



TOWN COUNCIL
Public Hearing & Regular Meeting
October 20, 2022
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Hearing:
 - A. [Proposed Zoning Text Amendment to §§ 4.2 \(J\) – Accessory Dwelling Units, and 2.9 Definitions Associated with Accessory Dwelling Units](#)
 - B. [Zoning Text Amendment Application to Remove Proffers Recorded in Northampton Circuit Courts as Instrument #090002549 as Part of the “Keck Property Rezoning” Affecting Tax Parcels 90-19-B, 90-19-A, 90-29-3, 90-29-4, 90-29-2, 90-29-1](#)
4. Recognition of Visitors / Presentations / Recognitions
 - A. None
5. Public Comments for items not subject to the advertised public hearing (3 minutes per speaker)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of August 31, 2022 Financial Report](#)
7. Unfinished Business:
 - *A. None
8. New Business:
 - *A. [Zoning Text Amendment – Accessory Dwelling Unit Ordinance](#)
 - *B. [Zoning Text Amendment – Removal of Proffer Statement as Part of Keck Property Rezoning](#)
 - *C. [Resolution of Intent – Zoning Ordinance Text Amendment to Section 4.5 – Off-Street Parking and Loading Standards](#)
 - *D. [Amendment to Policy for Electronic Participation in a Town Council Meeting](#)
 - *E. [Reappointment of Wetlands & Coastal Dune Board Member](#)
 - *F. [Downtown Restroom Design](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - October 27, 2022 – Town Council & Planning Commission Joint Work Session, 6:30 PM
 - October 29, 2022 – Inaugural Halloween Hootenanny
 - November 8, 2022 – Election Day – Town offices closed for State Holiday
 - November 9, 2022 – Planning Commission & Town Council Joint Public Hearing, 6:00 PM
 - November 10, 2022 – Town Council Public Hearing & Special Meeting, 6:30 PM
 - November 11, 2022 – Town offices closed for Veterans’ Day
 - November 17, 2022 – Town Council Regular Meeting, 6:30 PM
 - November 23, 2022 – Town offices closing at noon for Thanksgiving Holiday – State Holiday
 - November 24 & 25, 2022 – Town offices closed for Thanksgiving Holiday
 - November 27, 2022 – Town Council Work Session, 6:30 PM
12. Adjournment

TOWN OF CAPE CHARLES
Town Council
Public Hearings

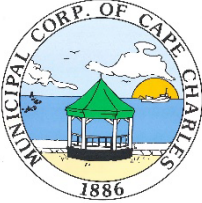
The Cape Charles Town Council will hold a public hearing on Thursday, October 20, at 6:30 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following applications:

- A. A Zoning Text Amendment (ZTA) 2022-02 application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units - and Section 2.9 Definitions associated with Accessory Dwelling Units.
- B. A Zoning Text Amendment (ZMA) 2022-03 application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the “Keck Property Rezoning” and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following parcels:

Tax Map #:	OWNER:	LOCATION
90-19-B	Town of Cape Charles	2443 Old Cape Charles Road
90-19-A	General Builders LLC	Old Cape Charles Road
90-29-3	General Builders LLC	2401 Old Cape Charles Road
90-29-4	General Builders LLC	2403 Old Cape Charles Road
90-29-2	CEM Investments, LLC	2405 Old Cape Charles Road
90-29-1	General Builders LLC	2407 Old Cape Charles Road

These applications are available for public review on our website at www.capecharles.org, under Agendas & Minutes / Town Council. Please contact the Planning Department at 757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post on Friday, September 30, 2022
AD TO RUN: Friday, October 7, 2022 and Friday, October 14, 2022

 TOWN OF CAPE CHARLES	AGENDA TITLE: Accessory Dwelling Unit Ordinance – Set Public Hearing		AGENDA DATE September 15, 2022
	SUBJECT/PROPOSAL/REQUEST: Proposed Zoning Text Amendment regarding Accessory Dwelling Units		ITEM NUMBER: 8A
	ATTACHMENTS: Draft ADU Annual Safety Inspection Checklist & Affidavit		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

At the May 19, 2022 meeting, the Town Council rejected Zoning Text Amendment (ZTA)2022-01 to amend the zoning ordinance section concerning Accessory Dwelling Units. At the June 16, 2022 meeting, Town Council provided additional input as to the issues and concerns they would like addressed in a revised zoning text amendment proposal concerning Accessory Dwelling Units, with the primary issues identified as flexibility of use of the ADU as overflow residential space by family members and guests of the property owner but also to ensure that the ADU is not allowed to be utilized as a Short Term Rental (a rental period for less than 30 days

ITEM SPECIFICS:

The Planning Commission received this feedback information at their August 2, 2022 meeting and discussed possible revisions to the ordinance to address the issues raised by Town Council. A proposed draft zoning text amendment was provided to the Planning Commission at their September 6, 2022 meeting and further edits were made to the draft document. The Planning Commission voted to forward the draft Zoning Text Amendment to the Town Council and the draft Accessory Dwelling Unit Annual Safety Inspection Checklist & Affidavit for review and discussion. Please note the proposed Annual Affidavit Town Form for Accessory Dwellings attesting to acknowledge and adhering to the Zoning Ordinance requirements for Accessory Dwellings can not/will not be created until all zoning amendments relative to Accessory Dwelling Units have been adopted by the Town.

PROPOSED ZONING TEXT AMENDMENTS RE: ACCESSORY DWELLING UNITS

Legend of Changes in the document:

Current Zoning Text: Regular Text

Proposed Deletions: Shown as **~~bold, strike-through text~~**

Proposed Additions, first version: Shown in *Red Italic Font*

A. PROPOSED ZONING TEXT AMENDMENTS TO CCZO SECTION 4.2 (J)

1. ADD A NEW SECTION AS THE FIRST PARAGRAPH in SECTION 4.2 (J)

STATEMENT OF INTENT: *To establish criteria and standards for Accessory Dwelling Units to implement one component of the goal from the Town's Comprehensive Plan to add diversity of housing type while maintaining the neighborhood character. The intent is to allow an increased density on a lot in specific zoning districts to provide opportunity in the creation of long-term rental units to assist in meeting the housing needs of the Town and County and to provide flexibility to property owners to be able to utilize the ADUs as overflow space for their own family use and guests.*

ORIGINAL ORDINANCE of SECTION 4.2 (J):

Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, ~~contingent upon approval as a conditional use in accordance with Section 4.3, and~~ subject to the following:

1. Physical characteristics.
 - a. Accessory dwellings shall be located in an accessory building.
 - b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.
 - c. Accessory dwellings shall have one kitchen, one bathroom, and a *sleeping area*.
 - d. Accessory buildings ~~and~~ shall not have the appearance of a single-family dwelling.
2. Occupancy characteristics.
 - a. *Transient Occupancy (also referred to Short Term Rentals [STRs]) means any person(s) who, for any period of not more than 30 consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel tourist home, or other facility. Accessory Dwelling Units may not be rented on a Transient Occupancy basis.*
 - b. Length of stay – ~~No~~ *An* accessory dwelling unit ~~shall~~ *may* be occupied by any person or persons, ~~whether paying a fee for such occupancy or not~~, for a period ~~no~~ less than thirty (30) consecutive calendar days *either paying a fee for such occupancy at his own expense or at the expense of another (30-day rental or greater)*. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, ~~either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.~~
 - ~~b. Inspections — All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.~~
 - c. *The property owner where the Accessory Dwelling Unit (ADU) is located may utilize the ADU as overflow residential space for members of their family and guests.*
3. Other requirements.
 - a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
 - b. *Accessory dwellings will be required to have its own municipally issued trash receptacle, separate from the main residence/structure.*
 - c. *Accessory dwellings meeting the requirements of all of the physical characteristics of 4.2 (J) (1)& (2) above must obtain a Certificate of Completion for Accessory Dwellings from the Code Official, which is equivalent to a Certificate of Occupancy. In order to issue said Certificate, the Code Official will conduct an inspection to determine compliance with the Building Code.*
 - ~~b.~~ d. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
 - ~~e.~~ e. Parking ~~shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to~~ *be in compliance with* Section 4.5.1.C.6. ~~(Table of Parking Standards)~~ using both on and off-street parking areas.
 - d. f. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.
 - ~~e.~~ g. *Annual Certifications to be submitted to the Town by March 15 of each year to the Building and Planning Department.*
 1. *The property owner will submit an annual affidavit on Town Affidavit Form for Accessory Dwellings attesting to their acknowledgement and adherence to the Zoning Ordinance requirements for Accessory Dwelling Units.*

2. *The property owner will submit an annual affidavit on Town Affidavit Form for Safety Compliance for Accessory Dwellings Units.*
3. *If the property owner changes between March 16 and December 31 of the calendar year, the new property owner will be required to submit both a new Town Affidavit Form for Accessory Dwellings and a Town Affidavit Form for Safety Compliance for Accessory Dwelling Units no later than 30 days from the property transfer.*

B. PROPOSED ZONING TEXT AMENDMENTS TO SECTION 2.9 – Definitions

1. Add the following Definitions to Section 2.9

KITCHEN means a space within a structure designated for the preparation of food.

BATHROOM means a room or area that includes a sink and toilet. It may also include a bathtub, shower, or bidet.

BEDROOM is a room, or space within a structure intended for sleeping. Requirements include:

- *A minimum size of 70 sq. ft; if more than one person occupies the room, there must be 50 sq. ft per occupant.*
- *Access to a bathroom without crossing another bedroom.*
- *Every bedroom must have access to natural ventilation and have a permanent heat source.*
- *Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 sq. ft and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.*
- *Ceiling height must be no less than 7 feet.*

SLEEPING AREA is an area in a room or house where a person can sleep and may utilize a bed, bunk beds, daybed, or other furniture identified for sleeping purposes, including ad without limitation, a pull-out couch or futon.

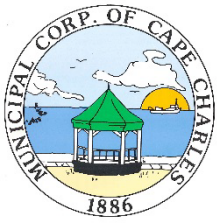
2. Correct the following definition in Section 2.9

BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a **conditional permit is issued for an accessory dwelling zoning permit is issued in compliance with Section 4.2 (J).**

RECOMMENDATION:

I would request the Town Council to review the proposed changes to Cape Charles Zoning Ordinance Section 4.2 (J) and associated definitions for Section 2.9 to affirm if these changes effectively address the issues and concerns expressed at their June 16, 2022 meeting.

If these changes appear to address your concerns, I am requesting the Town Council to vote to authorize staff to send this proposed Zoning Text Amendment to public hearing in October.



CAPE CHARLES

ACCESSORY DWELLING UNIT ANNUAL SAFETY INSPECTION CHECKLIST & AFFIDAVIT

INSTRUCTIONS:

Each Accessory Dwelling Unit established pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) is required to conduct and complete this Annual Safety Inspection Checklist by May 1 annually and return to the Building Office at (INSERT ADDRESS). You must sign and get this affidavit notarized, confirming that you have conducted the inspection, either yourself as the property owner, or your agent on your behalf, and you are attesting to the accuracy of all information provided.

The Building/Code Official retains the right to conduct an in-person inspection of the property to determine compliance with the Safety and Health Requirements for Accessory Dwelling Units and will schedule said inspection within 5 days of providing written notice to the property owner.

If "N" or "NO" is checked in any category, the property owner must provide a date in the NOTES COLUMN when the item will be corrected and complete and submit a second form confirming that all items are now in working and functional order.

PROPERTY ADDRESS		Person Completing Inspection:	
PROPERTY OWNER NAME:		Date of Inspection:	
MAILING ADDRESS			
PHONE #:		EMAIL:	

SAFETY INSEPCTION ITEMS		Answer		NOTES
ITEM # and CATEGORY		N	NA	
1	SMOKE DETECTORS Please list the location of each smoke detector and # of smoke detectors total for the structure. Are they located and installed, as previously approved by the Building Official during the initial inspection, with one on each level and in each bedroom, if separated by walls?			
2	CARBON MONOXIDE (CO) ALARM Please list the location of each carbon monoxide alarm and # of carbon monoxide alarms total for the structure.			
3	STAIRS & STAIRWAY Are all steps and handrails securely fastened and anchored, free from trip hazards and no loose or broken boards or stair treads? Is the stairway in sound condition and free from any obtstacles? Is the stairway illumination still functional and working?			
4	DOORS Are all exits out of the building free ofobstructions and able to be used?			

SAFETY INSEPCTION ITEMS		Answer		NOTES
	Does the egress door for the Accessory Dwelling Unit open from the inside without a key?			
5	WINDOWS Is the egress window easily openable? Is the egress window free from obstructions or obstacles?			
6	GARAGE SEPARATION to LIVING SPACE Is the separation from garage to living space in the same condition as approved by the Building Official during his initial inspection?			
7	ELECTRICAL Are all electrical components in safe working conditions, including: • No missing cover plates • No exposed open wiring • All outlets are working			
8	WATER HEATER • Is the water heater in sound, working condition?			
9	HEATING Does the living space have heating ability to a minimum of 68 degrees? Please Note: space heaters are not permitted to meet this requirement.			
10	FIRE EXTINGUISHER Is there a fire extinguisher in the kitchen? Please provide location where it is. Is it expired or current?			
11	GENERAL Interior areas, including the garage, shall be kept free from excessive accumulation of rubbish or garbage. No grills are permitted on balconies			

AFFIDAVIT STATEMENT & NOTARY

I, _____, hereby certify that I have the authority to conduct the safety inspection for _____ (Property Address) and that the answers provided to the checklist items are correct and true..

Self Inspection conducted by: _____
PRINT NAME

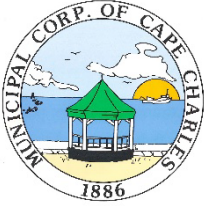
SIGN NAME & DATE

Has appeared before me in the City of County of _____, Virginia on the ____ day of _____, 20____ in the presence of the undersigned notary.

Notary Public

My Commission expires on the ____ day of _____, 20____.

Registration #:

 TOWN OF CAPE CHARLES	AGENDA TITLE: Removal of Proffers from Several Parcels on Cassatt Parkway – Set Public Hearing	AGENDA DATE September 15, 2022
	SUBJECT/PROPOSAL/REQUEST: Request to Schedule Public Hearing to Remove Proffer Statement as part of the Keck Property Rezoning	ITEM NUMBER: 8B
	ATTACHMENTS: (1) Letter from Winmar Advisory dated 2022-09-12 (2) Exhibit 1-Proffer Statement 2008-12-31; (3) Exhibit 2–Plat from Kecks to Town recorded 2009-12-18 – Tracts A and B; (4) Exhibit 3-Deed from Kecks to Town recorded 2009-12-18 Tract B; (5) Exhibit 4-Deed from Kecks to General Builders LLC recorded 2016-06-17; (6) Exhibit 5–Subdivision Plat for Tract A recorded 2017-01-30	FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager

The Town has been in conversations with a representative of Lot 4 Holdings, LLC, who is conducting due diligence relative to the purchase of the Remainder or Residual lot of 11.5 acres (now identified as Tax Map #90-19-A). Lance Marine has indicated an interest in a workforce housing development and as we have identified the issues or elements that must be addressed in order for such a project to proceed successfully, the proffers that cover this property (identified and referred to as the Keck Property Proffer Statement) are proving to be an impediment to move forward and he has provided a letter outlining his project intentions (see letter from Winmar Advisory dated September 12, 2022 and signed by Lance Marine, Managing Principal).

BACKGROUND:

On November 13, 2008, the Town of Cape Charles agreed to conditionally rezone a portion of then Tax Map #90-3-A, comprising of 33.195 acres off of Old Cape Charles Road and more commonly identified as the Keck Property with proffers; said rezoning change on the left side of the property (marked in Yellow Hatching) went from R-E to R-3 and the right side of the property (marked in Blue Angled Lines) remained R-E. Said proffers were accepted and recorded on December 31, 2008.



The proffers were the following:

- (1) The Grantors proffer by dedication 17.751 +/- acres of unimproved land currently identified as tax map #90-30-A zoned Residential Estate, RE, adjoining the property to be rezoned, to be deeded to the Town of Cape Charles as unimproved land. The purse of the dedication is for the dedicated property to become Town property and be developed by the Town in the future in a manner that will best serve the interests of the Town.

The following restrictions shall apply:

- A. The Town shall use the property for public purposes, excluding residential and commercial development.
 - B. The Town shall retain ownership of the property for a minimum of 15 years.
 - C. Any future Town buildings, other structures constructed on the property and the storage of heavy equipment shall have a minimum 100 ft. setback from the common boundary with the rezoned R-3 property. The common boundary shall be planted with a Class III vegetated buffer, as identified in the Town's Zoning Ordinance, by the developer of the adjoining R-3 property. All future structures on the town property shall be designed and constructed in terms of both visual appearance and potential sound pollution in a manner that is compatible, complementary and otherwise consistent with being adjacent to a residential community.
 - D. The proffered property shall have the same 100 ft. setback and Class III vegetated buffer from Old Cape Charles Road as the rezoned R-3 property, continuing east around the existing residential properties to the eastern boundary. This buffer is to be planted by the Town as a Class III Buffer at such time as any construction, other than water wells, is undertaken, insuring the entire frontage of the two properties retains a rural appearance from the road and neighboring properties.
 - E. The Town may rezone the property to a zoning category that allows Town uses as per A. above but all deed restrictions shall remain in force.
- (2) The Grantors proffer the following regarding 15.611 +/- acre portion of the property being retained and rezoned R-3:
- A. A maximum density of 100 dwelling units.
 - B. A 100 ft. setback and Class III vegetated buffer on the western boundary of the property and on Old Cape Charles Road. Upon commencement of construction of buildings on the property, the buffers must be landscaped with trees a minimum of 6 ft. in height at the time of planting. Trees are to be selected from the varieties listed in the Town Zoning Ordinance regarding Class III buffers. In addition the developer of the property, at the tie of construction of buildings on the property, shall also plant a Class III vegetated buffer along the common border with the eastern neighbor, the Town of Cape Charles, incorporating appropriate species within the existing tree line.
 - C. Any future site plan for development of the property must provide for access to a possible public road in the future, which road may be constructed on the adjoining land on the norther boundary of the property.
- (3) This proffer agreement may be recorded by Grantee against the Property and the appropriate officials of Grantee are hereby authorized by Grantor to do so.
- (4) The conditions set forth in this agreement shall continue in full force and effect until they are amended as provided herein but otherwise until a subsequent amendment changes the zoning on the Property covered by such conditions; provided, however, that such conditions shall continue despite a subsequent amendment if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance.

Subsequent to the proffer statement, a deed was recorded on November 30, 2009 from Allan and Gail Keck to the Town of Cape Charles for the property on the right side at 17.705 acres. Said deed references a plat which was also recorded (Instrument #090002548) that shows this subdivision of the main parcel into 2 parcels with the Town parcel being referred to as Tract B and this plat includes as Notes the Proffer Conditions relative to setbacks and vegetated buffer requirements.

Additionally, **the remaining parcel on the left side, referred to as Tract A was sold on June 13, 2016 from Allan and Gail Keck to General Builders, LLC.** Said deed references the same plat that was utilized for the Town parcel. Lastly, **a subdivision of Tract A was approved by the Town on January 30, 2017 which created 4 one acre lots and a remainder or residual parcel of 11.5 acres;** this subdivision plat also includes as Notes the Proffer Conditions relative to setbacks and vegetated buffer requirements

ITEM SPECIFICS:

As stated at outset of this staff report, the Town has been in conversations with a representative of Lot 4 Holdings, LLC, who is conducting due diligence relative to the purchase of the Remainder or Residual lot of 11.5 acres (now identified as Tax Map #90-19-A). Lance Marine has indicated an interest in a workforce housing development and as we have identified the issues or elements that must be addressed in order for such a project to proceed successfully, the proffers that cover this property are proving to be an impediment to move forward and he has provided a letter outlining his project intentions (see letter from Winmar Advisory dated September 12, 2022 and signed by Lance Marine, Managing Principal).

