

# **Planning Commission**

## **Public Hearing**

**&**

## **Regular Session Agenda**

**Cape Charles Civic Center – 500 Tazewell Avenue**

**December 6, 2016**

**6:00 P.M.**

1. Call Public Hearing to Order
  - a. Roll call and establish a quorum
  - b. Amendments to Town of Cape Charles Comprehensive Plan adopted June 11, 2009
  - c. Hear public comment
  - d. Close public hearing and move to regular meeting
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. Amendments to Town of Cape Charles Comprehensive Plan adopted June 11, 2009
  - b. Planning documents review – 1996 Preservation Plan
6. New Business
  - a. Application for Conditional Use Permit to have second floor residential dwelling unit above first floor commercial at 3 Fig Street (Kellogg Building)
7. Announcements
8. Adjourn



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Cape Charles Civic Center**  
**November 1, 2016**  
**6:00 p.m.**

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Vice Chairman Michael Strub, and Commissioners Andy Buchholz, Keith Kostek, Sandra Salopek and Bill Stramm. Commissioner Dan Burke was not in attendance. Also in attendance were Town Planner Larry DiRe, Town Manager Brent Manuel and Town Clerk Libby Hume. There was one member of the public in attendance.

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

**PUBLIC COMMENTS:**

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

**CONSENT AGENDA**

**Motion made by Michael Strub, seconded by Sandra Salopek, to approve the agenda as presented. The motion was approved by unanimous vote.**

The Commissioners reviewed the minutes for the October 4, 2016 Planning Commission Regular Meeting.

**Motion made by Bill Stramm, seconded by Andy Buchholz, to approve the minutes from the October 4, 2016 Planning Commission Regular Meeting as presented. The motion was approved by unanimous vote.**

**REPORTS**

Larry DiRe reported the following: i) At their October 20 regular meeting, the Town Council voted to set Tuesday, December 6, 2016 as the date for the draft Comprehensive Plan joint public hearing with the Planning Commission; ii) On October 17, staff met with the property owner of the lot recently rezoned from Harbor District to Industrial M-2 District. Demolition permits were submitted for two of the three buildings on the former Cunningham property; and iii) The post-sand placement survey was received from the U.S. Army Corps of Engineers (USACE) and was attached to the staff report. The dunes were growing about one foot per year but by the fishing pier, they were growing about three feet per year. The USACE would be planting grass beginning November 15 at the earliest.

**OLD BUSINESS**

A. *Draft Comprehensive Plan received comments and proposed revisions:*

Larry DiRe reviewed the changes from Mayor George Proto and Councilman Steve Bennett then proceeded to review proposed changes in other sections of the draft Comprehensive Plan. There was discussion as follows: i) It was confirmed that Eventacular was currently dormant but not defunct. The current language would remain in the Comprehensive Plan but the Commission would review the status of Eventacular in January 2017 to see if the organization was still viable; ii) Larry DiRe would draft language for § III.D.4 referencing the

connection between Route 184 and the new industrial access road as well as language regarding the town and county working together to ensure that compatible county zoning uses applied to parcels along the town entrance corridors from Route 13; iii) Larry DiRe would pull items articulated as priorities within the document for § IV.1. It was suggested that § IV.1 could be deleted and the Capital Improvement Plan (CIP) could be used as the Council priorities since Council updated the CIP annually; iv) The current language in § III.2.1.2, second paragraph, was discussed and Larry DiRe proposed deletion of the paragraph stating that the Harbor Area Conceptual Master Plan and Design Guidelines was over ten years old and worked from a number of untested assumptions about local economics, availability of funds for public investment, and demographics. The Town Harbor had an industrial and port history, not a history of retail shops and multi-family residential, and redevelopment had not occurred and land uses had not shifted. Joan Natali, former Planning Commissioner who was in attendance as a member of the public, gave the Commissioners the background of the language, stating that it was added to address the issue that if the railroad property no longer fell under federal control, it could become available for development. The zoning ordinance stated that all new land was to be zoned residential, but the Commission felt that the land in this area should become Harbor Mixed-Use instead; v) Mayor Proto requested that the expanded policies and descriptions (pages 29-34) be updated with the status and plans. The Commissioners agreed that statuses of projects were not part of a Comprehensive Plan. The Commission would review the items and staff would report back to the Council; vi) The current depth of the harbor would be added to § III-B.5.3 under Strategies; vii) Language regarding the Main Street Initiative needed to be added, possibly in § III-B.5.6; viii) Was § III-E.2 (Water and Wastewater Partners) still valid? Was the PSA still in existence? No notification had been received from Northampton County dissolving the PSA. The Commission agreed to leave this language in the document; and ix) The zoning map needed to be updated with some recent zoning changes. Larry DiRe was anticipating two more rezoning requests for Harbor District properties but did not expect receipt prior to the December 6 public hearing. The industrial access road which was currently under construction was discussed. It would be shown as a dotted line on the revised zoning map.

