



## TOWN COUNCIL & PLANNING COMMISSION

### Joint Work Session

Town Hall  
May 20, 2013  
6:00 p.m.

At 6:00 p.m., Vice Mayor Chris Bannon, called to order the Work Session of Town Council. In addition to Vice Mayor Bannon, present were Councilwoman Natali and Councilman Sullivan. Councilman Wendell arrived at 6:10 p.m. Also present were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. There was one member of the public in attendance.

Chairman Dennis McCoy called to order the Work Session of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Commissioner Dan Burke arrived at 6:03 p.m.

Tom Bonadeo stated that tonight's work session was to review the density issue in relation to the Floor Area Ratio (FAR) concept and began by giving the attendees some background on development over the past several years, such as the Harbor Development Group and the Landmark Holdings projects. Previously, the Cape Charles Zoning Ordinance consisted of about one paragraph regarding the Harbor Zone. Since that time, the Town developed the Harbor Area Conceptual Master Plan and Design Guidelines and attached it as part of the Comprehensive Plan. The Planning Commission rewrote the Zoning Ordinance regarding the Harbor Zone to the current Section 3.9 to implement the Harbor Area Conceptual Master Plan. Density was not included as part of the ordinances in many of the zones.

Tom Bonadeo went on to talk about the Main Street Mixed Use area which was the south side of Mason Avenue. The ordinance stated that the south side of Mason Avenue should be reflective of the north side of Mason Avenue. Section 3.9.D.2 stated that buildings could be 40' tall by right and could be up to 55' tall by conditional use permit (CUP) with an average height of 45'. The FAR concept was a mathematical formula to designate the amount of floor area that could be developed on a given piece of property.

Tom Bonadeo demonstrated the FAR concept using wooden blocks to show the various FARs on a lot. A lot with a one-story building covering the entire lot would equate to a FAR of 1. The Harbor Area required at least 25% Open Space (OS), and the parking area could not be part of the OS. Varying configurations of blocks were shown to equate a FAR of 1. Tom Bonadeo continued to demonstrate a FAR of 1.25 and explained that the Planning Commission had reviewed a lot of numbers and felt that a FAR of up to 1.25 was the best for new development.

Tom Bonadeo stated that the Cape Harbor Project, the project from Landmark Holdings, planned for underground parking. Under the FAR concept, parking areas other than on ground level would be considered as developed area and would count toward the FAR. Parking on the ground level, beneath a second floor developed area would be acceptable.

Another addition to the current zoning ordinance would be that no new development would have blocks longer than the blocks on the north side of Mason Avenue. This

would help with preserving the existing view sheds. Each 40' of building would have to change the roofline, either with a change in the number of floors in the section or by façade. Tom Bonadeo stated that the Landmark Holdings project planned to use varying façades to help with the broken roofline.

Tom Bonadeo went on to state that the use of FAR did not work by itself since you could end up with skyscrapers and described the failed development in Crisfield, MD which has several high-rise buildings along the waterfront with open space surround it. Council took a trip to Crisfield, MD to look at the development during their discussions of the Landmark Holdings project.

There was some discussion as to how to get the property owner to maintain the existing grid and it was noted that the view shed was not necessarily a road and could be used as part of the required 25% OS. It was also noted that the 30' setback from the Harbor could also be used as OS.

Tom Bonadeo stated that with a FAR of 1.25, the developer could meet all the requirements of the ordinance in regards to the height, OS and parking. A FAR of 1.50 was too big and would require more four-story buildings. The building would be denser and would require more parking area. The developer could build a two-story parking garage, but the second floor would count toward the FAR and the cost of constructing elevated parking was about 10 times more than the cost of constructing a parking lot on ground level.

Tom Bonadeo summarized that FAR could be used to control density without counting the number of units. The number of units was not important. The important thing was the mass of the buildings.

Vice Mayor Bannon asked about crossovers. Tom Bonadeo showed a rendering proposed by Landmark Holdings which included crossovers with several floors of dwelling units above, which limited the view shed and added that the Town could include language that the view sheds must be completely open, if so desired. Language regarding view sheds was included as a major portion of the Harbor Area Conceptual Master Plan. The Planning Commission had only looked at the Main Street Mixed Use area so far and wanted a general consensus of the FAR concept before moving forward with the other zones. Tom Bonadeo pointed out that heights of 55' were acceptable on the south side of the Harbor in any location due to the distance from Mason Avenue. Work would be continued to develop the modified ordinance. Once the ordinance had been drafted, the public process would begin to gain citizen input.

There were several questions regarding the view shed in relation to the Landmark Holdings property. The developer had stated that maintaining the view shed at Pine Street would render a portion of their property, the area of the current easement for the railroad, as unbuildable. Tom Bonadeo stated that there were a number of solutions to this issue and in the past, the area was a park-like area for the ferry dock. Andy Buchholz added that this area could be used as part of the required 25% OS.

Councilman Wendell asked if the Town could negotiate with the property owner to make the easement area be designated for a permanent public access to the Harbor. Tom Bonadeo responded that a portion of the property was owned by Landmark Holdings and another portion was owned by the railroad. The Town had been working on this issue for a number of years and did obtain permission from the railroad to use

some of the area to provide access to the Harbor for pedestrians and golf carts and added that it was technically a federal offense to trespass on railroad property.

Tom Bonadeo stated that the Planning Commission would continue to work on this issue with the new planner.

**Motion made by Councilman Sullivan, seconded by Councilwoman Natali to adjourn the Town Council Work Session. The motion was approved by unanimous vote.**

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

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Vice Mayor Bannon

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Chairman Dennis McCoy

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Town Clerk