The Town has spoken with our attorney to ascertain the process to remove or amend the proffers and have been advised that following an advertised public hearing and with concurrence from the current legal owners of the land affected by the proffers, the Town can amend and/or repeal the proffers.

The current owners of the land are: Town of Cape Charles, General Builders, LLC acting through its principal representative Angelo Manuel, and CEM Investments, LLC who recently purchased the developed one acre lot from General Builders, LLC that fronts on Old Cape Charles Road. Based upon conversations, it is our understanding that all current owners would be supportive of removing the proffers.

In addition, there has been conversation with the original property owner, the Kecks, who no longer reside in Cape Charles and are no longer a party to the Proffer Conditions except by being the originator of said proffer and rezoning request, and they would pose no objection to the removal of the proffers from all of the land originally covered by the proffers.

Therefore, staff is requesting authorization from Town Council to schedule a public hearing at the October 20, 2022 Town Council meeting to remove the proffers.

Please note that, if approved following the public hearing, then a legal document will be drafted to repeal the Proffer Statement and all associated mentions to said conditions of the Proffer Statement included in any subdivision plat subsequently approved and recorded.

RECOMMENDATION:

I would recommend that the Town Council vote to schedule a public hearing at the October 20, 2022 Town Council meeting to remove the proffers originally accepted and approved on November 13, 2008 and further identified as part of the Keck Property Rezoning by the Town and recorded in the Northampton County Clerk of Courts office as Instrument #090002549.



September 12, 2022

Town of Cape Charles
c/o John Hozey
Town Manager
2 Plum Street
Cape Charles, VA 23310

**RE: Proffer Agreement of 2008 | Request to Vacate
Workforce Housing | BAY CROSSING Development**

Dear John –

Pursuant to our discussions, on behalf of Lot 4 Holdings, LLC, I am requesting your assistance to vacate the Proffer restricting development of the proposed Workforce Housing Project at Tax Parcel 90-19-A.

With respect to the proffer, we believe the proffer's limitations for development are no longer applicable given the proposed intent to activate this property by developing Workforce Housing to satisfy an immeasurable demand in the Town and greater Northampton County. In addition to the density restriction, the Proffer requires a 100' setback and vegetative buffer. Not only does this requirement present a financial hinderance, but the adjacent parcel whose intent it was to provide a visual shelter, has since been dedicated as a conservation easement which runs with the land in perpetuity. As such, there is no longer a need to *shield* this parcel's development from the adjacent conservation easement.

It is with great pleasure to share the vision for the **BAY CROSSING** development as we transition from concept-to-design. Our vision is to develop a transformative residential project with the primary target of Workforce Housing - rooted with the history of Cape Charles and refreshed with the love for nature and community. Often referred to as a passion project, this development is a long-term investment in the Town and community intended as a legacy holding with a decades long vision for the future potential.

The first phase of the project will be residential centric delivering a high-quality multi-family project leveraging state-of-the-art design standards ensuring maximum quality with industry-leading efficiency. Ranging from studios to two-bedroom units, there will be an emphasis on activating outdoor spaces to promote and sustain a unique sense of community and *desire to gather*. Such features contemplated include:

- + Outdoor firepits
- + Community barbeques
- + Fishing pier at storm water pond
- + Trail to the Main Street
- + EV Charging Stations
- + Purposeful landscaping
- + Built-in desks, docking stations and furniture
- + Smart-home lighting and controls



The statement *It Takes A Village* not only applies to this collective effort but underscores the overwhelming support and commitments by a growing number of **BAY CROSSING** proud partners and project Team, including but not limited to:

- + Town of Cape Charles
- + Northampton County
- + Virginia Housing
- + Cape Charles Rosenwald School Restoration Initiative
- + WINMAR Construction
- + ThompsonMcMullan, P.C.
- + Jeff Klingel Landscape Design
- + AES Consulting Engineers
- + Gentry Locke
- + Consortium of local business owners
- + Preserve Communities
- + Area's leading employers

With the support of the Town and County, we are making great strides toward securing public utilities to enable the development of this property currently restricted by well and septic limitations.

Vacating the Proffer – which currently precludes viable development of the **BAY CROSSING** project – is a critical step to enable our vision to become your reality.

Warm Regards –

A handwritten signature in black ink, appearing to read 'Lance LJ Marine', with a long, sweeping horizontal stroke extending to the right.

Lance LJ Marine
Managing Principal

THIS PROFFER AGREEMENT made this 31 day of December, 2008 by and between Allan Randle Keck and Gail Minoff-Keck (hereinafter referred to as the "Grantor"), and the Town of Cape Charles, a municipal corporation of the Commonwealth of Virginia (hereinafter referred to as the "Grantee").

WITNESSETH:

WHEREAS, the Grantor has initiated an amendment to the Zoning Map of the Town of Cape Charles, Virginia, which requests the rezoning of the parcel located as tax map parcel # 90-3-A, commonly known as 2461 Old Cape Charles Road (hereinafter referred to as the "Property") from Residential Estate District RE to Multi-Family District R-3; and

WHEREAS, the Grantee's policy is to provide for the orderly development of land, for various purposes, including residential, commercial and business purposes, through zoning and other land development legislation; and

WHEREAS, THE GRANTOR HAS VOLUNTARILY PROFFERED IN WRITING IN ADVANCE OF AND PRIOR TO THE Town Council public hearings before the Grantee, the following conditions; and

WHEREAS, Grantor understands and agrees that if Grantee accepts these proffers as part of the rezoning requested by Grantor, Grantee may record these proffers against the Property.

NOW, THEREFORE, the Grantor, for itself and its successors, assigns, grantees and other successors in title or interest, voluntarily submits and grants the following proffers, which shall be binding upon the Property and upon all parties and persons claiming under or through the Grantor, its heirs, personal representatives, assigns, grantees and other successors in interest or title, namely:

(1) The Grantors proffer by dedication 17.751 +/- acres of unimproved land currently identified as tax map parcel # 90-3-A zoned Residential Estate, RE, adjoining the property to be rezoned, to be deeded to the Town of Cape Charles as unimproved land. The purpose of the dedication is for the dedicated property to become Town property and be developed by the Town in the future in a manner that will best serve the interests of the Town.

The following deed restrictions shall apply:

- A. The Town shall use the property for public purposes, excluding residential and commercial development.
- B. The Town shall retain ownership of the property for a minimum of 15 years.
- C. Any future Town buildings, other structures constructed on the property and the storage of heavy equipment shall have a minimum 100 ft. setback from the common boundary with the rezoned R-3 property. The common boundary shall

be planted with a Class III vegetated buffer, as identified in the Town's Zoning Ordinance, by the developer of the adjoining R-3 property at the time of any construction on the R-3 property. All future structures on the town property shall be designed and constructed in terms of both visual appearance and potential sound pollution in a manner that is compatible, complementary and otherwise consistent with being adjacent to a residential community.

D. The proffered property shall have the same 100 ft. setback and Class III vegetated buffer from Old Cape Charles Road as the rezoned R-3 property, continuing east around the existing residential properties to the eastern boundary. This buffer is to be planted by the Town as a Class III Buffer at such time as any construction, (other than water wells) is undertaken, insuring the entire frontage of the two properties retains a rural appearance from the road and neighboring properties.

E. The Town may rezone the property to a zoning category that allows Town uses as per A. above but all deed restrictions shall remain in force.

(2) The Grantors proffer the following regarding the 15.611 +/- acre portion of the property being retained and rezoned R-3:

A. A maximum density of 100 dwelling units.

B. A 100 ft. setback and Class III vegetated buffer on the western boundary of the property and on Old Cape Charles Road. Upon commencement of construction of buildings on the property, the buffers must be landscaped with trees a minimum of 6ft. in height at the time of planting. Trees are to be selected from the varieties listed in the Town Zoning Ordinance regarding Class III Buffers. In addition the developer of the property, at the time of construction of buildings on the property, shall also plant a Class III vegetated buffer along the common border with the eastern neighbor, the Town of Cape Charles, incorporating appropriate species within the existing tree line.

C. Any future site plan for development of the property must provide for access to a possible public road in the future, which road may be constructed on the adjoining land on the northern boundary of the property.

(3) This proffer agreement may be recorded by Grantee against the Property and the appropriate officials of Grantee are hereby authorized by Grantor to do so.

(4) The conditions set forth in this agreement shall continue in full force and effect until they are amended as provided herein but otherwise until a subsequent amendment changes the zoning on the Property covered by such conditions; provided, however, that such conditions shall continue despite a subsequent amendment if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance.

All references hereinabove to zoning districts and to regulations applicable thereto refer to the Zoning Ordinance for the Town of Cape Charles, Virginia, adopted June 16, 1997, in force as of the date of approval of Grantor's rezoning petition by the Grantee,

WITNESS the following signatures and seal:

Allan Randle Keck
Allan Randle Keck

Gail Minoff-Keck
Gail Minoff-Keck

STATE OF Rhode Island
COUNTY/CITY OF Newport, to-wit:

Subscribed and sworn to before me this 19 day of Dec, 2008
by Allan Randle Keck and Gail Minoff-Keck.

Cheri B. Sheekey
Notary Public

CHERI B. SHEEKEY
NOTARY PUBLIC, STATE OF RHODE ISLAND
NO. 43077
QUALIFIED IN NEWPORT COUNTY
COMMISSION EXPIRES APRIL 15, 2010

My Commission Expires: _____

MUNICIPAL CORP. OF CAPE CHARLES

BY: Dora Sullivan
Mayor

Attested: Linda Hume
Town Clerk

STATE OF VIRGINIA
COUNTY OF NORTHAMPTON, to-wit:

Subscribed and sworn to before me this 31ST day of December, 2008 by
DORA SULLIVAN, Mayor of the Municipal Corporation of Cape Charles, Virginia.

Linda Frances Carola
Notary Public

My Commission Expires: 7/31/2012

LINDA FRANCES CAROLA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
NOTARY REGISTRATION NUMBER: 7199648
MY COMMISSION EXPIRES JULY 31, 2012

INSTRUMENT #000002748
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY ON
DECEMBER 12 - 2007 AT 03:29PM

TRACI L. JOHNSON, CLERK
RECORDED BY 828

GENERAL NOTES:

- OWNER: ALLAN RANDLE KECK & GAIL MINOFF-KECK
- TAX PARCEL: 90-3-A
- SOURCE OF TITLE: INSTRUMENT #2002001045
- THE BOUNDARY FOR PARCEL A WAS TAKEN FROM PLAT BOOK 28, PAGE 86 AS AMENDED BY PLAT BOOK 30, PAGE 55, MSA, P.C. PERFORMED LIMITED BOUNDARY SURVEY WORK OF THE SUBJECT PROPERTY.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURE NOT OBSERVED DURING THE COURSE OF THE SURVEY.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 51131C0295E, DATED AUGUST 28, 2008, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAPS. MSA, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
- TOTAL AREA ENCOMPASSED BY THIS SUBDIVISION: 1,453,231 SF OR 33.36 AC INCLUDING 7,107 SF OR 0.163 AC DEDICATED TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR ROAD WIDENING PURPOSES.
- CURRENT ZONING: RE (RESIDENTIAL ESTATE)
PROPOSED: R-3 (TRACT A); R-E (TRACT B)
- FOR INFORMATION REGARD CURRENT SETBACK REQUIREMENTS REFER TO ARTICLE III, THE TOWN OF CAPE CHARLES ZONING ORDINANCE, LATEST EDITION.
- ZONING AND SETBACK INFORMATION IS ACCURATE AS OF THE DATE OF PLAT APPROVAL AND IS SHOWN FOR INFORMATIONAL PURPOSES ONLY.
- IN ACCORDANCE WITH PROFFER AGREEMENTS BETWEEN THE OWNER OF PARCEL A (TAX PARCEL 90-A-3) AND THE TOWN OF CAPE CHARLES, THE FOLLOWING SETBACK AND BUFFER AREAS SHALL APPLY:
 - TRACT A**
 - A 100' BUILDING SETBACK AND CLASS III VEGETATED BUFFER SHALL BE PLANTED ALONG THE WESTERN AND SOUTHERN BOUNDARY OF TRACT A (ALONG OLD CAPE CHARLES ROAD), TOGETHER WITH A CLASS III VEGETATED BUFFER ALONG THE EASTERN BOUNDARY OF TRACT A (COMMON LINE OF TRACT B). SAID BUFFERS SHALL BE PLANTED AT THE COMMENCEMENT OF CONSTRUCTION OF BUILDINGS ON THE PROPERTY IN ACCORDANCE WITH THE TOWN OF CAPE CHARLES, ACCAWMACKE PLANTATION (BAY CREEK) - PUD, APPENDIX A.
 - TRACT B**
 - A 100' BUILDING SETBACK ALONG WESTERN BOUNDARY OF TRACT B (COMMON LINE OF TRACT A) AND ALONG THE SOUTHERN BOUNDARY OF TRACT 9 ALONG OLD CAPE CHARLES ROAD AND TAX PARCELS 90-3-A1 & 42), TOGETHER WITH A CLASS III VEGETATED BUFFER ALONG THE AFOREMENTIONED SOUTHERN BOUNDARY OF TRACT B (ALONG OLD CAPE CHARLES ROAD & TAX PARCELS 90-3-A1 & 42) TO BE PLANTED BY THE TOWN OF CAPE CHARLES AT SUCH TIME AS ANY CONSTRUCTION, (OTHER THAN WATER WELLS) IS UNDERTAKEN.
- FOR ADDITIONAL INFORMATION REGARDING THE PROFFER AGREEMENTS NOT SHOWN HEREON SEE INSTRUMENT # _____ RECORDED IN THE LAND RECORDS OF NORTHAMPTON COUNTY, VIRGINIA.

OWNER'S CERTIFICATION

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT AND KNOWN AS "SUBDIVISION OF PARCEL A, AS SHOWN IN PLAT BOOK 30, PAGE 55, TOWN OF CAPE CHARLES, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA, JUNE 16, 2009" IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES.

Allan Randle Keck
Allan Randle Keck
P.O. Box 190
Cape Charles, VA, 23310

STATE OF *Rhode Island*
COUNTY OF *Providence*

THE FOREGOING STATEMENT OF CONSENT WAS ACKNOWLEDGED BEFORE ME BY
Allan Randle Keck This *31st* DAY OF *July*, *2009*

NOTARY PUBLIC

MY COMMISSION EXPIRES: *3 26 2010 10:59 AM*

JOYCE L. HACKETT
NOTARY PUBLIC
STATE OF RHODE ISLAND
MY COMMISSION EXPIRES MAR 20, 2010

OWNER'S CERTIFICATION

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT AND KNOWN AS "SUBDIVISION OF PARCEL A, AS SHOWN IN PLAT BOOK 30, PAGE 55, TOWN OF CAPE CHARLES, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA, JUNE 16, 2009" IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES.

Gail Minoff-Keck
Gail Minoff-Keck
P.O. Box 190
Cape Charles, VA, 23310

STATE OF *Rhode Island*
COUNTY OF *Providence*

THE FOREGOING STATEMENT OF CONSENT WAS ACKNOWLEDGED BEFORE ME BY
Gail Minoff-Keck This *31st* DAY OF *July*, *2009*

NOTARY PUBLIC

MY COMMISSION EXPIRES: *3 26 2010 10:59 AM*

JOYCE L. HACKETT
NOTARY PUBLIC
STATE OF RHODE ISLAND
MY COMMISSION EXPIRES MAR 20, 2010

TOWN OF CAPE CHARLES

THIS PLAT, CONSISTING OF TWO (2) PAGES, HAS BEEN APPROVED BY THE SUBDIVISION AGENT OF TOWN OF CAPE CHARLES, AND MAY BE ADMITTED TO THE LAND RECORDS OF THE AFORESAID COUNTY

Heath Davis
SUBDIVISION AGENT, TOWN OF CAPE CHARLES

9-15-09
DATE

VIRGINIA DEPARTMENT OF TRANSPORTATION

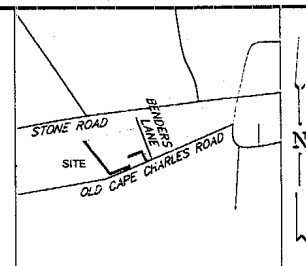
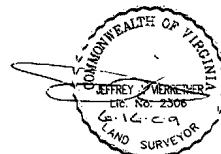
THIS SUBDIVISION SHOWN HEREON DEDICATING 7,128 S.F. ± (0.164 ACRES±) FOR ROAD WIDENING PURPOSES HAS BEEN REVIEWED AND FOUND TO MEET SPECIFICATIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION

SSP
VIRGINIA DEPARTMENT OF TRANSPORTATION

SEP 12, 2009
DATE

SURVEYOR CERTIFICATION

I, JEFFREY J. VIEGUTHER, A LICENSED LAND SURVEYOR, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE TOWN OF CAPE CHARLES.



LOCATION MAP - SCALE: 1" = 200'

SUBDIVISION OF PARCEL A

AS SHOWN IN PLAT BOOK 28, PAGE 86 AND
AMENDED BY PLAT BOOK 30, PAGE 55

TOWN OF CAPE CHARLES
CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA
JUNE 16, 2009



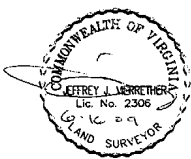
MSA, P.C.
Environmental Sciences • Geosciences • Planning
Surveying • Engineering • Landscape Architecture
36086 Lankford Highway, Belle Haven, VA 22306
757-414-0234 (Cell) 757-414-0464 (Fax)
www.msaonline.com
Offices in Virginia Beach & Virginia's Eastern Shore
JOB # 06778
SHEET 1 OF 2

FB:
DRWN. BY *RLJ*
CHKD. BY *JBL* DATE *6/16/09*

ROAD PARCEL 1
TAX PARCEL 90-A-1
170' PRIVATE INGRESS/EGRESS & UTILITY
EASEMENT (PB 27, PG. 28)

Red Book 28, Page 68

- LEGEND**
- FOUND CONCRETE MONUMENT
 - FOUND IRON PIPE
 - FOUND IRON PIN
 - ⊙ SET IRON PIN
 - ⊙ SET IRON PIN
 - ⊙ UTILITY POLE
 - (P) PLATTED
 - (F) FIELD



FB:
DRWN. BY RLI
CHKD. BY JBL DATE 6/16/09

TOWN OF CAPE CHARLES
THIS PLAT, CONSISTING OF TWO (2) PAGES, HAS BEEN APPROVED BY THE SUBDIVISION AGENT OF THE TOWN OF CAPE CHARLES, AND MAY BE ADMITTED TO THE LAND RECORDS OF NORTHAMPTON COUNTY.