Larry DiRe would update the draft Comprehensive Plan as discussed and distribute to the Commission prior to the Thanksgiving holiday.

B. *Review Schedule of Documents Used During the Comprehensive Plan Document Drafting Process:*

The Commissioners reviewed the reference documents for the Comprehensive Plan which dated from 1996 through 2012. The majority of the documents were ten years or older. Larry DiRe proposed that some of the documents could be retired remain as contributing documents and others could be updated. There was discussion as follows: i) The Historic District Review Board was currently reviewing the Historic District Guidelines; ii) The Accessory Dwelling Unit Study was still a good document and could be reviewed for updating; iii) The Harbor Area Conceptual Master Plan & Design Guidelines needed to be reviewed and updated; iv) The Sidewalk and Curb Assessment should be reviewed and updated regularly by staff; v) The Community Trail Master Plan was being implemented and Council was reviewing future phases; and vi) Each document would be briefly reviewed to determine what had been completed, what updates were needed, what had been superseded, etc. The originals would be archived for historical purposes.

Once the draft Comprehensive Plan was adopted, the document would be reviewed periodically moving forward to keep it current.

**NEW BUSINESS**

*A. Election of Officers:*

**Motion made by Bill Stramm, seconded by Andy Buchholz, to keep the current slate of officers. The motion was approved by unanimous vote.**

Dennis McCoy accepted the position of Chairman and Michael Strub accepted the position of Vice Chairman.

**ANNOUNCEMENTS**

There were no announcements.

**Motion made by Sandra Salopek, seconded by Andy Buchholz, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.**

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Chairman Dennis McCoy

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Town Clerk

DRAFT

# Planning Commission Staff Report

**From:** Larry DiRe   
**Date:** December 6, 2016  
**Item:** 4c-Staff Report  
**Attachments:** None

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1. No update on the project approved under a conditional use permit for 207 Mason Avenue.
2. At their November 17<sup>th</sup> regular monthly meeting the Town Council voted to approve the Tourism Zone Ordinance including the clawback provision. They set the effective date as January 1, 2016.
3. At the November 3<sup>rd</sup> Town Council work session the Council directed staff to monitor the requests for commercial activity in the beachfront Open Space District, but not move forward beyond work the Planning Commission has completed to this point. If the Town received an abundance of requests from vendors the issue could be revisited. The Mayor and Council thanked the Commissioners for their work and attention to this matter.
4. In January the Planning Commission will receive the 2016 Annual Report, review the 2017-2018 draft Capital Improvement Plan document, and review the first draft of the proposed Historic Town Entrance design standards to share with Northampton County. Staff was also contacted by a joint Rutgers University\National Oceanic and Atmospheric Administration (NOAA) study team working on a resilience planning for water-dependent uses pilot project using Cape Charles as one of the study areas. That group is planning a town site visit and meeting with working waterfront stakeholders in mid-January. More details will follow as they become available.
5. The Historic District Review Board received two applications for Certificate of Appropriateness to consider at their November 15<sup>th</sup> regular monthly meeting. One application was for construction of a new single-family home on Washington Avenue. That application was approved with slight modifications. The other application was for the removal of an existing read room, and addition of a new bath room and bedroom. That application was approved without changes.
6. The Harbor Area Review Board received an application for decks and handicap ramps, and a new bath house at lot 19. They held a meeting to consider the application on Tuesday November 29<sup>th</sup>.
7. The Wetlands and Coastal Dunes Board approved an application from the Town of Cape Charles public works department for the installation of stormwater outfall protection. That meeting occurred on Monday, November 14<sup>th</sup>.
8. The Board of Zoning Appeals received an application for variance from the minimum lot area requirements for lot 19 in the Harbor District. They held a meeting to consider the application on Monday December 5<sup>th</sup>.

