioner Kellam)
 - D. Comprehensive Plan review
9. Communications
 - A. Town Planning Commission/Town Council Agendas
10. Committee reports/presentations
 - A. Town of Eastville Subcommittee (Commissioners Miller & Ward)

11. Director's report

12. Adjourn/Recess

Planning Commission Staff Report

From: Tom Bonadeo
Date: April 3, 2011
Item: 5A – Sign Ordinance
Attachments: Ordinance

Background

The sign ordinance has had a first round of review and has been marked up. Staff will provide an outline and work session for the meeting to continue mark up.

Item Specifics

Please take time to read through the attached marked up version.

Recommendations

Review the new code previously discussed.

Planning Commission Staff Report

From: Tom Bonadeo
Date: April 3, 2012
Item: 5B – CUP and Zoning Map Amendment
Attachments: Bauman's Map of Cape Charles (1884), North Park Row Map

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 as shown on Bauman's Map. 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 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 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 a Community Center is in accordance with the proposed Adaptive Reuse text amendment now before Council.

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 as shown on the attached map. This amendment is to change the zoning from Open Space (OS) to Single Family Residential (R-1) so that the adaptive reuse for apartments and/or a community center can be applied. Neither of these uses is allowed under the Open Space definition.

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 the 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 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 \$9000. The roof has been maintained annually since that time.

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 adaptive uses for the building will be mixed residential and community use to completely community use.

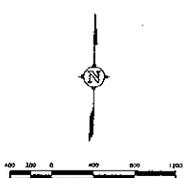
The CUP process requires that the permitted use(s) will not:

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 and community use will restore the building to a safe condition and correct the problem of broken windows and a location for vandalism.
 - b. The basketball court will likely move as on-site parking is required for both the residential use and the community center use. The basketball court currently attracts young adults from outside the Town area and language has been an issue for children playing in the adjacent Kid's Park area
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 than 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 residential use would require only about 17 spaces of off street parking while the community center would likely require 50 spaces if fully utilized. Since the Town's population will not likely grow significantly in the next few years it is unlikely that the community center use would cause an undue parking problem except for some large function possibly involving the use of the park.
 - d. 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 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 and the adaptive reuse in the R-1 Zone.

Recommendations

Discuss the CUP and schedule a joint public hearing with Town Council pending the approval of the adaptive reuse text amendment.



ZONING LEGEND:

- RESIDENTIAL ESTATE DISTRICT (R-1)
- SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)
- RESIDENTIAL MIXED DISTRICT (R-2)
- RESIDENTIAL MULTI-FAMILY DISTRICT (R-3)
- COMMERCIAL RESIDENTIAL (CR)
- COMMERCIAL DISTRICT (C-1)
- COMMERCIAL DISTRICT (C-2)
- COMMERCIAL DISTRICT (C-3)
- HARBOR DISTRICT
- GENERAL BUSINESS / LIGHT INDUSTRIAL (GBI)
- INDUSTRIAL DISTRICT (M-1)
- STIP DISTRICT (SUSTAINABLE TECHNOLOGIES INDUSTRIAL PARK)
- PD-STIP DISTRICT (PLANNED SUSTAINABLE TECHNOLOGIES INDUSTRIAL PARK)
- OPEN SPACE
- CONDITIONAL ZONING

NAME CH

CHESAPEAKE BAY

KINGS CREEK

CAPE CHARLES HARBOR

OLD PLANTATION CREEK

CHESAPEAKE BAY

TO CHG
05

R-3

- 14. COLONY DRIVE
- 15. LAKE TONY COURT
- 16. CRITICAL LAKE COURT
- 17. LAKE WEN COURT
- 18. EAST WY COURT
- 19. KINGS BAY DRIVE
- 20. KINGS COURT

- 27. BARBARA DRIVE
- 28. BARBARA DRIVE
- 29. CHAN (S) DRIVE
- 30. BROOKTON DRIVE
- 31. WATERS EDGE DRIVE

- 1. BLUE HEAVEN ROAD
- 2. GARDNER COURT
- 3. GARDNER COURT
- 4. AMERICAN COURT
- 5. FOSTER COURT
- 6. NELLE STUBBS COURT
- 7. PERRY COURT
- 8. WOODBURY COURT

- 27. OLD COURSE LOOP
- 28. LYTHAM COURT
- 29. PINEHURST TURN
- 30. TROON COURT
- 31. LUMBERVILLE AVENUE
- 32. GARDNER DRIVE
- 33. CLAYTON COURT

- 10. ANCHOR COURT
- 11. MOON COURT
- 12. BEAY COURT
- 13. OGDON COURT

- 34. BAYBIC AVENUE
- 35. PALMER PLACE
- 36. DEPT CHURCH BRIDGE
- 37. CASSATT KNOLL
- 38. WALKER DRIVE
- 39. MARKET PLACE
- 40. BRASS AND AVENUE
- 41. CAROUSEL PLACE
- 42. PARK STREET

PUD ZONING LEGEND:

- PLANNED URBAN DEVELOPMENT (PUD)
- PUD-R1 (LOW DENSITY RESIDENTIAL)
- PUD-R2 (MEDIUM DENSITY RESIDENTIAL)
- PUD-R3 (MULTI-FAMILY RESIDENTIAL)
- PUD-SC (SPECIALTY COMMERCIAL)
- PUD-C (COMMERCIAL)
- PUD-GBI (GENERAL BUSINESS / INDUSTRIAL)
- PUD-VILLAGE DISTRICT (RESIDENTIAL / COMMERCIAL)
- PUD-OPEN SPACE



**TOWN OF CAPE CHARLES
OFFICIAL ZONING MAP**

REV. JUNE 2, 2008