SUBDIVISION AGENT, TOWN OF CAPE CHARLES DATE

NF
ROBERT DONALD & LOLA B. BRADY
TAX PARCELS 90-1-A, 90-1-B & 90-1-C
(DB 282, PG. 770)
(DB 248, PG. 254)
(DB 144, PG. 290)

TRACT A
674,907 SF
OR 15.494 AC

PARCEL A
TAX PARCEL 90-3-A
(PB 28, PG. 88)
(PB 30, PG. 55)

NF
BAY CREEK LLC
PARCEL B
TAX PARCEL 90-3-B
(DB 317, PG. 378)
(PB 28, PG. 2)

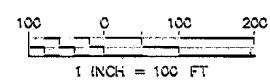
TRACT B
771,217 SF
OR 17.705 AC

PARCEL A
TAX PARCEL 90-3-A
(PB 28, PG. 88)
(PB 30, PG. 55)

JEFFREY A. & LAUREN BROWN KLINGEL
PARCEL 42
TAX PARCEL 90-3-42
(PB 30, PG. 55)
N 35° 12' 20" E 275.25'
S 56° 28' 30" W 529.05'
S 86° 28' 30" W 529.05'
N 22° 13' 10" E 101.78'
S 22° 13' 10" E 101.78'
N 22° 13' 10" E 101.78'
S 22° 13' 10" E 101.78'
N 22° 13' 10" E 101.78'
S 22° 13' 10" E 101.78'

LINE TABLE

LINE	LENGTH	BEARING
L1	55.01'	S 66° 28' 30" W
L2	55.01'	S 66° 28' 30" W



SUBDIVISION OF PARCEL A
AS SHOWN IN PLAT BOOK 28, PAGE 86 AND
AMENDED BY PLAT BOOK 30, PAGE 55
TOWN OF CAPE CHARLES
CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA
JUNE 16, 2009



MSA, P.C.
Environmental Sciences • Geosciences • Planning
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36086 Lankford Highway, Belle Haven, VA 23306
757-414-0234 (Off) 757-414-0464 (Fax)
www.msaonline.com
Offices in Virginia Beach & Virginia's Eastern Shore
JOB # 06779
SHEET 2 OF 2

Prepared by: Paul G. Watson IV
Paul G. Watson IV, P.C.
Post Office Box 600
Eastville, Virginia 23347

THIS DEED IS EXEMPT FROM RECORDATION TAXES
PURSUANT TO VA. CODE § 58.1-113.
THERE IS NO TITLE INSURANCE FOR THIS PROPERTY.

THIS DEED, made this 30th day of November, 2009, by and between Allan Randle KECK and Gail MINOFF-KECK, Grantors and the TOWN OF CAPE CHARLES, Grantee whose address is 2 Plum Street, Cape Charles, Virginia 23310.

WITNESSETH:

THAT for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand, paid and other good and valuable consideration as set forth below, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey with SPECIAL WARRANTY, unto the Grantee, the following described property, to wit:

The certain lot or parcel of land identified as "Tract B", containing 771,217 SF or 17.705 AC, as set forth on the "SUBDIVISION OF PARCEL A AS SHOWN IN PLAT BOOK 28, PAGE 86 AND AMENDED BY PLAT BOOK 30, PAGE 55, TOWN OF CAPE CHARLES, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA, JUNE 16, 2009, "by MSA, P.C. recorded in the Clerk's Office of Northampton County, Virginia on 12/18/2009, as Instrument Number 0910002548.

The Grantors and Grantee as part of the consideration for this conveyance agree to the covenants and restrictions binding upon and running with the title of both Tract A, retained by Grantors, and Tract B as set forth in the Proffer Agreement dated December 31, 2008 and attached as Exhibit A.

This conveyance is made expressly subject to the easements, conditions, restrictions and reservations of record, if any, affecting the aforesaid property and constituting constructive

notice. All taxes, rents and assessments for the current year are to be prorated as of the date of delivery of this deed and possession shall be immediately vested in the Grantee.

In compliance with the provisions of Virginia Code § 15.2-1803 (1950), this deed is in the form approved by Paul G. Watson IV, attorney for the Town of Cape Charles, Virginia, and it is accepted by him on behalf of the Town of Cape Charles, he having been authorized to so act on behalf of the Town by a resolution adopted by the Town Council at the meeting held on December 10, 2009, which approval and acceptance is evidenced by the execution of this conveyance by Paul G. Watson IV.

WITNESS the following signatures:

Allan Randle Keck (SEAL)

Allan Randle Keck

Gail Minoff-Keck (SEAL)

Gail Minoff-Keck

STATE of Rhode Island
COUNTY/CITY of Pomfretown to wit:

The foregoing instrument was acknowledged before me this 20th day of November 2009 by Allan Randle Keck.

My Comm. Expires:

Reg. number:

WILLIAM WILLIAMS
NOTARY PUBLIC
STATE OF RHODE ISLAND
MY COMMISSION EXPIRES JUNE 25, 2011

William Williams
Notary Public

STATE of Rhode Island
COUNTY/CITY of Pomfretown to wit:

The foregoing instrument was acknowledged before me this 30th day of November 2009 by Gail Minoff-Keck.

My Comm. Expires:

Reg. number:

WILLIAM WILLIAMS
NOTARY PUBLIC
STATE OF RHODE ISLAND
MY COMMISSION EXPIRES JUNE 25, 2011

William Williams
Notary Public

Tax Map #: 90-3-A

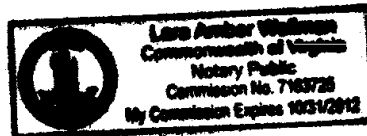
TOWN OF CAPE CHARLES,
A Virginia Municipal Corporation

By:  (SEAL)
Paul G. Watson IV, Attorney for the
Town of Cape Charles

COMMONWEALTH of Virginia
COUNTY of Northampton to wit:

The foregoing instrument was acknowledged before me this 16th December day of ~~November~~ 2009
by Paul G. Watson IV, attorney for the Town of Cape Charles, on behalf of the Town of Cape
Charles.


Notary Public
My Comm. Expires: 10/31/2012
Reg. number: 7183725



Tax Map #: 90-3-A

THIS PROFFER AGREEMENT made this 31 day of December, 2008 by and between Allan Randle Keck and Gail Minoff-Keck (hereinafter referred to as the "Grantor"), and the Town of Cape Charles, a municipal corporation of the Commonwealth of Virginia (hereinafter referred to as the "Grantee").

WITNESSETH:

WHEREAS, the Grantor has initiated an amendment to the Zoning Map of the Town of Cape Charles, Virginia, which requests the rezoning of the parcel located as tax map parcel # 90-3-A, commonly known as 2461 Old Cape Charles Road (hereinafter referred to as the "Property") from Residential Estate District RE to Multi-Family District R-3; and

WHEREAS, the Grantee's policy is to provide for the orderly development of land, for various purposes, including residential, commercial and business purposes, through zoning and other land development legislation; and

WHEREAS, THE GRANTOR HAS VOLUNTARILY PROFFERED IN WRITING IN ADVANCE OF AND PRIOR TO THE Town Council public hearings before the Grantee, the following conditions; and

WHEREAS, Grantor understands and agrees that if Grantee accepts these proffers as part of the rezoning requested by Grantor, Grantee may record these proffers against the Property.

NOW, THEREFORE, the Grantor, for itself and its successors, assigns, grantees and other successors in title or interest, voluntarily submits and grants the following proffers, which shall be binding upon the Property and upon all parties and persons claiming under or through the Grantor, its heirs, personal representatives, assigns, grantees and other successors in interest or title, namely:

(1) The Grantors proffer by dedication 17.751 +/- acres of unimproved land currently identified as tax map parcel # 90-3-A zoned Residential Estate, RE, adjoining the property to be rezoned, to be deeded to the Town of Cape Charles as unimproved land. The purpose of the dedication is for the dedicated property to become Town property and be developed by the Town in the future in a manner that will best serve the interests of the Town.

The following deed restrictions shall apply:

- A. The Town shall use the property for public purposes, excluding residential and commercial development.
- B. The Town shall retain ownership of the property for a minimum of 15 years.
- C. Any future Town buildings, other structures constructed on the property and the storage of heavy equipment shall have a minimum 100 ft. setback from the common boundary with the rezoned R-3 property. The common boundary shall

be planted with a Class III vegetated buffer, as identified in the Town's Zoning Ordinance, by the developer of the adjoining R-3 property at the time of any construction on the R-3 property. All future structures on the town property shall be designed and constructed in terms of both visual appearance and potential sound pollution in a manner that is compatible, complementary and otherwise consistent with being adjacent to a residential community.

D. The proffered property shall have the same 100 ft. setback and Class III vegetated buffer from Old Cape Charles Road as the rezoned R-3 property, continuing east around the existing residential properties to the eastern boundary. This buffer is to be planted by the Town as a Class III Buffer at such time as any construction, (other than water wells) is undertaken, insuring the entire frontage of the two properties retains a rural appearance from the road and neighboring properties.

E. The Town may rezone the property to a zoning category that allows Town uses as per A. above but all deed restrictions shall remain in force.

(2) The Grantors proffer the following regarding the 15.611 +/- acre portion of the property being retained and rezoned R-3:

A. A maximum density of 100 dwelling units.

B. A 100 ft. setback and Class III vegetated buffer on the western boundary of the property and on Old Cape Charles Road. Upon commencement of construction of buildings on the property, the buffers must be landscaped with trees a minimum of 6ft. in height at the time of planting. Trees are to be selected from the varieties listed in the Town Zoning Ordinance regarding Class III Buffers. In addition the developer of the property, at the time of construction of buildings on the property, shall also plant a Class III vegetated buffer along the common border with the eastern neighbor, the Town of Cape Charles, incorporating appropriate species within the existing tree line.

C. Any future site plan for development of the property must provide for access to a possible public road in the future, which road may be constructed on the adjoining land on the northern boundary of the property.

(3) This proffer agreement may be recorded by Grantee against the Property and the appropriate officials of Grantee are hereby authorized by Grantor to do so.

(4) The conditions set forth in this agreement shall continue in full force and effect until they are amended as provided herein but otherwise until a subsequent amendment changes the zoning on the Property covered by such conditions; provided, however, that such conditions shall continue despite a subsequent amendment if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance.

All references hereinabove to zoning districts and to regulations applicable thereto refer to the Zoning Ordinance for the Town of Cape Charles, Virginia, adopted June 16, 1997, in force as of the date of approval of Grantor's rezoning petition by the Grantee,

WITNESS the following signatures and seal:

Allan Randle Keck
Allan Randle Keck

Gail Minoff-Keck
Gail Minoff-Keck

STATE OF Rhode Island
COUNTY/CITY OF Newport, to-wit:

Subscribed and sworn to before me this 19 day of Dec, 2008
by Allan Randle Keck and Gail Minoff-Keck.

Cheri B. Sheekey
Notary Public

CHERI B. SHEEKEY
NOTARY PUBLIC, STOF RHODE ISLAND
NO. 43077
QUALIFIED IN NEWPORT COUNTY
COMMISSION EXPIRES APRIL 152 010

My Commission Expires: _____

MUNICIPAL CORP. OF CAPE CHARLES

BY: Dora Sullivan
Mayor

Attested: Libby Hume
Town Clerk

STATE OF VIRGINIA
COUNTY OF NORTHAMPTON, to-wit:

Subscribed and sworn to before me this 31ST day of December, 2008 by
DORA SULLIVAN, Mayor of the Municipal Corporation of Cape Charles, Virginia.

Linda Frances Carola
Notary Public

My Commission Expires: 7/31/2012

LINDA FRANCES CAROLA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
NOTARY REGISTRATION NUMBER: 7199648
MY COMMISSION EXPIRES JULY 31, 2012

INSTRUMENT #090002549
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY ON
DECEMBER 18, 2009 AT 03:29PM

TRACI L. JOHNSON, CLERK
RECORDED BY: SBS

Circuit Court Deed Calculation for Northampton Circuit

Court uses its own cover sheet. Please contact the court for instructions.

Deed Type:	DBS --> DEED (BARGAIN AND SALE)
Grantor Exempt:	N
Grantee Exempt:	N
Consideration Amount:	\$225,000.00
Assume/Value Amount:	\$0.00
Locality Percent:	100.000000%
Pages:	4
Names:	0
O/P:	0
Date:	6/18/2016

<u>Fee</u>	<u>Amount</u>
Clerk Recording and Indexing Fee (301)	\$ 14.50
VSLA (145)	1.50
Technology Trust Fund (106)**	5.00
State Grantee Tax (039)	562.50 ✓
Local Grantee Tax (213)	187.50 ✓
State Grantor Tax (038)	112.50
Local Grantor Tax (220/223)	112.50
Transfer Fee (212)	1.00
Regional Congestion Relief Fee (014)	0.00
Virginia Outdoors Foundation (035)	1.00
Processing Fee (036)*	20.00
Copy Fee (236)	0.00
Total:	\$ 1,018.00
*Clerk and Deed Processing Fees do not apply to any agency of the Commonwealth of Virginia. **The Technology Trust Fund fee does not apply to any federal, state, or local government.	

JUN 17 4:51 PM

Return to when recorded:
A&N Title & Settlement
P.O. Box 668
Exmore, VA 23350

GPIN or Tax Id No. 0090-19-00-000000A

CONSIDERATION: \$225,000.00
ACTUAL VALUE: \$225,000.00

Pursuant to §17.1-223 (B), of the Code of Virginia, the title insurer is unknown.

THIS DEED, made this 13th day of June, 2016, by and between, **GAIL MINOFF-KECK** and **ALLAN R. KECK**, Grantors, and **GENERAL BUILDERS, LLC**, a Virginia limited liability company, Grantee, whose tax mailing address is 7707 Leafwood Drive, Virginia Beach, VA 23451.

WITNESSETH:

The Grantors and Grantee as part of the consideration for this conveyance agree to the covenants and restrictions binding upon and running with the title of both Tract A, and Tract B as set forth in the Proffer Agreement dated December 31, 2008.

That for and in consideration of Two Hundred Twenty-Five Thousand Dollars 00/100 (\$225,000.00), and other good and valuable consideration, the receipt and or acceptance of which is hereby acknowledged, the said Grantors does hereby grant, bargain, sell and convey, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the said Grantee, in fee simple, the following described property, to-wit:

FOR PROPERTY DESCRIPTION, SEE ATTACHED SCHEDULE "A"

Prepared by: ALPERIN LAW PLLC, VSB #39500 500 Viking Drive, Ste. 202, Virginia Beach, VA 23452, 757-490-3500. The attorney who prepared this instrument has not performed a title examination of the subject property and therefore makes no opinion or warranty as to the quality of title.

This conveyance is made expressly subject to the easements, conditions, restrictions, and rights of way of record contained in the deeds forming the chain of title to said property.

WITNESS the following signatures and seal:

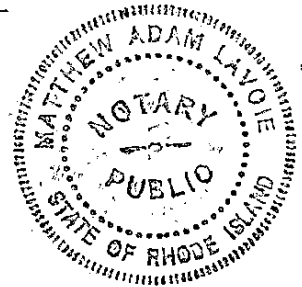
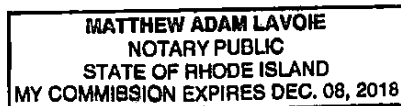

GAIL MINOFF-KECK

STATE/Commonwealth of Rhode Island
CITY/COUNTY OF Newport to-wit:

I, the undersigned Notary Public, in and for the City/County and State/Commonwealth aforesaid, do hereby certify that GAIL MINOFF-KECK has acknowledged the same before me in the City/County and State/Commonwealth aforesaid, on this 13th day of June, 2016.


Notary Public

Print Name: Matthew Adam Lavoie
Registration Number: 757364
My Commission Expires: 12/8/2018



WITNESS the following signatures and seal:

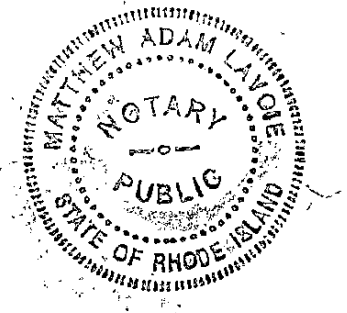
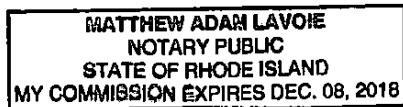
Allan R. Keck
ALLAN R. KECK

STATE/Commonwealth of Rhode Island
CITY/COUNTY OF Newport to-wit:

I, the undersigned Notary Public, in and for the City/County and State/Commonwealth aforesaid, do hereby certify that ALLAN R. KECK has acknowledged the same before me in the City/County and State/Commonwealth aforesaid, on this 13th day of June, 2016.

Matthew Adam Lavoie
Notary Public

Print Name: Matthew Adam Lavoie
Registration Number: 757364
My Commission Expires: 12/8/2018



SCHEDULE A

The certain lot or parcel of land identified as "Tract A", containing 15.49 AC, as set forth on the "SUBDIVISION OF PARCEL A AS SHOWN IN PLAT BOOK 28, PAGE 86 AND AMENDED BY PLAT BOOK 30, PAGE 55, TOWN OF CAPE CHARLES, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA, JUNE 16, 2009, "by MSA, P.C. recorded in the Clerk's Office of Northampton County, Virginia on December 18, 2009, as Instrument Number 090002548.

It being a part of the property conveyed to Gail Minoff-Keck and Allan R. Keck from Paul E. FORST and Kathleen M. FORST, by Deed dated April 23, 2002, filed for record on April 29, 2002 in the Clerk's Office of the Circuit Court of Northampton County, Virginia in Instrument 020001045.

INSTRUMENT #160000888
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY ON
JUNE 17, 2016 AT 04:51PM
\$225.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$112.50 LOCAL: \$112.50

TRACI L. JOHNSON, CLERK
RECORDED BY: TLJ



CODE
2.50

CODE
2.50

CODE
2.50

GENERAL NOTES:

1. OWNER: GENERAL BUILDERS, LLC
2. TAX PARCEL: 90-19-A
3. SOURCE OF TITLE: INSTRUMENT #16000888
4. THE BOUNDARY FOR TAX PARCEL 90-19-A WAS TAKEN FROM INSTRUMENT #090002548. MSA, P.C. PERFORMED LIMITED BOUNDARY SURVEY WORK OF THE SUBJECT PROPERTY.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/all EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN ON WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURE NOT OBSERVED DURING THE COURSE OF THE SURVEY.
6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 51131C0315F, DATED MARCH 2, 2015, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAPS. MSA, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
7. TOTAL AREA ENCOMPASSED BY THIS SUBDIVISION: 574,906 SF OR 15.49 AC.
8. CURRENT ZONING: R-3 (RESIDENTIAL MULTI-FAMILY DISTRICT)
9. FOR INFORMATION REGARD CURRENT SETBACK REQUIREMENTS REFER TO ARTICLE III, THE TOWN OF CAPE CHARLES ZONING ORDINANCE, LATEST EDITION.
10. ZONING AND SETBACK INFORMATION IS ACCURATE AS OF THE DATE OF PLAT APPROVAL AND IS SHOWN FOR INFORMATIONAL PURPOSES ONLY.
11. IN ACCORDANCE WITH PROFFER AGREEMENTS BETWEEN THE OWNER OF TRACT A (TAX PARCEL 90-19-A) AND THE TOWN OF CAPE CHARLES, THE FOLLOWING SETBACK AND BUFFER AREAS SHALL APPLY:
 - TRACT A**
 - A 10' BUILDING SETBACK AND CLASS III VEGETATED BUFFER SHALL BE PLANTED ALONG THE WESTERN AND SOUTHERN BOUNDARY OF TRACT A (ALONG OLD CAPE CHARLES ROAD), TOGETHER WITH A CLASS III VEGETATED BUFFER ALONG THE EASTERN BOUNDARY OF TRACT A (COMMON LINE OF TRACT B). SAID BUFFERS SHALL BE PLANTED AT THE COMMENCEMENT OF CONSTRUCTION OF BUILDINGS ON THE PROPERTY IN ACCORDANCE WITH THE TOWN OF CAPE CHARLES, ACCAWMACKE PLANTATION (BAY CREEK) - PUD, APPENDIX A.
 - A DEDICATED RIGHT-OF-WAY PROFFER MUST PROVIDE FOR ACCESS TO A POSSIBLE FUTURE PUBLIC ROAD WHICH MAY BE CONSTRUCTED ON THE ADJOINING LAND TO THE NORTH OF THE OWNER'S PROPERTY.
12. THE LOTS TO BE SUBDIVIDED ARE FROM A LARGER CONCEPTUAL DEVELOPMENT AREA FOR MULTI-FAMILY UNITS.