# Planning Commission Staff Report

From: Larry DiRe   
Date: December 6, 2016  
Item: 5a- Amendments to Town of Cape Charles Comprehensive Plan adopted June 11, 2009  
Attachments: Draft Comprehensive Plan; Resolution making recommendation to Town Council and certifying the Comprehensive Plan; Appendix of relevant sections from Code of Virginia

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## Item Specifics

The Planning Commission has completed an extensive review of the adopted Comprehensive Plan. As required by *Section 15-2-2230* of the Code of Virginia, the Planning Commission began reviewing the 2009 Comprehensive Plan (henceforth referred to as the Plan) in the summer of 2013. The proposed amendments to the Plan were the subject of numerous public meetings and public input sessions. Throughout the process drafts of the Plan were posted on the Town's website. As required by *Section 15-2-2225* of the Code of Virginia a public hearing was advertised and held. This section states the following procedural requirements:

*After the public hearing, the commission may approve, amend and approve, or disapprove the plan. Upon approval, the commission shall by resolution recommend the plan, or part thereof, to the governing body and a copy shall be certified to the governing body. Any comprehensive plan or part thereof approved by the commission pursuant to this section shall be posted on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof approved by the commission and certified to the governing body.*

## Discussion

The Planning Commission should consider received comments and the text of the Plan. Deliberation and discussion on those should follow. Upon closing discussion on the Plan, the Commissioners shall vote on the matter.

## Recommendation

Staff recommends that the Planning Commission consider public comment, discuss the draft document, revise the document if needed, adopt a resolution approving the amendments and certifying the Plan, and send it to Town Council with the recommendation to be approved and adopted.

# Appendix

**§ 15.2-2224. Surveys and studies to be made in preparation of plan; implementation of plan.**

A. In the preparation of a comprehensive plan, the local planning commission shall survey and study such matters as the following:

1. Use of land, preservation of agricultural and forestal land, production of food and fiber, characteristics and conditions of existing development, trends of growth or changes, natural resources, historic areas, ground water, surface water, geologic factors, population factors, employment, environmental and economic factors, existing public facilities, drainage, flood control and flood damage prevention measures, dam break inundation zones and potential impacts to downstream properties to the extent that information concerning such information exists and is available to the local planning authority, the transmission of electricity, road improvements, and any estimated cost thereof, transportation facilities, transportation improvements, and any cost thereof, the need for affordable housing in both the locality and planning district within which it is situated, and any other matters relating to the subject matter and general purposes of the comprehensive plan.

However, if a locality chooses not to survey and study historic areas, then the locality shall include historic areas in the comprehensive plan, if such areas are identified and surveyed by the Department of Historic Resources. Furthermore, if a locality chooses not to survey and study mineral resources, then the locality shall include mineral resources in the comprehensive plan, if such areas are identified and surveyed by the Department of Mines, Minerals and Energy. The requirement to study the production of food and fiber shall apply only to those plans adopted on or after January 1, 1981.

2. Probable future economic and population growth of the territory and requirements therefor.

B. The comprehensive plan shall recommend methods of implementation and shall include a current map of the area covered by the comprehensive plan. Unless otherwise required by this chapter, the methods of implementation may include but need not be limited to:

1. An official map;
2. A capital improvements program;
3. A subdivision ordinance;
4. A zoning ordinance and zoning district maps;
5. A mineral resource map;
6. A recreation and sports resource map; and
7. A map of dam break inundation zones.

(Code 1950, § 15-964.1; 1962, c. 407, § 15.1-447; 1975, c. 641; 1977, c. 228; 1980, c. 322; 1981, c. 418; 1988, c. 438; 1990, c. 97; 1991, c. 280; 1993, cc. 758, 770; 1996, cc. 585, 600; 1997, c. 587; 2006, c. 564; 2007, c. 761; 2008, c. 491.)

**§ 15.2-2225. Notice and hearing on plan; recommendation by local planning commission to governing body; posting of plan on website.**

Prior to the recommendation of a comprehensive plan or any part thereof, the local planning commission shall (i) post the comprehensive plan or part thereof that is to be considered for recommendation on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for recommendation, (ii) give notice in accordance with § 15.2-2204, and (iii) hold a public hearing on the plan. After the public hearing, the commission may approve, amend and approve, or disapprove the plan. Upon approval, the commission shall by resolution recommend the plan, or part thereof, to the governing body and a copy shall be certified to the governing body. Any comprehensive plan or part thereof approved by the commission pursuant to this section shall be posted on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof approved by the commission and certified to the governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the local planning commission following notice and public hearing as required herein.

