



TOWN COUNCIL

Public Hearing

May 10, 2012
St. Charles Parish 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
- B. Proposed Modification to Sections 70-35 and 71-42 of the Cape Charles Town Code
- C. Northampton County Public Service Authority Ordinance Amendment

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.

Draft Change to Town Code
(Change indicated in bold italics)

Sec. 70- 35. Connection Charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the costs associated with maintaining the waterworks. The facility fee covers the capital cost of creating waterworks capacity.
- (b) Class I - The connection fee shall be \$875 and the facility fee shall be \$4,000, for a total charge of \$4,875. ***For residences having fewer than two (2) bedrooms, the charge shall be one half of that amount.*** Such charge, plus \$100 for inspection and review fees, shall be paid to the Building Department at the time of building permit issuance, or to the Town Treasurer pursuant to any payment programs authorized by Town Council, prior to the initiation of connection related construction activities.
- (c) Class II - The connection fee shall be \$875. The facility fee shall be calculated on a consumption based formula as follows: Class I facility fee + (Class I facility fee x residential equivalent x 10%). Residential equivalent shall be the estimated daily water consumption rate for the building, as defined by the Virginia Department of Health Waterworks Regulations, divided by the residential daily water consumption rate of 125 gallons per day. For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption based formula shall be \$1,375, rather than the Class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. The inspection and review fees above also apply to Class II permits.

Sec. 71- 42. Connection Charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the Town's costs associated with maintaining the treatment works. The facility fee covers the capital cost of creating treatment works capacity.
- (b) Class I - The connection fee shall be \$875 and the facility fee shall be \$6,600, for a total charge of \$7,475. ***For residences having fewer than two (2) bedrooms, the charge shall be one half of that amount.*** Such charge, plus \$100 for inspection fees and review fees, shall be paid to the Building Department at the time of building permit issuance, or to the Town Treasurer pursuant to any payment programs authorized by Town Council, prior to the initiation of connection related construction activities.
- (c) Class II - The connection fee shall be \$875. The facility fee shall be calculated on a consumption based formula as follows: Class I facility fee + (Class I facility fee x residential equivalent x 10%). Residential equivalent shall be the estimated daily water consumption rate for the building, as defined by the Virginia Department of Health Waterworks Regulations, divided by the residential daily water consumption rate of 125 gallons per day. For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption based formula shall be \$1,375, rather than the Class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. The inspection and review fees above also apply to Class II permits.

Northampton County Public Service Authority Ordinance Amendment

The original ordinance and the Articles of Incorporation called for a total membership of 10. With the County redistricting, the number of members has been reduced to 9 and the Ordinance and Articles of Incorporation need to be amended to reflect the change in membership.

ORDINANCE 20120510

**TO AMEND ORDINANCE 20100628 ENTITLED,
"CAPE CHARLES TOWN COUNCIL ORDINANCE
RE: JOINDER OF THE INCORPORATED TOWN OF CAPE CHARLES
TO THE EASTERN SHORE OF VIRGINIA PUBLIC SERVICE AUTHORITY"**

WHEREAS, the Cape Charles Town Council did, on June 28, 2010, adopt Ordinance 20100628 entitled, "Cape Charles Town Council Ordinance Re: Joinder of the Incorporated Town of Cape Charles to the Eastern Shore of Virginia Public Service Authority"; and

WHEREAS, as a result of the Northampton County redistricting, the membership of such Authority is hereby reduced from ten (10) members to nine (9) members.

NOW, THEREFORE, BE IT RESOLVED, that the following provisions of such Ordinance be amended as set out below:

RECITATIONS:

B. Upon conclusion of said Public Hearing, and upon consideration of matters pertinent to the joinder of the incorporated Town of Cape Charles to the Eastern Shore of Virginia Public Service Authority ("the Authority"), the Council has concluded to approve the application of the Town of Cape Charles for joinder as a member of the Authority upon the condition that the Articles of Incorporation of the Authority be amended to provide to increase the number of members of the Authority's Board of Directors from five (5) to ~~ten (10)~~ nine (9) and to provide that the powers of the Authority shall be exercised by ~~ten (10)~~ nine (9) Authority Board members, all of whom shall be appointed in the following manner: One (1) Authority Board member shall be appointed by each of the four (4) participating towns (Towns of Cape Charles, Cheriton, Nassawadox and Exmore), and ~~six (6)~~ five (5) At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.

IT IS THEREFORE ORDAINED:

The Town of Cape Charles applies for and consents to its joinder as a member of the Authority upon the condition that the Articles of Incorporation be amended to provide to increase the number of members of the Authority's Board of Directors from five (5) to ~~ten (10)~~ nine (9) and to provide that the powers of the Authority shall be exercised by ~~ten (10)~~ nine (9) Authority Board members, all of whom shall be appointed in the following manner: (1)

Authority Board member shall be appointed by each of the four (4) participating towns (Towns of Cape Charles, Cheriton, Nassawadox and Exmore), and ~~six (6)~~ five (5) At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.

FURTHER ORDAINED:

The Town Attorney is hereby authorized and directed to apply to the State Corporation Commission for this approval of the aforesaid amendment to the Ordinance.

Adopted by the Town Council of Cape Charles on _____, 2012

Mayor Sullivan, Town of Cape Charles

ATTEST:

Clerk, Town of Cape Charles