OWNER'S CERTIFICATION

THE ABOVE AND FOREGOING SUBDIVISION OF LAND SHOWN ON THIS PLAT AND KNOWN AS "SUBDIVISION OF TRACT A, (INSTRUMENT #090002548) TOWN OF CAPE CHARLES, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA, SEPTEMBER 14, 2016" AS APPEARS IN THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES IF ANY.

Angelo Manuel
ANGELO MANUEL
GENERAL BUILDERS, LLC
7707 LEAFWOOD DRIVE
NORFOLK, VA 23518

STATE OF Virginia
COUNTY OF Northampton

THE FOREGOING STATEMENT OF CONSENT WAS ACKNOWLEDGED BEFORE ME BY ANGELO MANUEL THIS 20th DAY OF December, 2016.

Wanda H. Fitchett
NOTARY PUBLIC

MY COMMISSION EXPIRES: 6/30/2017

REGISTRATION NUMBER: 256796

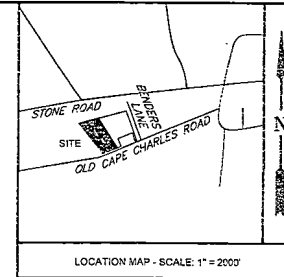


INSTRUMENT #170000133
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY ON
JANUARY 30, 2017 AT 02:34PM

TRACI L. JOHNSON, CLERK
RECORDED BY: SBS

SURVEYOR CERTIFICATION

I, JEFFREY J. VIERRETH, A LICENSED LAND SURVEYOR, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLES WITH ALL OF THE REQUIREMENTS REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE TOWN OF CAPE CHARLES.

**TOWN OF CAPE CHARLES**

THIS PLAT, CONSISTING OF TWO (2) PAGES, HAS BEEN APPROVED BY THE SUBDIVISION AGENT OF TOWN OF CAPE CHARLES, AND MAY BE ADMITTED TO THE LAND RECORDS OF THE AFORESAID COUNTY.

Paul J. Mann 1/30/17
SUBDIVISION AGENT, TOWN OF CAPE CHARLES DATE

NORTHAMPTON COUNTY PUBLIC HEALTH OFFICER

THE PROPOSED SUBDIVISION HEREIN IS FOUND TO BE GENERALLY SATISFACTORY FOR THE INSTALLATION OF SEWAGE DISPOSAL SYSTEMS, AND THE INSTALLATION OF SEWAGE DISPOSAL SYSTEMS, SO FAR AS CAN BE DETERMINED, WILL NOT CREATE HAZARDS TO PUBLIC HEALTH. THIS APPROVAL IS ONLY WITH THE UNDERSTANDING THAT WHERE SEWAGE DISPOSAL SYSTEMS ARE TO BE INSTALLED, EACH APPLICATION MUST BE APPROVED ON AN INDIVIDUAL LOT BASIS BY THE HEALTH DEPARTMENT AT THE TIME THAT APPLICATION IS MADE.

Jeffrey J. Viereh 1/25/17
HEALTH OFFICER, NORTHAMPTON COUNTY, VIRGINIA DATE

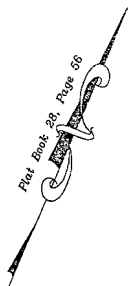
FB:
DRWN. BY RLJ/CJS
CHKD. BY JBL/JV DATE 12-15-16



SUBDIVISION OF
TRACT A
(INSTRUMENT #090002548)
TOWN OF CAPE CHARLES
CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA
DECEMBER 16, 2016

MSA, P.C.
Environmental Sciences • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture
5033 Rouse Drive, Virginia Beach, VA 23462
757-490-9264 (Ofc) 757-490-0634 (Fax)
www.msonline.com

JOB # 15117
SHEET 1 OF 2



- LEGEND**
- FOUND CONCRETE MONUMENT
 - FOUND IRON PIPE
 - FOUND IRON PIN
 - SET IRON PIN
 - UTILITY POLE
 - (P) PLATTED
 - (F) FIELD



FB: _____
DRWN BY: RLJ/CJS
CHK'D BY: JBL/JV DATE: 12-16-16

TOWN OF CAPE CHARLES
THIS PLAT, CONSISTING OF TWO (2) PAGES, HAS BEEN APPROVED BY THE SUBDIVISION AGENT OF THE TOWN OF CAPE CHARLES, AND MAY BE ADMITTED TO THE LAND RECORDS OF NORTHAMPTON COUNTY.

SUBDIVISION AGENT, TOWN OF CAPE CHARLES _____ DATE _____

INSTRUMENT #170000133
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY ON
JANUARY 30, 2017 AT 02:34PM

TRACI L. JOHNSON, CLERK
RECORDED BY: SBS

1 100 200
1 INCH = 100 FT

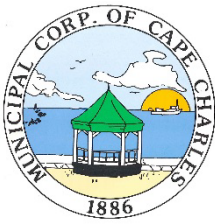
LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N 66°28'30" E	80.00'
L2	N 23°31'30" W	20.00'
L3	N 66°28'30" E	121.16'
L4	N 23°31'30" W	39.00'
L5	N 66°28'30" E	80.00'
L6	S 23°31'30" E	59.00'

BENDERS LANE (S.R. 607)
(60' RIGHT-OF-WAY)
(DB 88, PG. 200)

SUBDIVISION OF
TRACT A
(INSTRUMENT #090002548)
TOWN OF CAPE CHARLES
CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA
DECEMBER 16, 2016

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JOB # 16117
SHEET 2 OF 2



DRAFT
PUBLIC FORUM
Re: Historic District Design
Guidelines Presentation
Cape Charles Civic Center
September 9, 2022
6:30 PM

At approximately 6:30 p.m. Planner/Zoning Administrator Katie Nunez welcomed everyone to the Cape Charles Public Forum, adding that this was not a meeting of any board, although many of them were in attendance. There would be no time limits to the comments, but she asked that the comments be pertinent to the Historic District Design Guidelines being presented this evening and that everyone be respectful of each other and their comments. The comment period will remain open until September 26, 2022, and all comments, good or bad, were requested. After all comments were received, they would be compiled for review by the Town Council, Planning Commission and Historic District Review Board at a joint work session scheduled for September 29th. The final draft should be back in November and the public hearing process for the Planning Commission and Town Council would begin. She was hopeful that the final document would be adopted by the end of this year. She asked that any additional comments be emailed to planner@capecharles.org or knunez@capecharles.org. She would be serving as this evening's moderator and if anyone had any questions, please raise their hand to be acknowledged. She asked that all speakers come up to the microphone so they could be heard by everyone in the room as well as those watching on Facebook.

In attendance:

Town Council: Mayor Dize, Councilmen Buchholz and Grossman, and Councilwomen Holloway and O'Brien.

Planning Commission: Chairman Bill Stramm, Vice Chairman Dennis McCoy, and Commissioners Ken Butta, Paul Grossman, Jim Holloway, and Michael Strub.

Historic District Review Board: Chairman Herb Thom, Vice Chairman Marty Mayer, Kathy Glaser, David Howgill, and Michael Strub.

Town Staff: Planner/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and Town Clerk Libby Hume.

Commonwealth Preservation Group: Paige Pollard, Katie Paulson and Jess Archer.

There were 19 members of the public physically in attendance, and 41 viewers on Facebook.

Paige Pollard and Katie Paulson presented a PowerPoint outlining the background and process relating to the rewrite of the Historic District Design Guidelines. (Please see attached.)

There were a number of questions and comments from the attendees related to:

i) The boundary of the historic district overlay and map, and the difference between the town-adopted overlay and the national historic district map – It was noted that the map in the current Historic District Design Guidelines was different than the one shown in the presentation. Katie Nunez explained that she felt certain that the published map was the correct one adopted by the Town Council, but no documentation could be located, but the issue could be easily corrected.

ii) Katie Nunez noted that in Chapter 2, some of the language included was inaccurate and would be corrected for the final version.

iii) Several members of the Historic District Review Board asked whether pre-application meetings would resume as part of the process. It was also noted that the language in the draft document stated

that certificates of appropriateness were good for six months versus the current duration of one year. Paige Pollard stated that common practice across the state was six months so the project would not become stagnant and went on to ask the attendees to please provide their input regarding this item on whether they agreed with the six-month timeframe or not. If the majority of the comments agreed with this change, it would have to be included in the ordinance update as well.

iv) It was explained that, as stated in the town's zoning ordinance, alleys were not considered as a public right-of-way in terms of determining visibility.

v) There was some discussion regarding windows and comments were received that the language was vague.

vi) It was also noted that outdoor showers were not addressed and there had recently been several applications reviewed for outdoor showers. Paige Pollard stated that most outdoor showers would be placed in locations not visible from the public right-of-way, but general guidelines for placement of new outdoor appurtenances were included in the document. The document could not cover all possible appurtenances and she cautioned against including a finite list.

vii) It was stated that in the past, applicants would take photos of houses or structures from other localities and obtained the board's approval. Would this practice continue?

Paige Pollard commented that the guidelines were only as good as the consistency of implementation. There would be instances where an applicant would appeal to Town Council stating that something was approved previously for another property based on a different set of guidelines. Things got tense in Cape Charles a number of years ago because different boards interpreted the guidelines differently. There would always be an exception. The role of the Historic District Review Board was to try to be consistent with exceptions.

viii) It was noted by an attendee that the zoning ordinance stated that the only time that an applicant could file an appeal to the Town Council was when the process was followed incorrectly.

Paige Pollard responded that it was considered as best practice across the state, adding that the Town Council appointed the board and they should have confidence in the board and their decision making ability. For the Council to maintain neutrality, they also have to have confidence in the guidelines.

ix) A comment was received that since the document was referred to as a guideline, the common belief was that it could not be enforced.

Paige Pollard stated that she had been told by many city and town attorneys that when the word "standard" was used, it became a mandate and there was no room for discretion. When the term "guidelines" was used, accommodations could be made for some deviation where necessary and justified as long as it was applied consistently. When the Historic District Review Board made a decision that deviated from the guidelines, they should also state the specific reason behind the decision. Every decision must refer to the appropriate language from the guidelines for consistency and for defensibility.

x) It was noted that with the removal of the railroad, there was some question of the general appropriateness of considering anything historic in the town anymore.

Paige Pollard responded that the Virginia Department of Historic Resources website contained an area providing information on all National Register nominations in the state with excellent narratives and an inventory of all structures within a district. It was a wonderful resource to learn about all the reasons that Cape Charles was important as a historic district. The railroad was one of the items but not the only one. The purpose of adopting the historic district initially was to preserve the charm and character of the town which was so intact and so rare especially in beachfront communities.

xi) Was there a way to include a disclosure in real estate contracts to notify potential buyers that a property was in the historic district. Many of the new buyers were unaware of the regulations. What did it mean for the town to be a certified local government?

Another attendee commented that a disclosure of a property being in the historic district was now part of a real estate contract.

Paige Pollard stated that the Certified Local Government Program was established by the National Park Service and designed to create a partnership between the National Historic Preservation Program, the state Department of Historic Resources, and local governments that had sound local preservation policies with investments for training and design guidelines with best practices. It also provided grant access to the localities as well as technical assistance, training, etc. The state evaluated the local programs every three years and there was state and federal oversight of the programs.

xii) Application fees covered some of the cost of administrating the program and helped to offset costs.

Paige Pollard concluded by stating that developing guidelines was a careful balance and the guidelines would never cover all possible issues. The goal was to be specific enough to give the board a place to go for any request that may come in, but not so specific that implied that anything not written in the guidelines was forbidden.

Katie Nunez added that staff had heard that the process took too long as all requests had to go through the Historic District Review Board application process. She was asked to review the process in an effort to streamline it for applicants. With everything having to be reviewed by the board, it placed a significant load on the board and staff. Many of the changes in the guidelines were in response to the requests by allowing some of the minor items to be handled administratively by staff.

Katie Nunez reiterated that written comments would be accepted until September 26th. Comments could be dropped off to the planning department or emailed to planner@capecharles.org or knunez@capecharels.org. Her business cards with contact information were available in the back of the room. Several hard copies of the draft guidelines were available in the back of the room as well as in the library, planning department and administration office of Town Hall. The guidelines were posted on the Town's website and the presentation would be added. All comments would be compiled for review at the joint work session on September 29th and would also be posted online. She thanked everyone for attending and for their assistance in providing comments.

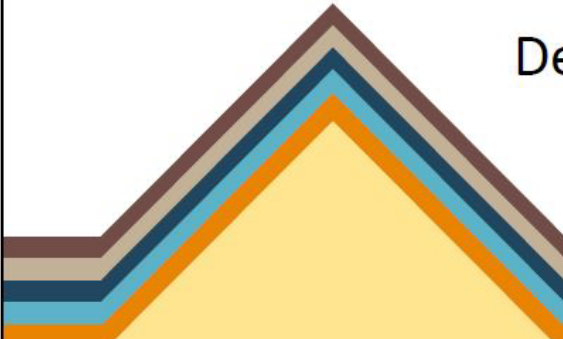
The public forum concluded at approximately 8:30 p.m.

Town Clerk

September 8, 2022 Public Forum
Presentation Slides

Cape Charles Historic District Design Guidelines Update

Public Presentation
Thursday, September 8th, 2022



1



Paige Pollard
Principal



Katie Paulson
Project Manager



Jess Archer
Graphics & Content Development



COMMONWEALTH
PRESERVATION GROUP

Project Team



2



Overview of Cape Charles Historic District Overlay

- History of the District
- Enabling Authority
- 2022 Design Guidelines Update

Review of Project to Date

Preview of the Design Guidelines

Project Schedule

Questions

Tonight's Agenda

3



CPG was hired by the Town to:

- Engage with Stakeholders
- Review HD Boundaries
- Review Ordinance
- Develop Updated Historic District Overlay Design Guidelines

Scope of Project

4



Cape Charles State & National Historic District

- Established in late 1980s after survey; updated 2018
- Designated on:
 - Virginia Landmarks Register
 - National Register of Historic Places

Historic District Overlay zoning ordinance

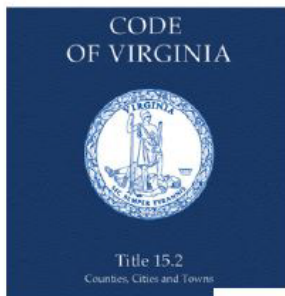
- Adopted by Town Council in 2001
- Established a local Historic Review Board
- First set of Design Guidelines written
- Certified Local Government established in 2007

Comprehensive Plan 2019 Update

- Citizen's survey
 - Indicated preservation of the Historic District ranked high among public importance

History of Preservation in Cape Charles

5



State and Local Enabling Authority for Historic District Overlay

- Code of Virginia (15.2-2306)
- Established by Zoning Ordinance Article VIII, Section 8)
- Purpose is to protect historic resources and manage change

§ 15.2-2306. Preservation of historical sites and architectural areas.

A. 1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological or cultural interest, any historic areas within the locality as defined by § 15.2-2201, and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial

Enabling Authority for Local Overlay

6



The role of the Town Staff entails:

- Provide information and guidance to applicants
- Conduct administrative review of applications based on the adopted Design Guidelines
- Provide Staff support to the HDRB
- Treat each applicant with respect while rendering decisions in keeping with the design guidelines

Town Staff Role

7

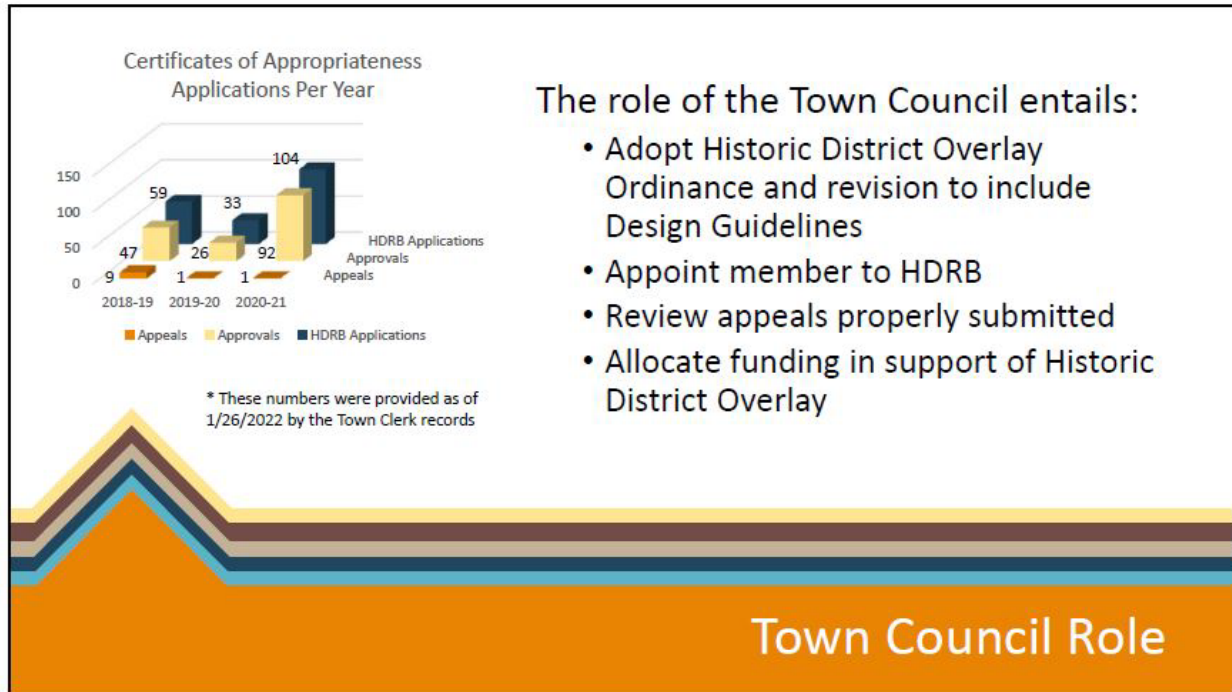


The role of the HDRB entails:

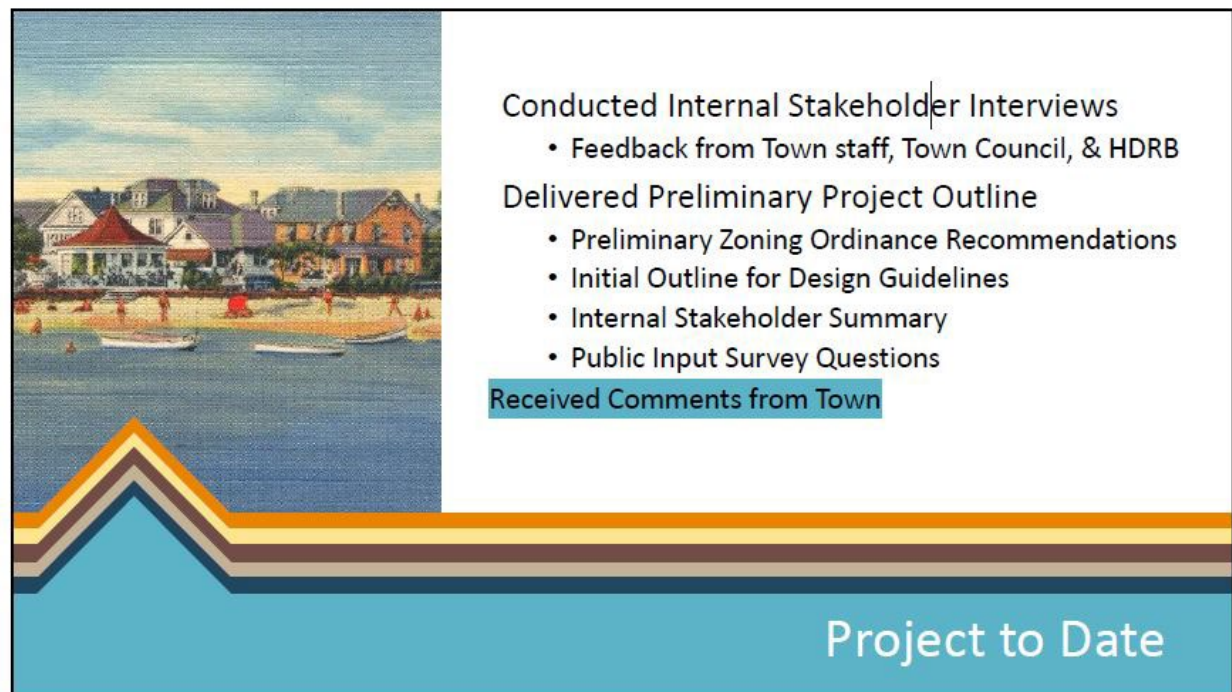
- Review alterations, additions, demolition and new construction within the Historic District Overlay
- Provide consistent review of non-administrative items, based on adopted design guidelines
- Treat each applicant with respect while rendering decisions in keeping with the design guidelines

Historic District Review Board Role

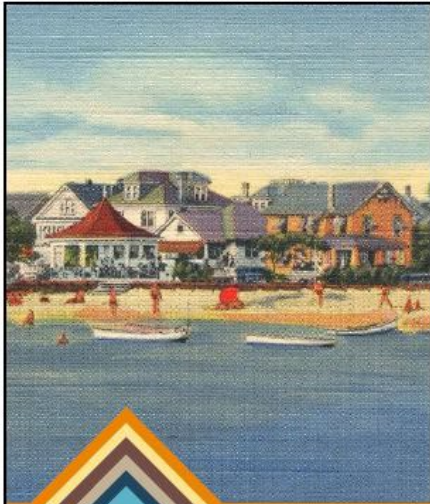
8



9



10



Facilitated Virtual Public Kick Off Meeting

Conducted Public Opinion Survey

- Online survey for public feedback

Delivered Draft 1 - Initial Word Document

- Minimal Graphics in submission

Received Comments from Town

Delivered Draft 2 – Complete Draft Document

- Full Graphics in Pre-Final Format

Town & Public Comments Forthcoming

Project to Date

11

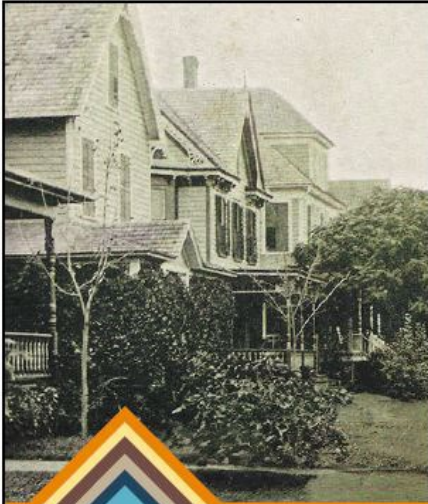


Feedback among all stakeholder groups shared similar ideas regarding:

- Desire to maintain the architectural “look and feel” of the Historic District
- Streamlining the application process
- Clarity
 - In guidelines themselves
 - Of roles and responsibilities
 - New Construction and Infill projects
- Ease of use for property owners, Town staff, the Historic District Review Board (HDRB), and Town Council

Stakeholder Feedback

12



Community Values

- High appreciation of aesthetics
- Commitment to character of Historic District Overlay

Community Desires

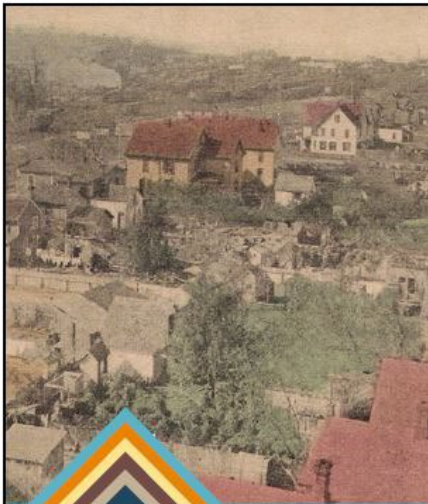
- Streamlined process
- Clarity in guidelines, including emerging issues
- Consistency in decision making
- Information to aid stakeholders

Manage Change

- Property ownership turn over
- Staff & board turn over
- Composition of community

Key Takeaways

13

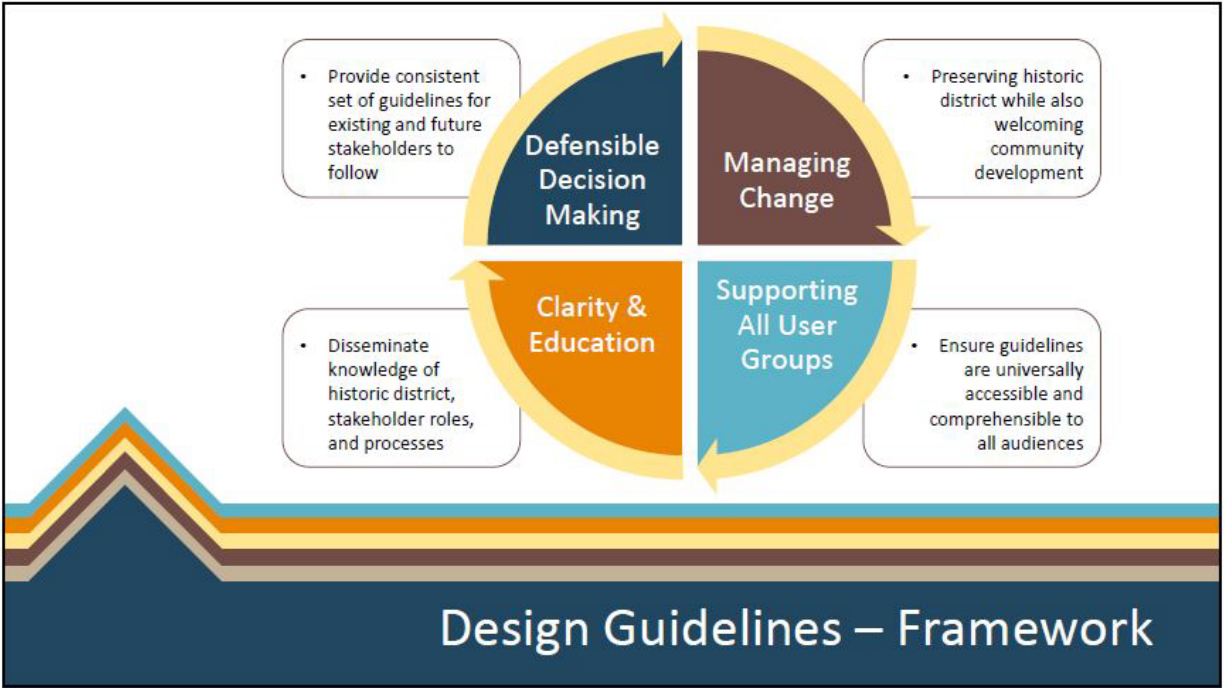


The updated Cape Charles Historic District Overlay Design Guidelines:

- Respond to stakeholder input
- Respond to Cape Charles Historic District Guiding Philosophy
- Retain the historic character of the Historic District Overlay
- Provide educational content for all users

Design Guidelines – Priorities & Goals

14

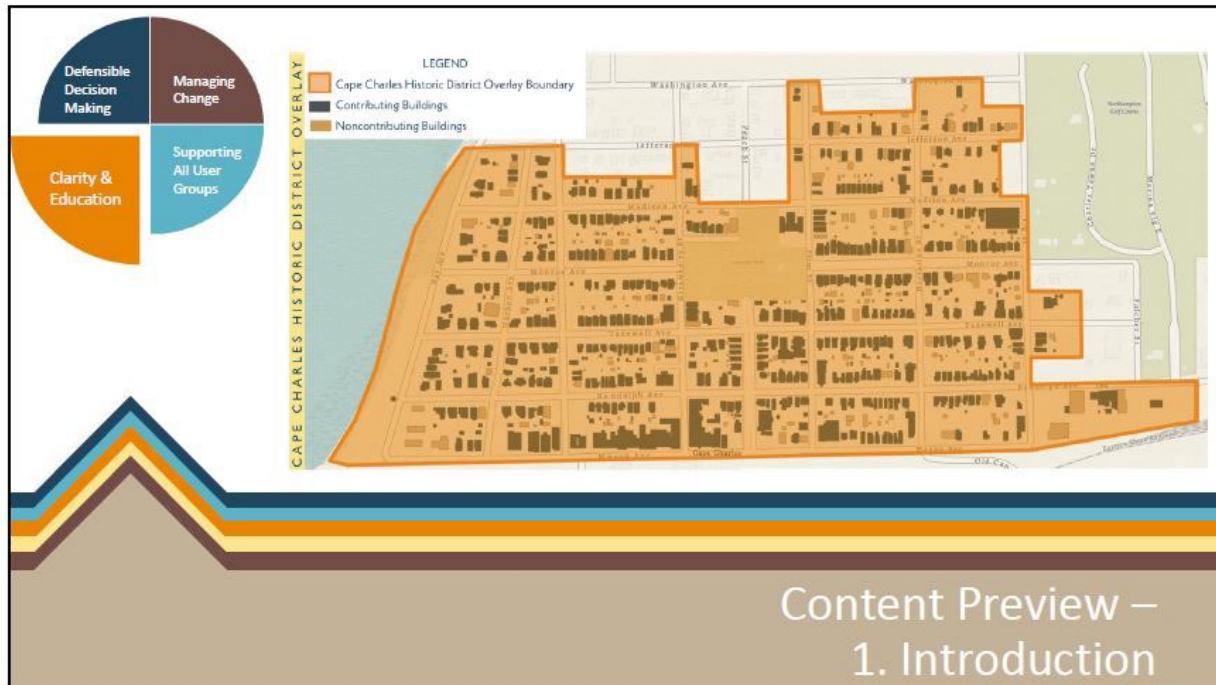


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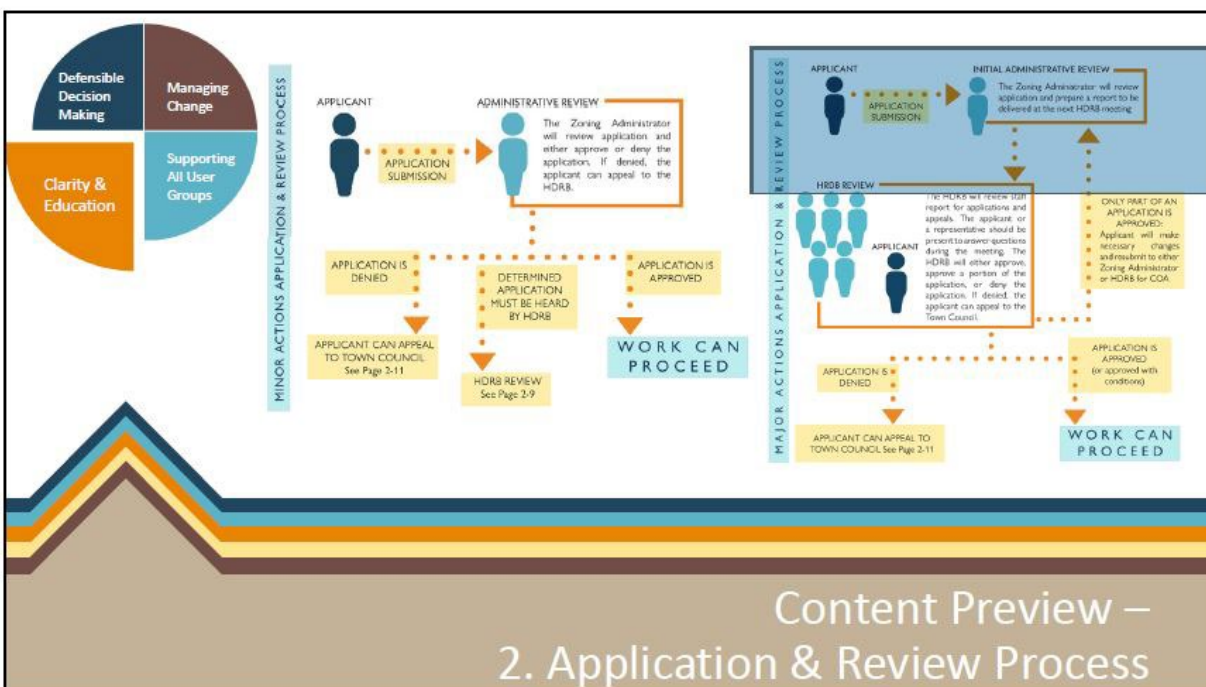
1. Introduction	CONTENTS		6. ACCESSORY STRUCTURES - BOARD REVIEW
2. Application & Review Process	1. INTRODUCTION	7. RELOCATION & DEMOLITION - BOARD REVIEW	7. RELOCATION & DEMOLITION - BOARD REVIEW
3. General Description of Buildings	2. APPLICATION & REVIEW PROCESS	8. SITE FEATURES & APPURTENANCES - BOARD REVIEW	8. SITE FEATURES & APPURTENANCES - BOARD REVIEW
4. Routine Maintenance & Repairs AR	3. GENERAL DESCRIPTION OF BUILDINGS	9. ALTERNATIVE MATERIALS - BOARD REVIEW	9. ALTERNATIVE MATERIALS - BOARD REVIEW
5. Primary Building Treatment BR	4. ROUTINE MAINTENANCE & REPAIRS - BOARD REVIEW	10. FLOOD MITIGATION - BOARD REVIEW	10. FLOOD MITIGATION - BOARD REVIEW
6. Accessory Structures BR	5. PRIMARY BUILDING TREATMENT - BOARD REVIEW	A. APPENDICES	A. APPENDICES
7. Relocation & Demolition BR			
8. Site Features & Appurtenances BR			
9. Alternative Materials BR			
10. Flood Mitigation BR			

16

Content Preview



17



18

3 GENERAL DESCRIPTION OF BUILDINGS

CLIPPINGS ALONG COAST (1915)

Specific Characteristics of Queen Anne

- Steeply pitched, complex rooflines which are gabled and hipped
- Wrap-around porches with jagged or iron ("gingerbread")
- Tall chimneys
- Second story overhangs or projections
- Corner towers which can be round, polygonal, or square
- Bay windows
- Detailed ornamentation including spiralwork, half-timbering, columns, dentils, decorative panels, and use of mixed materials

3-14 Cape Charles Historic District Overlay Design Guidelines, Chapter 3

3 PERIOD REVIVALS (1890s-PRESENT)

COLONIAL REVIVAL

DUTCH REVIVAL

NEOCLASSICAL REVIVAL

Period Revival styles are revivals of earlier historical styles, including Colonial, Classical, Tudor, Spanish Colonial, and Dutch Colonial which can be found in both Residential and Commercial building types in Cape Charles. Many of the styles remain popular today and are defined by symmetry as well as uniformity and simplicity in design in contrast to many of the Victorian Styles described previously. Ornamentation is generally limited to the roofline, openings, and porches (or other projections), and reflects the history of the original style they are emulating. Colonial Revival, in particular, is one of the most popular styles to date and was fueled by nationalistic fervor at the turn of the century which was then amplified after the First World War.

Street-Based Period Characterization

- Rectangular plans
- Symmetrical facades
- Uppermost story is typically within the roofline
- Gabled dormers
- Chimneys either central or at one side
- Either brick or horizontal siding
- Often emphasis on the front door or entry porch
- One-story wings, cupolas, and/or porches at the side elevations

Cape Charles Historic District Overlay Design Guidelines, Chapter 3 3-15

Content Preview –

3. General Description of Buildings

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Content Preview –

4. Administrative Review

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5 PRIMARY BUILDING TREATMENT BOARD REVIEW

should be used to inform the design.

a. Absence of historic photographs or physical evidence, design elements should be employed that are contemporary yet compatible to the historic building being served by the porch.

4. Do not utilize historic details on adjacent historic buildings to establish a precedent for the design of a non-historic historic porch as this creates a false historic narrative.

5. Porches should not be constructed on the primary elevations or those facing the public right-of-way of buildings that did not historically have a porch in the proposed location.

a. Proposed new porches can be located on secondary side or rear elevations where they are minimally visible from the public right-of-way or do not impact the historic character of the building.

b. When located on side or rear elevations, new porches should be scaled and placed to not detract from the contributing building and its historic features.

6. New porches should be compatible with the style and form of the existing building, but should employ angles, contemporary features to not create a false historic narrative.

Figure 5.15 – Early photo, the above porch, showing the way some homeowners used historic and historical materials to have these types of porches at hand.

Figure 5.16 – Proposed new porch should not be located on the primary elevation as shown in these before and after photographs.

5

a. The design and construction of new porches should avoid impacting historic materials and character-defining features.

Steps and Flooring

1. Historic porch steps and flooring should be retained and restored to the maximum extent possible.
2. Replacement of historic steps and flooring should be done in-kind as feasible. To achieve replacement in-kind, new materials should match the historic material, composition, shape, size, and other visual qualities.
3. When replacing an entire porch floor, ensure the new floor is shaped away from the historic building.
4. If replacement in-kind is not possible, material selection for porch floors allows for composites or speckles due to the microclimate of Cape Charles and the historical nature of porch floors, which limits the visual effect on the overall historic character of a building.

Handrails

1. Historic porch handrails and balustrades should be retained and restored.
2. If portions of handrails or balustrades are missing or damaged, they should be replicated and replaced in-kind.

Figure 5.17 – The porch in the above photograph has a perforated railing that is not appropriate.

Figure 5.18 – Historic porch handrails and balustrades should be retained and restored.

Content Preview –

5. Primary Building Treatment (Board Review)

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Examples of Treatments–

5. Primary Building Treatment (Board Review)

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Examples of Treatments–

5. Primary Building Treatment (Board Review)

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6 ACCESSORY STRUCTURES BOARD REVIEW

6.1 ACCESSORY STRUCTURES ASSOCIATED WITH CONTRIBUTING PRIMARY BUILDINGS

This section provides guidance for the treatment of contributing accessory structures (those constructed within the period of significance) and modern accessory structures (those constructed outside the period of significance).

CONTRIBUTING ACCESSORY STRUCTURES ASSOCIATED WITH A CONTRIBUTING PRIMARY BUILDING

1. Historic accessory structures should be retained and restored to the maximum extent possible.
 - a. Retain historic accessory structures in their original locations in order to preserve the historic site and relationship to the historic primary resource (if applicable).
 - b. Maintain the historic features, materials, and configuration of historic accessory structures.
 - c. Routinely inspect historic accessory structures for damage and deterioration.
 - d. Repair or replace damaged historic features and materials in kind.
 - e. Replacement of original materials should be limited to pieces that cannot be salvaged; wholesale replacement of historic building improvements should be avoided.