(Code 1950, §§ 15-908, 15-921, 15-922, 15-964.2, 15-964.3; 1958, c. 389; 1962, c. 407, § 15.1-448, 15.1-449; 1968, c. 735; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2009, c. 605.)

**§ 15.2-2226. Adoption or disapproval of plan by governing body.**

After certification of the plan or part thereof, the governing body shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption. After a public hearing with notice as required by § 15.2-2204, the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within ninety days of the local planning commission's recommending resolution. Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.

(Code 1950, § 15-964.4; 1962, c. 407, § 15.1-450; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2000, c. 893; 2009, c. 605.)

**§ 15.2-2227. Return of plan to local planning commission; resubmission.**

If the governing body disapproves the plan, then it shall be returned to the local planning commission for its reconsideration, with a written statement of the reasons for its disapproval.

The commission shall have sixty days in which to reconsider the plan and resubmit it, with any changes, to the governing body.

(Code 1950, § 15-964.5; 1962, c. 407, § 15.1-451; 1997, c. 587.)

**§ 15.2-2228. Adoption of parts of plan.**

As the work of preparing the comprehensive plan progresses, the local planning commission may, from time to time, recommend, and the governing body approve and adopt, parts thereof. Any such part shall cover one or more major sections or divisions of the locality or one or more functional matters.

(Code 1950, §§ 15-906, 15-921, 15-964.6; 1958, c. 389; 1962, c. 407, § 15.1-452; 1997, c. 587.)

**§ 15.2-2229. Amendments.**

After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § 15.2-2204. If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution. If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § 15.2-2204.

(Code 1950, §§ 15-908, 15-921, 15-964.7; 1958, c. 389; 1962, c. 407, § 15.1-453; 1975, c. 641; 1997, c. 587; 2000, c. 893; 2010, c. 821.)

TOWN OF CAPE CHARLES PLANNING COMMISSION

RESOLUTION 20161206

Amendments to the Town Comprehensive Plan

**WHEREAS**, in accordance with Section 15-2-2230 of the Code of Virginia the Planning Commission reviewed the Comprehensive Plan to determine whether it was advisable to amend the plan; and

**WHEREAS**, through the review process the Planning Commission determined that some of the contents of the Comprehensive Plan adopted by Town Council on June 11, 2009 were out of date, and

**WHEREAS**, the Planning Commission recognizes that amendments are appropriate at this time to update the adopted Comprehensive Plan, and

**WHEREAS**, the Planning Commission has prepared amendments to update the Comprehensive Plan with the purpose of guiding orderly development of the Town of Cape Charles, and

**WHEREAS**, in preparing the amendments to the Comprehensive Plan the Planning Commission reviewed studies and surveys of existing conditions and future trends relative to the Town of Cape Charles, and

**WHEREAS**, a public hearing was held on December 6, 2016 as required by Section 15-2-2225 of the Code of Virginia, and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the Town of Cape Charles approves the amendments to the Town of Cape Charles Comprehensive Plan in the draft document dated December 15, 2016, as revised by the Commission, which will supersede the 2009 Comprehensive Plan.

**BE IT FURTHER RESOLVED**, that the Planning Commission of the Town of Cape Charles forwards this document to the Town Council with the recommendation to approve and adopt.

Adopted by the Planning Commission of Cape Charles on this 6th day of December, 2016.

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\_\_\_\_\_  
By: Dennis McCoy, Chair

\_\_\_\_\_  
ATTEST: Town Clerk

CERTIFICATE I, Libby Hume, Clerk of the Town of Cape Charles, Virginia, certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized meeting of the Cape Charles Planning Commission held at the Cape Charles Civic Center, 500 Tazewell Avenue, Cape Charles, Virginia, at six o'clock p.m. on December 6, 2016. Given under my hand and seal of the Clerk of the Town of Cape Charles this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_ Clerk of the Council

# Planning Commission Staff Report

**From:** Larry DiRe   
**Date:** December 6, 2016  
**Item:** 5b- Planning documents review 1996 Preservation Plan  
**Attachments:** None

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## Item Specifics

As part of the current Comprehensive Plan review process, Town Council directed staff to develop a process to evaluate the importance of existing Town planning documents identified in the Comprehensive Plan. Specifically, the Council expressed concern over the age of the documents listed as Comprehensive Plan references. Staff proposed a monthly review of certain of these documents by the Planning Commission with the goal being the classification of these documents as having value for current and future planning, or holding historical reference value and retrospective in nature. These latter documents can be kept for archival purposes, but no longer consulted. The purpose of this review and classification process is not to perform a line by line analysis, but rather to assess the document in its context and value for future policy-making.

First to be reviewed is the 1996 Town Preservation Plan. This document is an excellent reference resource and provides a wealth of information and analysis of the Town's economic, social, and infrastructure conditions into the mid-1990s. Of particular note are the downtown statistical data found on pages 6-9 through 6-11, and the Summary of Recommendation sections found at the conclusion of each chapter and other significant subsections throughout the text.

## Discussion

The Preservation Plan was the result of a direct and time-bound need for the Town to cope with the issues of a physically declining building stock, and the desire to advance the historic character of the town as a tangible asset for community revitalization and economic development. The former has been addressed through the adoption of the property maintenance codes and code enforcement activities. Over the past twenty years many individual investors have purchased previously distressed properties and made the necessary improvements. This has resulted in the improved building stock seen throughout the historic old town. The latter is an on-going process for the Town and is now manifest through civic partnerships and direct governmental actions such as the application of the Main Street program's "four point" approach. Preservation activities in the historic old town are under the jurisdiction of the Town Council and the Historic District Review Board. Since 1996 the Town has adopted a Historic District Overlay Ordinance, and the Historic District Design and Construction Guidelines, (adopted in 2001) provides the necessary assurance that both renovations and new construction will conform to both national standards and community norms.

## Recommendation

Staff recommends that the Planning Commission classify this document as having value for historical reference purposes, but no longer a document used to inform policy-making or current or future community planning activities.

# Planning Commission Staff Report

From: Larry DiRe   
Date: December 6, 2016  
Item: 6a- Conditional use permit application residential unit above first floor commercial 3 Fig Street (Kellogg Building)  
Attachments: November 2016 application form; architectural plans.

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## Item Specifics

Staff received an application for a conditional use permit a residential dwelling unit above the first floor commercial units at 3 Fig Street. This property is in the Commercial – 2 zoning district, which according to *Article III, Section 3.7.C* allows residential dwelling units “provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).” *Article IV Section 4.3.B* states the Conditions for Issuance as follows: 1) not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood; 2) not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; 3) not be in conflict with the purpose of the comprehensive plan of the town.

While the Cape Charles Comprehensive Plan is silent on residential and commercial mixed use development on Fig Street and in the Commercial – 2 District, the document does speak to such use in a favorable, desired manner for the Mason Ave central business district. The Mason Avenue central business district is zoned Commercial – 1. The Commercial – 2 District incorporates all the Commercial – 1 District uses and shares common language for residential units above the first floor commercial. The Comprehensive Plan also addresses the need for available affordable housing.

## Discussion

Staff finds no reason to prevent this application from moving forward to public hearing. The applicant must meet all procedural obligations before beginning work on the residential dwelling unit. Upon approval of the conditional use permit, the applicant will have one year to demonstrate progress toward completion of the project, as enumerated in *Article IV, Section 4.3.D* of the zoning ordinance. All construction shall conform to the appropriate Town codes.

## Recommendation

Staff recommends that the Planning Commission review this conditional use permit application, provided direction to staff, and set a date for the required public hearing. Staff recommends Tuesday January 3, 2017 as date for a joint Planning Commission\Town Council public hearing.