EXAMPLE OF CONTRIBUTING ACCESSORY STRUCTURES ON A PROPERTY

5. If replacement of a historic material is necessary, it should be in-kind.
 - a. To achieve replacement in-kind, new materials should match the historic in material, composition, shape, size, color, profile, pattern, texture and other visual qualities.
6. If replacement in-kind is not possible, the following criteria for material replacement applies:
 - a. Replacement materials should match the physical characteristics of the original material in its composition, and profile, as well as the visual characteristics of color, texture, finish, and profile.
 - b. Replacement materials should offer the same general appearance as the existing material.
 - c. Material replacement should not negatively impact remaining materials or the design of other building features.
 - d. If the feature cannot be replicated using traditional materials, refer to Chapter 9, *Alternative Materials*, for information on selecting an appropriate alternative material.
7. Modifications to historic accessory structures must be in keeping with its historic character, as well as that of the primary historic building on the property, if applicable.
8. Ensure alterations to historic accessory structures do not negatively impact the integrity and significance of the accessory structure or the rest of the historic property with which it is related.
9. For demolition of a historic accessory structure, see Chapter 7, *Relocation and Demolition*.

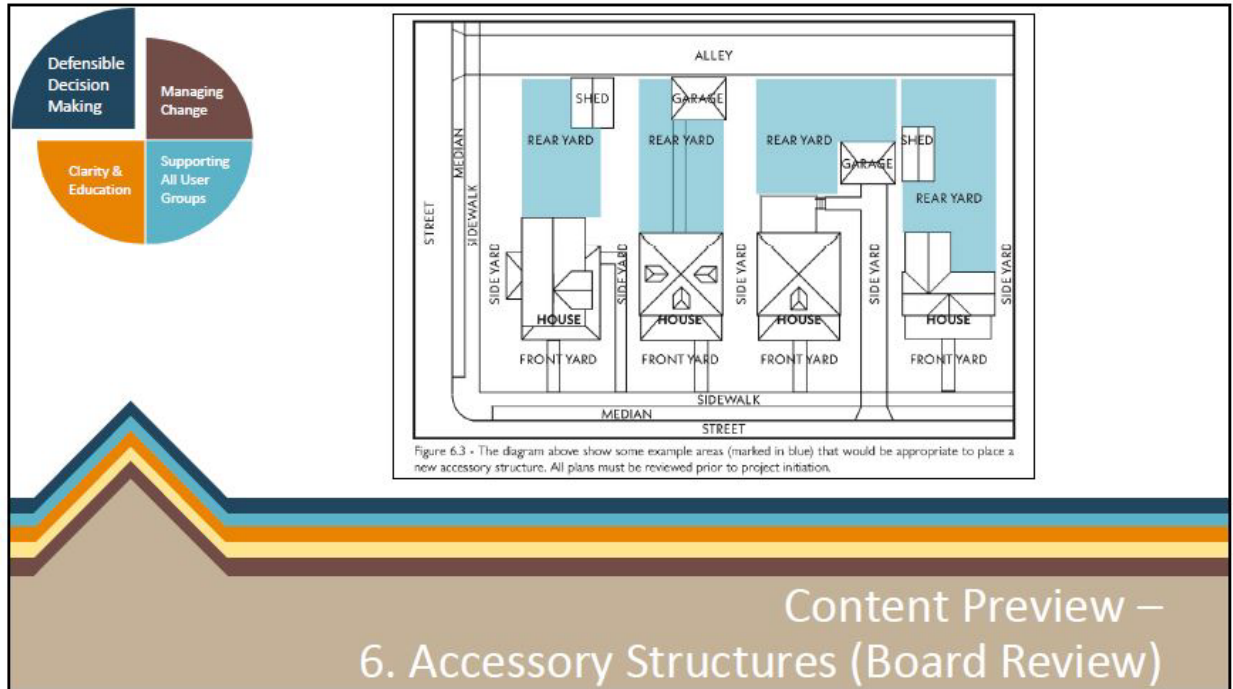
6-2 Cape Charles Historic District Design Guidelines Chapter 6

Cape Charles Historic District Design Guidelines Chapter 6 6-3

Content Preview –

6. Accessory Structures (Board Review)

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8 SITE FEATURES & APPURTENANCES BOARD REVIEW

8.1 HARDSCAPING (DRIVEWAY, WALKWAYS, & OTHER PAVING)

Hardscaping refers to the hard surface areas of a site, including but not limited to parking areas, driveways, walkways, paths, steps, and other paved surfaces. These site features should be in keeping with the historic character of the individual site, as well as the surrounding district.

1. Retain existing historic paving materials. Replace damaged or missing areas of paving with materials that match the original paving.
2. Demolition of historic buildings, structures, or site features for the purpose of adding new hardscaping should be avoided.
3. New parking areas and driveways should be placed at the side and rear of

properties to limit visibility.

4. Appropriate materials for new paving include stone paving, gravel or pebble paving, compacted oyster shells, and brick. Concrete is appropriate, but should be scored or exposed aggregate. Asphalt paving should be avoided unless there is historic precedent for the material on the individual site.
5. Parking that is not concealed by adjacent buildings or site features should be screened by landscaping or low knee walls to provide a buffer between the street and the building.

Figure 8.1: Compacted oyster shells or pebbles are appropriate materials for new driveways. They help mitigate water runoff with their porous surfaces, promoting better drainage.

Figure 8.2: New parking areas should not be placed in front of buildings or lower than the street elevation as the site and rear to meet the driveway is more appropriate.

8.2 FENCES & FREESTANDING WALLS

1. Retain historic fences, walls, and hedges. Replace missing or damaged fencing and walls with new materials that match the historic. If large amounts of historic decorative fencing are missing, carefully salvage the remaining portions to the maximum extent possible and install at the front or prominent sides of a building, and replicate the missing material.
2. For new fencing, the material, style, and height should be in keeping with the character of the associated building's architectural style, as well as the surrounding district. All fencing and freestanding walls should meet the provisions of the Town of Cape Charles Fencing Ordinance, Article IV, Section 4.2.G, Fences and Walls. The guidelines below offer further direction for the Historic District Overlay.

- a. For interior lots, fence height maximums are as follows:
 - i. Rear yard: Not to exceed 6 feet
 - ii. Side yard: Not to exceed 4 feet
 - iii. Front yard: Not to exceed 4 feet
- b. For corner lots, fence height maximums are as follows:
 - i. Rear yard: Not to exceed 6 feet
 - ii. Side yard: Not to exceed 4 feet
 - iii. Corner Side Yard
 - iv. Front yard: Not to exceed 4 feet

Figure 8.2: The above diagram shows the locations for maximum fence heights at a corner lot, left and right interior lot, front and rear side yard, and front right of way.

Content Preview –

8. Site Features & Appurtenances (Board Review)

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Content Preview –

8. Site Features & Appurtenances (Board Review)

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Defensible Decision Making

Managing Change

Clarity & Education

Supporting All User Groups




Examples of Treatments— 8. Site Features & Appurtenances (Board Review)

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Managing Change

Clarity & Education

Supporting All User Groups

9 ALTERNATIVE MATERIALS BOARD REVIEW

9.1 ALTERNATIVE MATERIALS

Improper maintenance of historic materials on contributing buildings is not an appropriate reason to consider replacement. See [Chapter 4](#) for maintenance schedules and expectations. If proper maintenance or repair of historic materials is no longer possible, alternative materials proposed for use on historic buildings in the Cape Charles Historic District Overlay will be evaluated by the HDBR on a case-by-case basis. In general, alternative materials may be used to replace historic materials when the following circumstances are present:

- The historic material is no longer available; or
- Skilled craftsmen capable of working with or installing the historic material are no longer available; or
- The historic material is inherently flawed; or
- The code requires alterations that result in the removal of historic materials; or
- An unusual circumstance with compelling reason, that ensures all features of the alternate material have the same size, shape, and texture of the original material, and is visually indistinguishable from the original material from any public right of way.



Figure 9.1 - Vinyl siding is not appropriate in most situations. Above shows where areas of mold have stained the historic siding underneath the vinyl siding. Choosing the historic siding has also changed the window and door profiles to appear fake. Alternative materials should be carefully reviewed and considered to avoid detrimental effects such as these.

By: Cape Charles Historic District Overlay Design Guidelines Chapter 9

9 EVALUATING ALTERNATIVE MATERIALS FOR USE ON CONTRIBUTING BUILDINGS

IMPACT TO HISTORIC INTEGRITY & SIGNIFICANCE

When historic materials are replaced, the integrity of the property is diminished. Over time, if enough contributing properties lose their historic materials, the integrity of the overall district is threatened. Therefore, retaining and restoring historic materials is always the best practice to maintain the character of the district. However, when that is not possible for a particular feature on a property, the visual and physical consequences of replacement should be evaluated.

DURABILITY

In general, new materials have a shorter life span than their historic counterparts; once historic materials have been replaced, the property owner enters a shorter cycle of replacement. The durability and performance of a material should be evaluated to ensure that it will not require replacement again in short order. Some new materials have not been sufficiently evaluated for their durability and performance over time. Additionally, despite marketing claims, all materials require maintenance and all materials will eventually deteriorate over time.

APPEARANCE

The color, surface texture, reflectivity, and finish of a material comprise its appearance. Changes to the appearance of a material can impact the historic character of a property.

LOCATION/VISIBILITY

The location of the material proposed for replacement can impact whether or not it is appropriate to consider. If the material is highly visible or it will diminish the character of the building or district, it would not be acceptable to replace it; if, however, the location is secondary or minimally visible and would not impact the overall integrity of the resource or district, it may be appropriate.

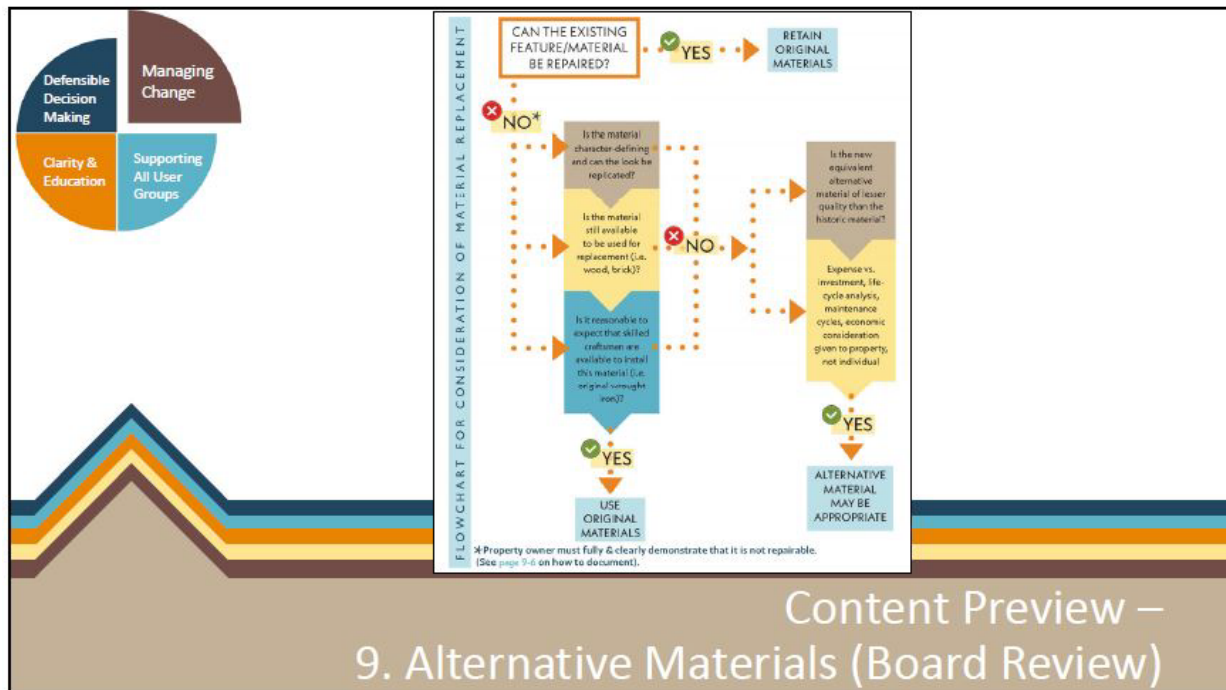
SUSTAINABILITY

Historic buildings are inherently sustainable, because reuse retains the embodied energy in the existing building stock and the materials used in their construction are of a higher quality than their modern counterparts. It is important to consider the environmental consequences of replacement materials: not only does the historic material end up in a landfill – thus losing the embodied energy – but many new materials require significant energy and resources to manufacture, transport, and install.

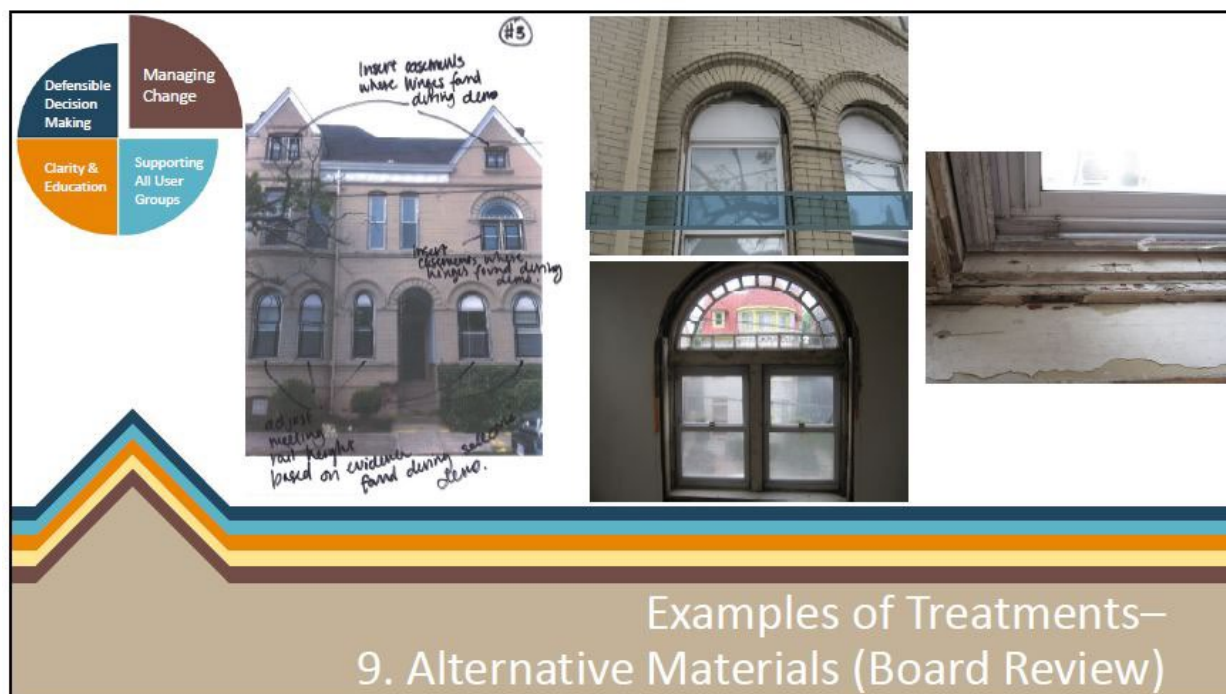
By: Cape Charles Historic District Overlay Design Guidelines Chapter 9 9-3

Content Preview – 9. Alternative Materials (Board Review)

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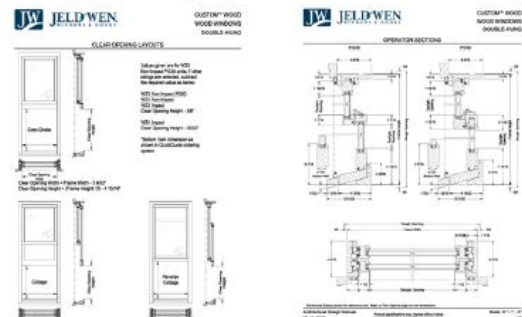
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"The few remaining historic wood windows will be retained in place and restored; the are located on secondary elevations and are standard two-over-two double hung sash. All of the existing vinyl windows are located on primary elevations and appear to have historically been decorative and a combination of fixed, single and double hung, as well as casement style wood windows. None of the historic windows that remain provide an appropriate match for the size and style of the now missing historic windows."




Examples of Treatments— 9. Alternative Materials (Board Review)

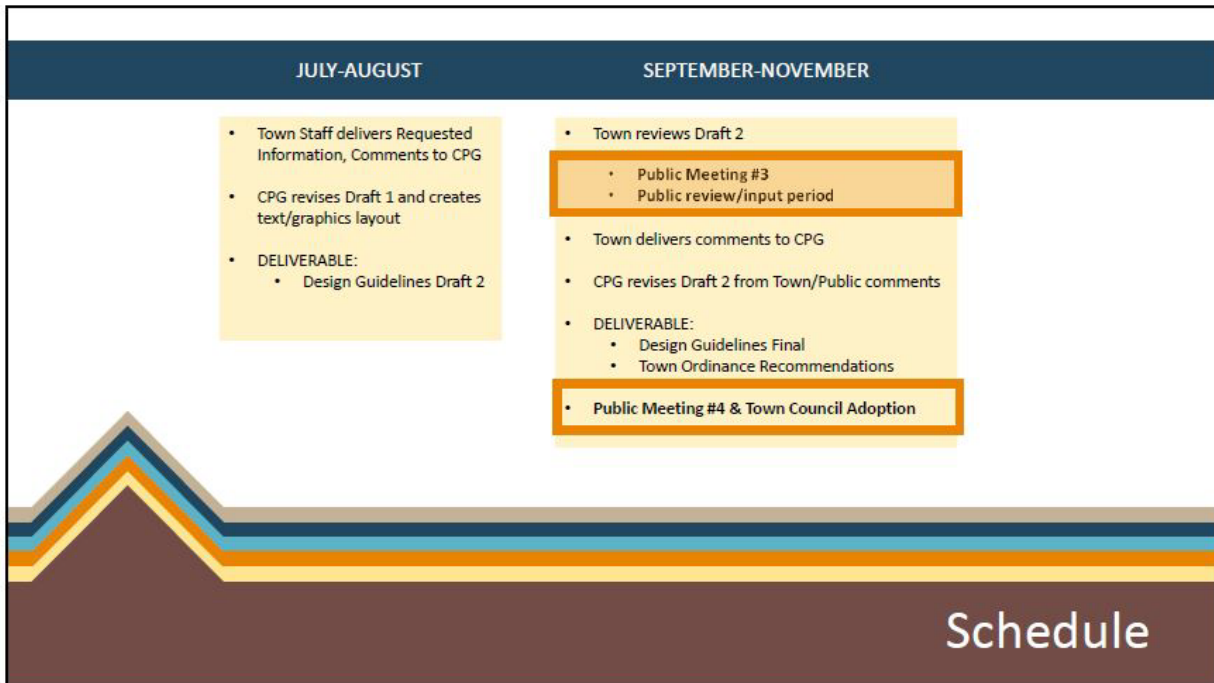
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SEPTEMBER - OCTOBER	NOVEMBER - DECEMBER	JANUARY - FEBRUARY	MARCH-JUNE
- Review of Existing Documents - Project Kick Off Meeting and Site Visit to Town - Development of outline and graphics package - Internal Stakeholder Engagement	DELIVERABLE: - Outline - Graphics Sample - Preliminary Ordinance Update Recommendations Public Meeting #1 - Public Survey Live - Town delivers comments to CPG - Development of guidelines text/graphics layout	DELIVERABLE: - Design Guidelines Draft 1 Public Meeting #2 - Town delivers comments to CPG - CPG revises Draft 1 from Town comments	PROJECT PAUSE

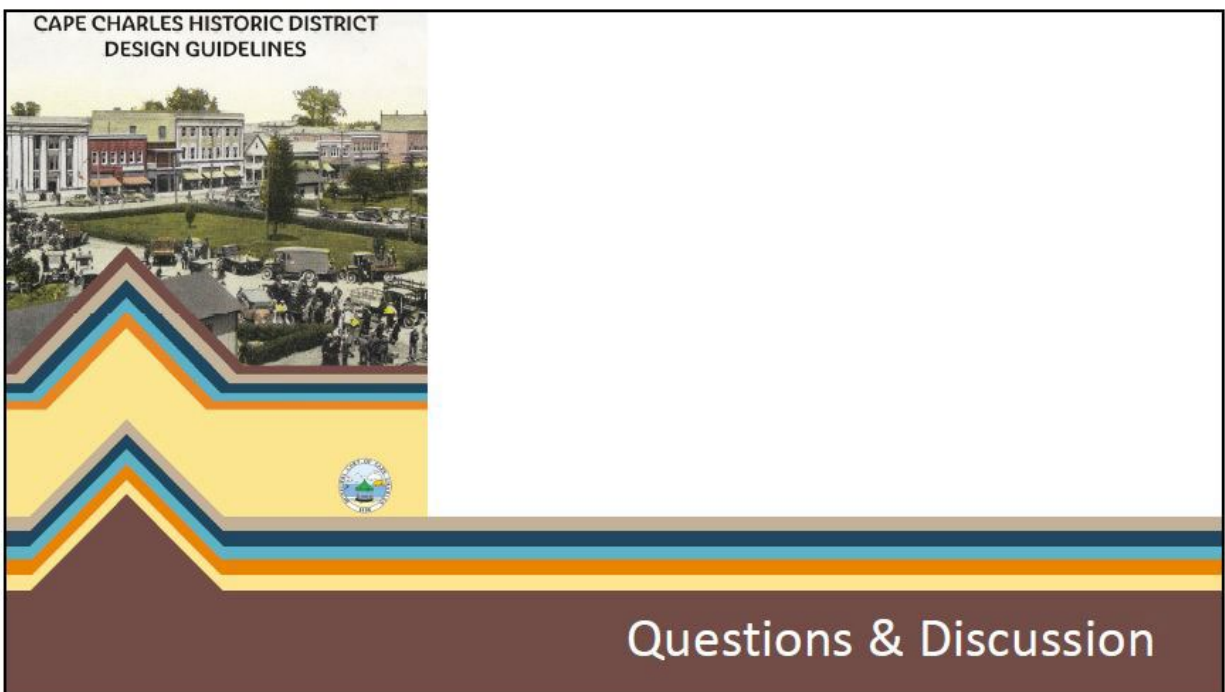
Schedule

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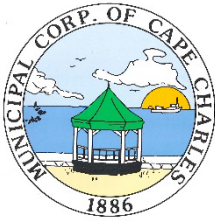
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DRAFT
TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
September 15, 2022
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Public Hearing & Regular Meeting of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Planner/Zoning Administrator Katie Nunez, Treasurer Deborah Pocock, Police Chief Jim Pruitt, Special Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were five members of the public physically in attendance, and 10 viewers on Facebook.