**Application for Conditional Use Permit**  
 Town of Cape Charles  
 2 Plum Street  
 Cape Charles, VA 23310  
 757-331-2036 Fax: 757-331-4820  
[planner@capecharles.org](mailto:planner@capecharles.org)

Date 11/28/16 Fee: \_\_\_\_\_  
 \*(Attach Plans)

Applicant: Chad Petrus Signature: Chad Petrus  
 Address: 11391 Hotze St City: Acton State: TX Zip: 76009  
 Telephone: 817-941-9181 Email: chadandbea@outlook.com

Owner(s): Greg and Laura Lobst  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Contractor: TBD  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Town License: \_\_\_\_\_ State License: \_\_\_\_\_

Location of Improvement: 3 Fig St Cape Charles, VA 23314  
 Lot No.: 83A3-1-534 Block No.: \_\_\_\_\_ Lot Size: 6183 Lot Area: 6183  
 Type of Improvement: Electric, HVAC, Plumbing  
 Proposed Use: Residential  
 Estimated Construction Costs: TBD

**Conditional Use Permit Checklist**  
 (Applicant must attach items 1-7)

1.  completed application
2.  payment of fees (\$300.00 + \$25.00 per acre)
3.  letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4.  concept plan (see attached information for recommended contents)
5.  plot plan of property
6.  disclosure statement signed and notarized verifying ownership
7.  names and addresses of adjacent property owners
8.  Zoning Administrator's review of documentation

**CERTIFICATION OF APPLICANT**

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer, and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

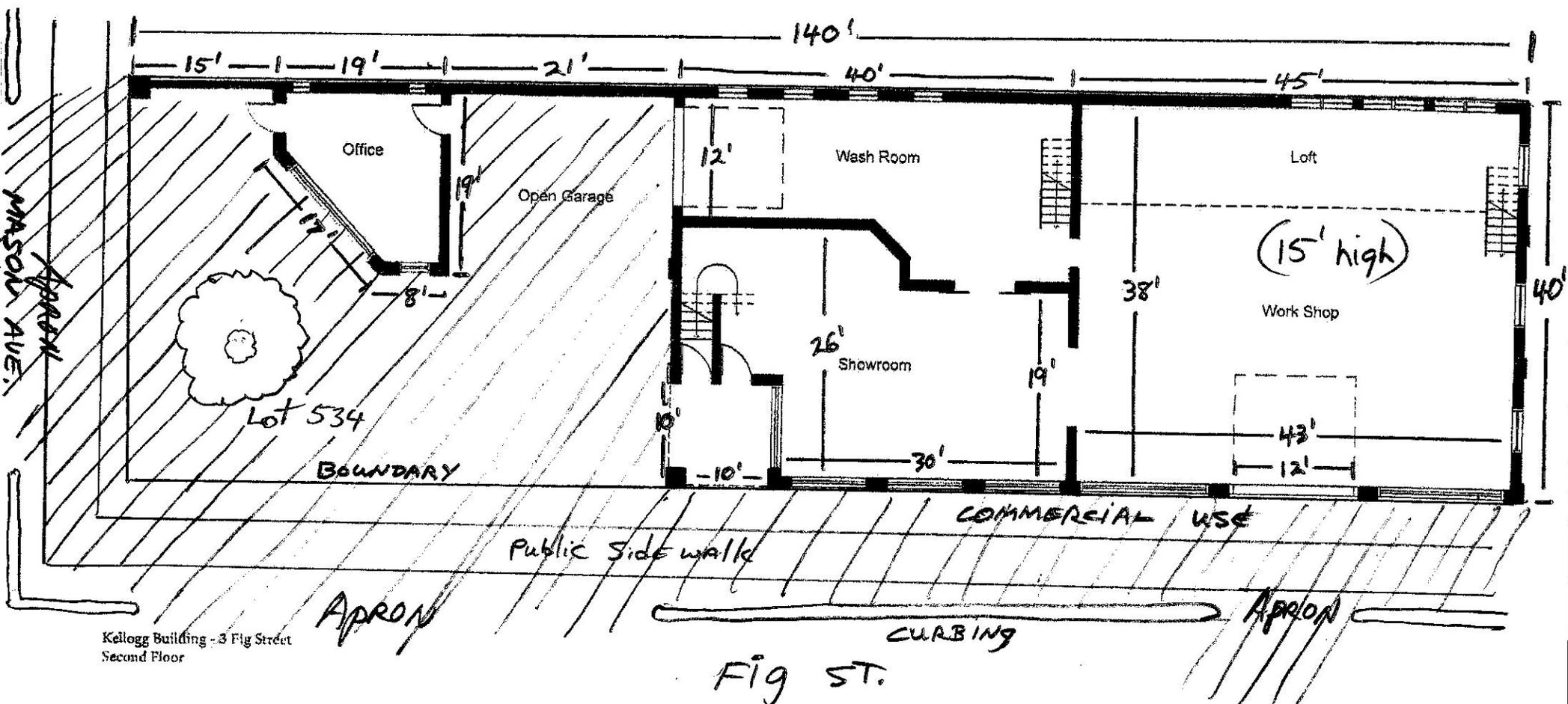
Signature of Owner/Agent: Chad Petrus

**Conditional Use Permit Plan Checklist**

Town of Cape Charles  
 2 Plum Street  
 Cape Charles, VA 23310  
 757-331-2036 Fax: 757-331-4820  
[planner@capecharles.org](mailto:planner@capecharles.org)

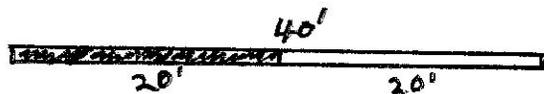
Contact Person: Chad Petrus Submittal Date: 11/28/16  
 Address: 11331 Hotze St. Acton, IN 46259 Phone #: 812-341-9181  
 Email: chadandbev@outlook.com

Requirement	Yes	No	N/A	Comments
Are the project title, name of applicant, and project designer (if applicable) provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the date, north arrow, and graphic scale provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is the concept plan the minimum size of 8 1/2" x 11" or maximum size 11" x 17"? If only plans larger than the maximum size are feasible, has the applicant provided 15 copies of the plan for distribution to the Planning Commission and Town Council?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is the size of the entire parcel in acres and, if applicable, is size of portion of parcel showing? Are the meets and bounds provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Are the adjacent streets, alleys, railroads, water bodies, natural features, etc. shown?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Are the locations, dimensions, and heights of all structures provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the number, type, and size of dwelling, retail or commercial office units, the gross density, and the location, size and type of recreational amenities provided for the residential, commercial, and mixed use projects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the location and dimensions of pedestrian access and plazas as well as vehicular driveways, parking spaces, and unloading facilities shown?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are any outstanding natural features to be conserved, such as slope, ground cover, surface water, trees and vegetation, floodplain, etc. shown?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Are any signs, including type, area, height, and placement on site shown?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is lighting information provided, if applicable?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is the location and description of any screening and buffering along the lot perimeter or within the lot provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Are the building elevations or renderings and description of landscape improvements provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is there other information pertinent to the specific request including areas outdoors which are designated for conditional uses, for example, accessory uses, storage areas, recreation area, loading/unloading areas, and dumpster areas on the concept plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



Kellogg Building - 3 Fig Street  
Second Floor

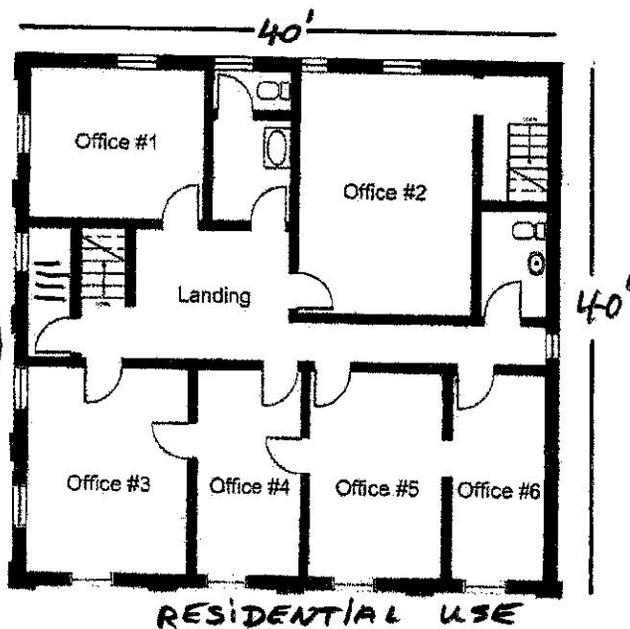
SCALE



• 13 ACRE SITE  
40' x 140'

2<sup>ND</sup> STORY

(24' HIGH)