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

PUBLIC HEARING:

Mayor Dize announced that this evening’s public hearing was to receive comments regarding the proposed Fiscal Year 2023 budget amendment.

A. FY 2023 Budget Amendment

The floor was opened for public comments.

There were no comments to be heard nor any comments received in writing prior to the meeting.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to close the public hearing. The motion was approved by unanimous vote.

The public hearing was closed at 6:32 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS:

There were no visitors to be recognized nor any presentations to be heard.

PUBLIC COMMENTS FOR ITEMS NOT SUBJECT TO THE ADVERTISED PUBLIC HEARING: (3 MINUTES PER SPEAKER)

Cathy Fox, resident of the Town

Ms. Fox addressed the Town Council on behalf of the Cape Charles Memorial Library in her capacity as a member of the board of directors. (Please see attached.)

There were no additional comments to be heard nor any comments received in writing prior to the meeting.

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. August 18, 2022 Town Council Public Hearing & Regular Meeting
 - ii. August 18, 2022 Town Council Executive Session
- C. Approval of July 31, 2022 Financial Report

Motion made by Councilman Grossman, seconded by Councilwoman O'Brien, to approve the consent agenda items as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. Accessory Dwelling Unit Ordinance – Set Public Hearing:

Planner/Zoning Administrator Katie Nunez stated that the Planning Commission discussed possible revisions to the ordinance to address Council's issues raised at the June 16, 2022 Town Council Regular Meeting. A proposed draft zoning text amendment was provided for Planning Commission's review at their September 6, 2022 Regular Meeting. After further edits were made, the Commission voted to forward the draft zoning text amendment to the Town Council along with the draft Accessory Dwelling Unit Safety Inspection Checklist & Affidavit for review and discussion.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to schedule a public hearing on October 20, 2022 regarding the proposed zoning text amendments to Sections 4.2(J), 2.9, and Article 3.

Councilman Follmer thanked everyone for their work on the text amendments then went on to express his frustration that several of the issues raised by Council had not been addressed. Council had requested that all definitions be made consistent with the State Building Code. Except for the definition of "kitchen," none of the other definitions were amended. There is a need for consistency and greater clarity. There were also previous issues with processes changing with staff turnover. It was Council's duty to protect the residents from inconsistencies caused by staff turnover. Having written procedures was necessary. He still felt that the definition of "kitchen" was broad and suggested adding more specific language including the requirement of a sink, refrigerator and some type of device for heating food.

Motion made by Councilman Follmer, seconded by Councilwoman Holloway, to amend the definition of "kitchen" to read *"means a space within a structure designated for the preparation of food, that includes a sink, refrigerator, and a device for heating food."*

Vice Mayor Bennett stated that the definition of "kitchen" from the Building Code was verbatim to the proposed definition and added that he didn't think the verbiage "device for heating food" was good since this could be anything including sticks for an open fire. The Planning Commission, Council and staff had been working on this language for a long time and were now down to the weeds. He was happy with the proposed language recommended by the Commission.

Councilman Follmer amended his motion, which was seconded by Councilman Holloway, for the definition of "kitchen" to read *"means a space within a structure designated for cooking and preparation of food, which includes a sink and refrigerator."* The motion was approved by unanimous vote.

Mayor Dize called for a vote on the original motion to schedule a public hearing for October 20, 2022.

The motion to schedule a public hearing for October 20, 2022 regarding the proposed zoning text amendments to Sections 4.2(J), and Article 3 as recommended by the Planning Commission and Section 2.9 as amended by Council. The motion was approved by unanimous vote.

B. *Removal of Proffers from Several Parcels on Cassatt Parkway – Set Public Hearing:*

Katie Nunez stated that staff had been in conversation with the developer who is conducting due diligence relative to the purchase of 11.5 acres identified as Tax Map #90-19-A for potential work force housing. The proffers that cover this property, identified and referred to as the Keck Property Proffer Statement, were proving to be an impediment to move forward and Mr. Lance Marine, managing principal of Winmar Advisory, provided a letter outlining his project intentions.

Katie Nunez explained that on November 13, 2008, the Town agreed to conditionally rezone a portion of then Tax Map #90-3-A comprising 33.195 acres off of Old Cape Charles Road, commonly known as the Keck Property, with proffers. The proffers were accepted and recorded on December 31, 2008. Approximately 17.7 acres of unimproved land currently identified as Tax Map #90-30-A and zoned Residential Estate (RE), was deeded to the Town as unimproved land to be developed by the Town in the future in a manner that would best serve the interests of the Town. The remaining 15.6-acre portion was rezoned from RE to Residential-3.

Staff had spoken with our attorney to ascertain the process to remove or amend the proffers and advised that following an advertised public hearing and with concurrence from the current legal owners of the land affected by the proffers, the Town could amend and/or repeal the proffers. Based on conversations with the current property owners, all owners would be supportive of removing the proffers. The original property owners, the Kecks, who no longer resided in Cape Charles, stated that they would pose no objection to the removal of the proffers from all of the land originally covered by the proffers. If approved following the public hearing, a legal document would be drafted to repeal the Proffer Statement, and all associated mentions to said conditions of the Proffer Statement included in any subdivision plat subsequently approved and recorded.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to schedule a public hearing on October 20, 2022 regarding the removal of proffers originally accepted and approved on November 13, 2008 and further identified as part of the Keck Property Rezoning by the Town. The motion was approved by unanimous vote.

C. *Deed of Dedication of Water/Sewer Utilities in Village L (Bay Creek):*

Katie Nunez stated that several new subdivisions had been approved, including Village L or Muirfield in the Bay Creek community, which had reached the stage of completion on the primary infrastructure work for water and sewer lines and roads, and requested the Town to accept the water and sewer components into the Town's system. There had been no established protocol and review process for this, so she worked with the developer, the water and sewer departments, and with assistance from the Town's attorney, three documents were developed to address this immediate request as well as to serve as a template for any future new subdivisions. The first document, the Deed of Dedication and Easement, would need to be accepted by the Town, signed and recorded in the Clerk of Courts records. This would also establish the date of the Town's acceptance of this infrastructure and the one-year warranty period. The second document was an affidavit by the developer attesting to the work and location of said work and that there were no outstanding mechanic's liens to said infrastructure. The third document was to "bridge the gap" between when the developer completed the infrastructure work and the time it took for the Town to accept said work. It would allow for any individual lots that had been sold within the subdivision to be able to commence with building permit application submittals and for the Town to be able to approve them conditionally. No Certificates of Occupancy would be able to be issued until the Deed of Dedication had been executed and recorded. This document needed to be executed by the Town, the developer, and the lot owner seeking the building permit.

Katie Nunez requested Council authorization for the town manager and the planning & zoning department to finalize the documents and execute them as warranted, specific for Village

L/Muirfield Subdivision in Bay Creek, as well as to utilize the documents as a template for all future subdivisions for acceptance of water and sewer utilities into the Town water and sewer systems.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to authorize the Town Manager and the Planning & Zoning Administrator to finalize the documents and execute as warranted, specific for Village L (Muirfield) Subdivision in Bay Creek, as well as to utilize the documents as a template for all future subdivisions for acceptance of water and sewer utilities into the Town Water and Sewer Systems. The motion was unanimously approved.

D. *PPEA Utility Consulting Services:*

Town Manager John Hozey stated that as authorized by Council on June 10, 2021, the Town contracted with NewGen Strategies & Solutions for consulting services in the amount of \$92,120 to assist in evaluating proposals from Aqua Virginia and Virginia American Water (VAW) to acquire the Town's water and wastewater systems. The initial contract cost was invoiced back to the two proposers. Additional work was authorized on December 9, 2021, and March 4, 2022 in the amount of \$10K, bringing the total contract value to \$112,120. On January 13, 2022, Council made the decision to advance VAW to the next phase of the PPEA process. NewGen supported public forums, performed analysis of the fair market value of our systems, and provided advice for negotiations with VAW. The Town was now at a point to conclude negotiations and prepare a comprehensive agreement for Council's consideration, which would include the required filings with the State Corporation Commission to approve the sale and establish initial service rates, should Council choose to do so. NewGen proposed a \$75K increase to the contract for additional services to accomplish this under tasks F and G. This increase was beyond the initial commitment of either proposer so would be funded by the Town. The FY 2023 budget included sufficient funding to cover this increase for now, but replenishment of these line items might be necessary during this year's mid-year budget adjustment. The issue of the Annexation Agreement still needed to be resolved and staff might move this work to the Town's attorney since he was familiar with the agreement.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to authorize the Town Manager to amend the contract with NewGen Strategies & Solutions for PPEA Utility Consulting Services in the amount of \$75,000. The motion was approved by unanimous vote.

E. *Planning Commissioner Reappointment:*

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to reappoint Mr. William Stramm to the Planning Commission for another four-year term. The motion was approved by unanimous vote.

F. *Board of Zoning Appeals Member Reappointment:*

Councilwoman Holloway stated that she would abstain from voting on this issue due to her relationship with James Holloway.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to reappoint Mr. James Holloway to the Board of Zoning Appeals for another term. The motion was approved by majority vote with Councilwoman Holloway abstaining.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to reappoint Mr. James Holloway as the Board of Zoning Appeals representative to the Planning Commission. The motion was approved by majority vote with Councilwoman Holloway abstaining.

G. *Waste Collection and Disposal Services:*

John Hozey stated that on October 21, 2021, the Town of Cape Charles awarded a contract effective November 1, 2021 to P.W. Davis Disposal for all waste collection and disposal services for the Town. The contract was for one year with the option to renew for two additional years. The contract was written so future pricing would be based on the Consumer Price Index, which was 8.5% as of July 2022. This was the first of the two extensions covering the timeframe from November 1, 2022 through October 31, 2023. The cost for year two of the contract would be \$18.93 per month representing an increase of about \$15K over the amount budgeted for FY 2023. There was currently about \$80K available in the Sanitation Fund Balance which would cover this increase. Staff requested Council approval of the first extension of the Waste Collection and Disposal Services contract and transferring the necessary amount from the Sanitation Fund Balance so as not to increase the rates to the users.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the first extension of the Waste Collection and Disposal Services contract with P. W. Davis Disposal from November 1, 2022 through October 31, 2023, and transferring the necessary amount from the Sanitation Fund Balance so as not to increase the rates to the users.

Councilman Follmer expressed his discomfort with the transfer of funds to subsidize rates. If we were to use the Sanitation Fund Balance to subsidize recycling or purchase new trash cans, he would consider it, but he did not feel the need to subsidize the rates as the majority of users and second homeowners would not need the subsidy.

Vice Mayor Bennett stated that past contracts included pricing for the additional years, but with this contract being tied to the consumer price index, future pricing was impossible to predict. He added that the amount in the Sanitation Fund Balance had been there for years and the purpose was to use it in this manner, so he had no problem transferring the funds to cover the increase.

There was much debate about the transfer from the Sanitation Fund Balance.

Mayor Dize called for a vote.

The motion was approved by majority vote with Councilman Follmer opposed.

H. *FY 2023 Budget Amendment:*

John Hozey began by noting a typographical correction of the Budget Account number on the spreadsheet – the account number for the Engineering Services Sewer item until the Utilities Fund should be 501-4502-3420, then went on to state that a number of projects were unable to be completed by the end of the last fiscal year due to supply chain issues, workforce, contractor and consultant complications or delays. A budget amendment was needed to complete or pay for the projects. Whenever a budget amendment was over 1% of the aggregate budget, a public hearing was required. The action this evening would be to schedule a public hearing.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to amend the Fiscal Year 2023 budget as discussed with the noted budget account correction, and make additional budget appropriation of \$247,979.48. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) The Citizens for Central Park (CCP) game area upgrade plan was approved and moving forward. Part of the agreement required installing a fence in the southeast corner of the park. With events being held in the park allowing alcohol, CCP recommended installing fencing on all the corners of the park to help with the state's Alcohol and Beverage Control (ABC) requirements of roping or fencing around areas where alcohol was permitted. The Town's portion of the cost was about \$6,200; ii) Cape Charles Main Street requested a letter be sent to the

Northampton County Administrator regarding the Main Street designation signs to be installed along Stone Road, just past the 25 MPH signs. The letter would be sent on September 16th; iii) The Kings Creek Dredging Project was cancelled for this year and the Town was not notified. The project was supposed to begin the day after Labor Day. When no activity was seen the week after Labor Day, he inquired about the start date and was informed that due to the bids coming in extremely high, the project was postponed until next year; iv) He would be out of the office next week for his annual trip to Alaska to winterize his cabin and visit family. He would be gone from September 17th until September 24th but would be reachable if needed.

MAYOR AND COUNCIL COMMENTS

Vice Mayor Bennett, Councilwoman O'Brien and Councilman Follmer did not have any further comments.

Councilman Grossman provided an update on the Kiptopeke Inn adding that he took a tour of the model apartment and had provided information to the school, Coastal Precast, and the Chesapeake Bay Bridge Tunnel recommending they also take a tour. There were currently 100 units available for rent.

Councilwoman Holloway commented as follows: i) Since Bill Stramm was in attendance this evening, she wanted to recognize him as the 2022 president of CCMS. Patsy Harris was the first vice president. There were also several other new board members, and she expressed her excitement with the new board; ii) The Fourth Annual Potluck Dinner during the last concert of the season was a success with 200 participants. She thanked the Town of Cape Charles and the CCP for helping to partially fund the event. It was a great ending to this year's concert series; iii) She asked about this year's ice cream social. John Hozey responded that the Ice Cream Social was scheduled for September 28th from 6:30 to 8:00 p.m. at the Strawberry Street Plaza and treats would be provided by Cowlick's Creamery. Information about the event would be going out soon; iv) CCMS received \$40K from the Virginia Tourism ARPA funding and received approval to move forward. When the project details were submitted, the train project was rejected since the entire project could not be completed by the end of 2024. CCMS talked to representatives from Northampton County, and it was decided to use the ARPA funding for the downtown bathrooms and applying for the Northampton County Tourism Infrastructure Grant for funding on the train project.

Councilman Buchholz stated that he attended the September 14th Candidates' Night. A lot of questions were asked, and he did not think that most of the constituents understood how much time staff put forth on the numerous projects. Anytime anything was changed, it could involve staff from the planning & zoning and other departments as well as requiring legal assistance. Everyone needed to realize the extreme burden on the Town's staff. The term "low lying fruit" was used quite a bit last night, but there is no "low lying fruit." Council made the decisions, but staff enacted it. All the staff had done a tremendous job. The public works crew was understaffed but continually did an excellent job. Everything that had been accomplished by Katie Nunez in the short time she had been with the Town was phenomenal. Deborah Pocock did an incredible job and Libby Hume did so much with all the meetings and the unbelievable amount of work. He did not think the residents realized the sheer amount of work needed to be done. He commended all the staff and expressed his great appreciation for them all. Councilwoman Holloway added that she found it disconcerting that she was unable to express the multiple things being done at once. Councilwoman O'Brien stated that residents did not realize what was going on. Councilman Buchholz continued by stating that the Town utilized numerous avenues to communicate activities. Residents did not come to the meetings to stay informed of the issues. Half the items on the Candidates' Night agenda were items that had been in the works for over a year.

Mayor Dize commented as follows: i) He thanked the Historic District Civic League for holding the Candidates' Night. He was unable to attend but watched much of it online. He thanked Libby Hume for attending and streaming it to Facebook. He commented on Facebook that the Town budgeted for

funding for numerous projects. This Town Council had taken great steps with the strategic plan and it was amazing what staff and the Council had accomplished. He hoped that when it was time for the next strategic planning sessions, that the public would attend the meetings and provide input; ii) He received a text on September 11th that the Town's flags were not half-staff. He apologized to the citizen and contacted the appropriate staff. There were circumstances involved but he assured everyone that it would not happen again.

Mayor Dize read the announcements adding the September 28th Ice Cream Social. Next month's announcements would be much longer since numerous meetings had just been scheduled for the next three months.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to adjourn the Town Council Public Hearing & Regular Meeting. The motion was approved by unanimous vote.

The Public Hearing & Regular Meeting adjourned at 7:26 p.m.

Mayor Dize

Town Clerk

**September 15, 2022 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Cathy Fox, Resident of the Town and Library Board Member

Good evening. My name is Cathy Fox, and I am here on behalf of the Cape Charles Memorial Library in my capacity as a member of the board of directors.

Did you know that September is Library Card Sign-up Month? This is a time when the American Library Association (ALA) and libraries nationwide join together to remind parents, students and community members that signing up for a library card is the first step towards lifelong learning. The Cape Charles Memorial Library is not only a lender of books, it's a gateway to technology for many residents and visitors. It's a training center for driver improvement courses, it's a place to exhibit art, a Wi-Fi hot spot, repository of Cape Charles' history, an early literacy center for preschoolers and a gathering place for people to relax, explore and learn.