KELlogg Bldg. COMMERCIAL  
+ RESIDENTIAL USE  
by CHAD + BEV PETRAS

DRAWN by DAVID KABLER  
11/17/16



Fig Street

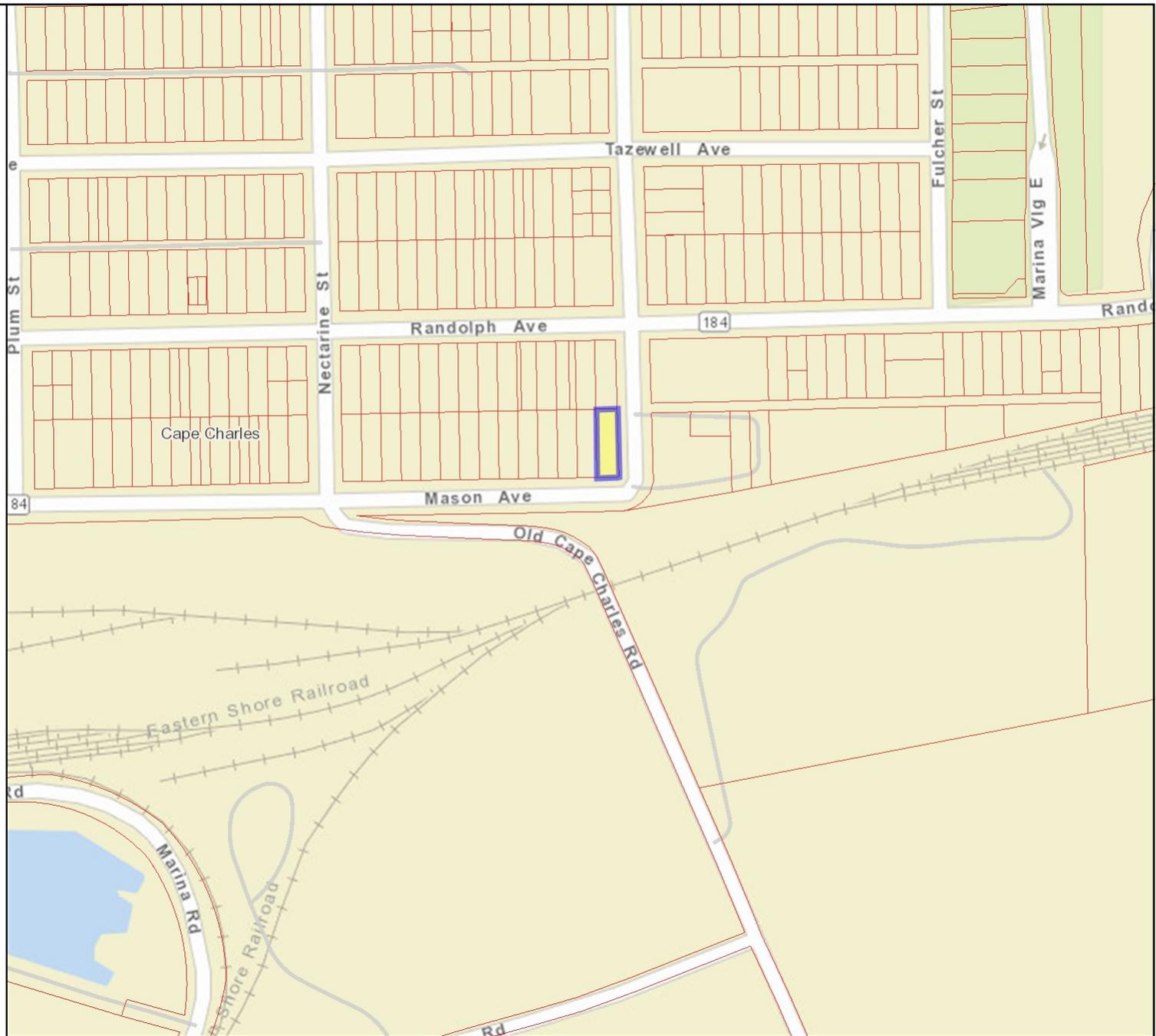
KUMON

BRICK BUILDING

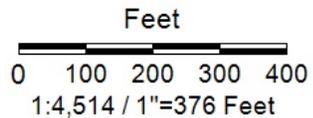
# Northampton County, Virginia

## Legend

- Town Names
- Route Numbers
- Road Labels
-  Parcels
-  Driveways



Map Printed from Northampton  
<http://northampton.mapsdirect.net/>



**Title: Parcels**

**Date: 11/30/2016**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.*