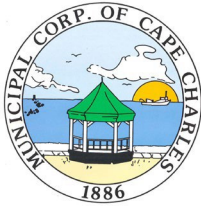
Library Card Sign-up Month offers an opportunity to get involved with the Cape Charles Memorial Library and check out all the great services it offers your community. Here's a few ways you can celebrate and help spread the word about the joys of getting a library card.

Visit the Cape Charles Library to see what's new and take part in the celebration. Libraries across the country are participating. Do you have friends who don't have library cards? Invite them to sign up during September!

Many of you are seeking re-election or are campaigning for a new seat. Your political signs are a great way to citizens to proclaim their support for you. I have window and door signs to help you proclaim your support for the Cape Charles Memorial Library.

Please visit the Cape Charles Memorial Library and get your very own library card and make sure your kids, grandkids, nieces and nephews have the most important school supply of all – a library card! Help them get one this September and kick off the school year right.

Thank you.



**DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
September 15, 2022**

Immediately Following the Public Hearing & Regular Meeting

At 7:33 p.m., Mayor William "Smitty" Dize, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Dize, present were Vice-Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Staff in attendance were Town Manager John Hozey, Project Manager Bob Panek, and Town Clerk Libby Hume. There were no members of the public in attendance.

ITEM FOR DISCUSSION:

Review Initial Plans and Concepts for FY 23 Capital Projects

John Hozey presented the initial concepts for the future municipal building and Mason Avenue bathroom facility, which included the conceptual site layout, layouts of the first and second floors of the municipal building, proposed exterior of the municipal building, layout and several exterior options for the Mason Avenue bathroom. He went on to state that the goal was to have a municipal building that would sustain future growth. The conceptual plans anticipated growth and included one additional staff person for each department. There was also an empty office for the future which could be used by the Mayor or Council member when needed. There were also other rooms that could be converted to offices if necessary. Bob Panek had been working with the architects and staff on the conceptual designs.

Conceptual Site Plan:

Project Manager Bob Panek explained the following: i) MSA just completed the land survey so the site plan would be adjusted accordingly; ii) The Town wanted to provide golf cart access to the new building, but Cassatt Parkway was 35 MPH and golf carts could not cross the road. It would be difficult to construct a golf cart path along Cassatt Parkway due to drainage ditches, etc. and VDOT had very stringent rules related to ditches. Staff was negotiating with the Cape Charles Rosenwald School Restoration Initiative (CCRSRI) to obtain an easement to run a path along their property line to connect to the existing path on Old Cape Charles Road. The Town also needed to run utilities in the area and offered to include the infrastructure for the CCRSRI as well. The CCRSRI representatives were receptive to this and would bring the matter to their board of directors for a vote; iii) Pursuant to our zoning ordinance requirements for parking, the parking lot at the municipal building would need 84 spaces. About half of the spaces were associated with the assembly space (Council Chambers) with 112 seats, not including Council and staff. The current zoning ordinance required one space for every three seats in assembly space. The remaining 42 spaces were associated with office space, even though we would only have about 25 employees working there. Although we would not be using the assembly space during regular working hours, there was no accommodation for this. This requirement drove the size of the parking lot and best management practices (BMPs) for stormwater, which added significant costs, and there was currently no allowance in the zoning ordinance to offset the size of the parking lot for golf carts. The zoning ordinance required 66 square feet for a golf cart parking space and 162 square feet for a vehicle. We could reduce the parking lot by half if consideration could be made for golf carts.

John Hozey stated that when this issue was brought to the Planning Commission, there was no interest to amend the ordinance. Town Council had the authority to have the Planning Commission review and amend the ordinance. Cape Charles was a golf cart community and amending the zoning ordinance would benefit everyone, not just the Town.

Vice Mayor Bennett noted the wetlands on the property and asked whether the size of the wetlands

could be increased instead of having to build BMPs. John Hozey responded that this had been discussed and was a possibility.

First Floor & Second Floor:

The proposed first floor space plan included the police department with a garage, armory, evidence room, restroom with a shower, and a small kitchenette. It also included the Council Chambers with 112 seats, not including the Council and staff at the dais, a small meeting room for executive sessions, another small kitchenette, and storage room to store extra tables and chairs. The first floor also had a men's and women's room, and the archive storage. The other departments currently in the Town Hall would be on the second floor.

John Hozey noted that there were about 90 people in the Civic Center last night for the Candidates' Night and it was packed with people blocking the exits and restroom. The proposed Council Chambers was not much larger than the Civic Center space and he wanted Council to be sure that the size would be sufficient to meet their needs.

There was discussion as follows: i) Councilman Follmer expressed his concern regarding security and controlled access to the offices, adding that the public could get on the elevator and go to any of the offices on the second floor. John Hozey noted that there were doors to the police department and clerk's office. Bob Panek added that when the public gets off the elevator on the second floor, there were two service counters overlooking the elevator – one at the finance department and one at the planning/zoning/building departments; ii) Councilman Buchholz asked about security cameras to be monitored by the police department. Bob Panek responded that there would be provisions for closed circuit cameras, and there would be card reader door access. After hours, the front door would be closed unless there was a meeting, and the elevator to the second floor would be shut off; iii) Councilwoman Holloway liked the egress from the Council Chambers to allow for easier exit from the room.

Exterior:

Councilwoman Holloway suggested an outdoor seating area for staff to take breaks, have lunch, etc.

John Hozey stated that there would be an area for outdoor seating, but the location had not yet been determined.

Bob Panek stated that the exterior material had not been determined yet but would be sympathetic to the harbor buildings and the Rosenwald School. It would probably have a band of brick on the bottom and around the central opening with siding. Initially a steel building was planned but with the addition of the second floor, it would be too difficult to work with a steel structure. John Hozey added that since the initial costs were reviewed, building materials and expenses had gone up significantly.

John Hozey referenced comments from last night's Candidates' Night about selling the Town Hall and other historic buildings stating that the Town would be giving away the historic character. That was not the case, since regardless of who owned a property, it would still be in the historic district and would have to follow the guidelines when renovated. Councilman Grossman added that the property would then be on the tax rolls.

Several Council members stated that they were pleased with the look of the building.

Mason Avenue Restroom:

The layout and three exterior options were reviewed. The Town provided the architects with a photograph of the old ferry terminal and three concepts were developed, but we were not limited to those three. Option 1 was designed with a look similar to the buildings along Mason Avenue; Option 2 was a look similar to a train station; and Option 3 was a look similar to the harbor bath house.

There was discussion as follows: i) Several of the Council members expressed their preference for Option 3 but suggested more of an overhang to look more like the municipal building and a train depot; ii) Councilwoman Holloway asked about the dimensions and the direction the building would face. Bob Panek was unsure of the exact dimensions but estimated it would be 35' or 40' by 25' with a central corridor and entry from both front and back. John Hozey added that the building would face east toward Strawberry Street Plaza. Bob Panek added that there were ADA access issues requiring an ADA sidewalk from Strawberry Street Plaza into the facility; iii) Councilwoman Holloway noted that the train car also needed ADA sidewalks and would be located on the south side (backside) of the buildings along Strawberry Street Plaza. Some coordination with the design teams for both projects would be necessary. Bob Panek stated that the ADA sidewalk on the south edge of the parking lot would go west from Strawberry Street Plaza and could continue past the restroom to the train car then turn south.

Beach Bathroom:

John Hozey recommended placing the beach bathroom project on hold for now. When reviewing the Town Priorities, the beach master plan needed to be moved up and would cover the entire beachfront, beach and dune management, phase 4 of the trail, etc. Everything regarding the beach needed to be done with one vision. He received some information from Councilwoman Holloway regarding the 2024 Northampton County Tourism Infrastructure Grant which could assist with some of the funding. More details about this grant opportunity would be shared as it became available. John Hozey added that with increasing costs for construction and materials, additional funding might be needed for the Mason Avenue restroom.

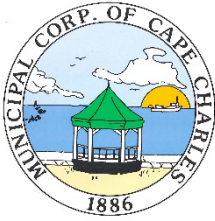
Councilman Grossman asked about the cost per square foot adding that the cost for the Northampton County school was about \$450 per square foot. Bob Panek responded that the Town had been quoted about \$300 per square foot.

Motion made by Councilman Buchholz, seconded by Councilwoman O'Brien, to adjourn the Town Council work session. The motion was approved by unanimous vote.

The joint work session was adjourned at 8:28 p.m.

Mayor Dize

Town Clerk



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
September 15, 2022
Immediately Following the Work Session

At 8:37 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Also, in attendance were Town Manager John Hozey and Project Manager Bob Panek.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Negotiation Strategy for Potential Utility System Sale

There were no members of the public in attendance at this time.

Council went into executive session at 8:38 p.m.

Motion made by Councilman Buchholz, seconded by Councilman Follmer, to return to open session. The motion was approved by unanimous vote.

The open portion of the meeting resumed at 9:49 p.m. There were no members of the public waiting to return to the meeting.

Certification, to the best of each member's knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

Motion made by Councilman Follmer, seconded by Councilman Grossman, to adjourn the Town Council Executive Session. The motion was approved by unanimous vote.

The Executive Session adjourned at 9:50 p.m.

Mayor Dize

Town Clerk



DRAFT
**TOWN COUNCIL, PLANNING COMMISSION &
HISTORIC DISTRICT REVIEW BOARD**

**Joint Work Session
Cape Charles Civic Center
September 29, 2022
6:30 PM**

At approximately 6:30 p.m. Councilman Buchholz, having established a quorum, called to order the Work Session of the Town Council. In addition to Councilman Buchholz, in attendance were Councilman Grossman, and Councilwomen Holloway and O'Brien. Councilman Follmer arrived at 6:31 p.m. Mayor Dize and Vice Mayor Bennett were not in attendance. Also, in attendance were Paige Pollard and Katie Paulson from Commonwealth Preservation Group, Town Manager John Hozey, Planner & Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and Town Clerk Libby Hume. There were five members of the public in attendance.

Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, in attendance were Commissioners Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. Commissioner Ken Butta was not in attendance and there was one vacancy on the Commission.

Chairman Herb Thom, having established a quorum, called to order the Work Session of the Historic District Review Board. In addition to Chairman Thom, in attendance were Kathy Glaser, David Howgill, Martin Mayer, and Michael Strub.

The purpose of the joint work session was to review and discuss the comments received regarding the draft Historic District Design Guidelines. After discussion of each comment, a determination would be made related to any additional revisions needing to be made to the draft document.

Katie Nunez introduced Mss. Paige Pollard and Katie Paulson. The group reviewed the comment tracking spreadsheet. (Please see attached.)

John Hozey and Katie Nunez thanked everyone for participating in the work session and providing their input.

Motion made by Herb Thom, seconded by Kathy Glass, to adjourn the Historic District Review Board Work Session. The motion was approved by unanimous vote.

Motion made by Commissioner Holloway, seconded by Commissioner McCoy, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilwoman O'Brien, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

The meeting adjourned at 9:21 p.m.

Mayor William "Smitty" Dize

Chairman Bill Stramm

Chairman Herb Thom

Town Clerk

August 2022 Treasurer's Report

Page 1 – Cash Position

- \$750,694 in cash was transferred from the operating money market account to the Virginia Investment Pool Liquidity Account #1 for Facility Fees for facility fees earned since July 1, 2022. Going forward this will be part of the accounting team's monthly tasks.

Page 2 – Revenue vs. Expenditures

- Replacement trash cans for customers were paid for in August (\$15,719.)

Page 3 – Capital Projects

- No payments were made in August.

Page 4 – Tax Collection Rate

- N/A until November when tax bills are created and mailed.

Page 5 – Tax Revenue Trends

- The small decrease in harbor dockage is related to the accounting process used. The accrual method was used monthly in FY22. The audit team recommended that staff use the cash basis to mirror Cape Charles Marine Services accounting method for purposes of reconciliation until the final month of the fiscal year, when we will do a conversion entry.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
August 31, 2022

<u>Cash on Hand</u>	<u>7/31/2022</u>	<u>8/31/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$565,103	\$390,732	-\$174,371
Atlantic Union Bank Money Market Account	\$3,747,732	\$3,230,921	-\$516,811
LGIP Account 1 - Unrestricted	\$104,644	\$104,839	\$195
LGIP Account 2 - Unrestricted	\$302,578	\$303,197	\$619
Total Cash On Hand	\$4,720,058	\$4,029,690	-\$690,368

<u>Restricted and Reserved Cash Balances</u>	<u>7/31/2022</u>	<u>8/31/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,033	\$30,033	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$8,379	\$8,519	\$140
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,786	\$258,028	\$242
Wells Fargo 2010 Debt Service pass through account #300	\$26,425	\$2,911	-\$23,514
Wells Fargo 2010 Debt Service pass through account #308	\$763	\$764	\$1
Atlantic Union Money Market # ARPA CRF #5847	\$1,057,463	\$1,057,598	\$135
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$1,742,719	\$2,493,413	\$750,694
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$339,335	\$142,997	-\$196,337
Total Cash Held in Reserve	\$3,474,464	\$4,005,824	\$531,360
Total Cash - All Accounts	\$8,194,522	\$8,035,514	-\$159,008

DEBT SERVICE

Net Debt as of Current Reporting Month End
(Excludes USDA vehicle and equipment loans)

\$5,702,735

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

August 31, 2022

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
GENERAL Operations						
REVENUE	\$353,595	\$369,609	\$615,305	\$245,696	\$4,030,694	15.27%
EXPENDITURES	\$271,416	\$373,989	\$776,588	\$402,599	\$4,030,694	19.27%
NET	\$82,179	(\$4,380)	(\$161,283)	(\$156,903)	\$0	
GENERAL Capital						
REVENUE	\$11,778	\$0	\$20,816	\$20,816	\$1,950,314	1.07%
EXPENDITURES	\$0	\$0	\$49,228	\$49,228	\$1,950,314	2.52%
NET	\$11,778	\$0	(\$28,412)	(\$28,412)	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$71,072	\$104,498	\$33,426	\$249,571	41.87%
EXPENDITURES	\$0	\$71,072	\$104,498	\$33,426	\$249,571	41.87%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$3,070	\$28,862	\$531,685	\$502,823	\$919,350	57.83%
EXPENDITURES	\$28,987	\$51,172	\$28,987	-\$22,185	\$919,350	3.15%
NET	(\$25,917)	(\$22,310)	\$502,698	\$525,008	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

August 31, 2022

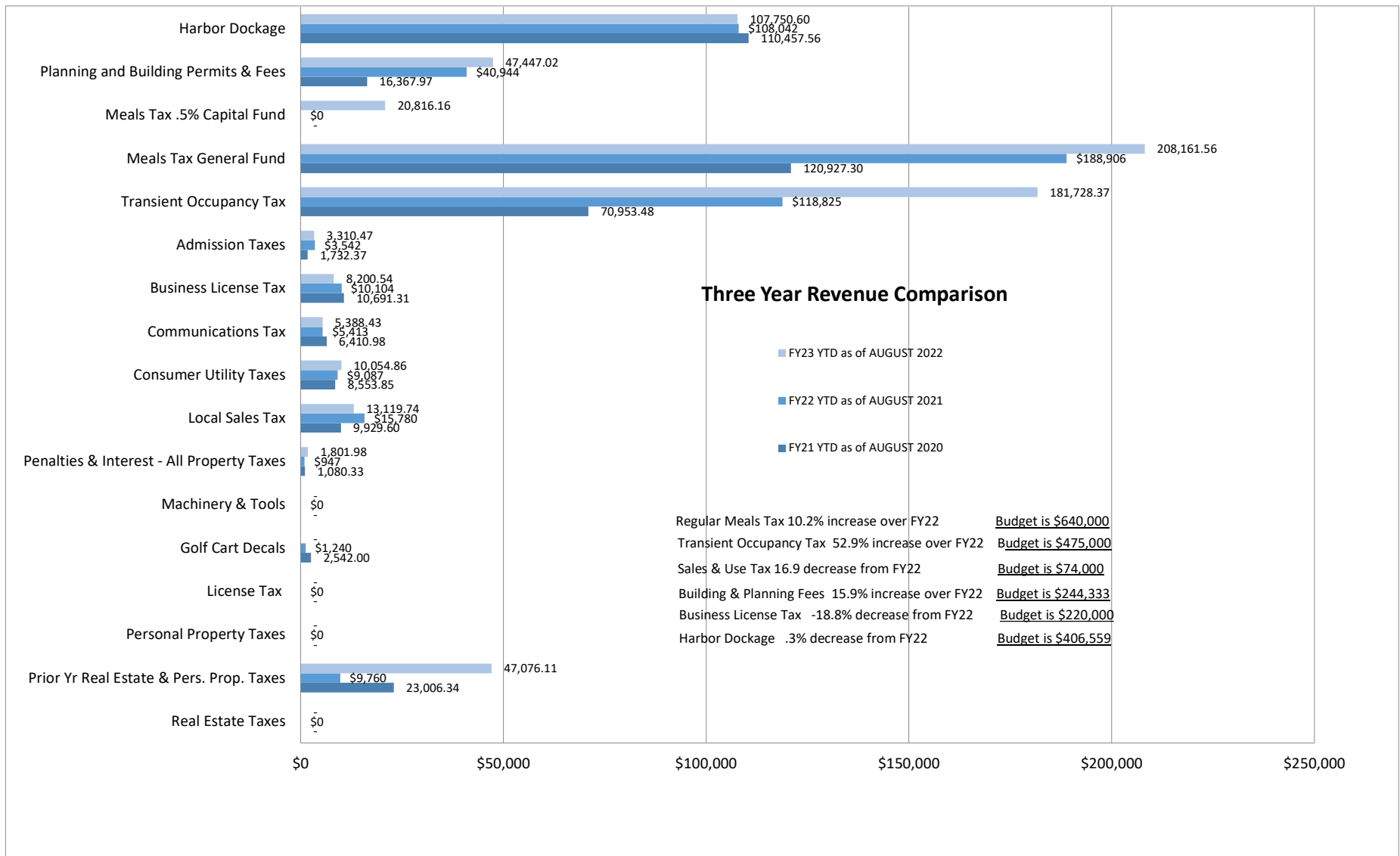
REVENUE VS. EXPENDITURES

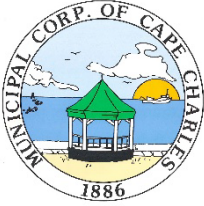
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$173,341	\$335,583	\$350,573	\$14,990	\$2,137,020	16.40%
EXPENDITURES - Operating	\$85,598	\$112,481	\$140,475	\$27,994	\$1,120,101	12.54%
NET	\$87,743	\$223,102	\$210,099	(\$13,004)	\$1,016,919	
REVENUE - CAPITAL GRANTS, LOANS	\$0	\$0	\$0	\$0	\$0	#DIV/0!
REVENUE - FACILITY FEES	\$42,400	\$95,400	\$106,000	\$10,600	\$466,400	22.73%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$42,400	\$137,914	\$146,938	\$9,024	\$1,016,919	14.45%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$42,514)	(\$40,938)	\$1,576	(\$1,016,919)	
HARBOR						
REVENUE - Operating	\$137,042	\$250,620	\$310,358	\$59,737	\$1,007,545	30.80%
EXPENDITURES - Operating	\$120,975	\$195,022	\$252,106	\$57,084	\$957,438	26.33%
NET	\$16,067	\$55,598	\$58,251	\$2,653	\$50,107	
REVENUE - GRANTS & LOANS	\$0	\$0	\$0	\$0	\$41,893	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$33,094	\$32,825	-\$268	\$104,950	31.28%
EXPENDED - Capital Projects, Debt Svc	\$0	\$33,094	\$32,825	-\$268	\$196,950	16.67%
TOWN CONTRIB. & PENDING GRANTS	\$0	\$0	\$0	\$0	(\$50,107)	
SANITATION						
REVENUE	\$23,423	\$40,569	\$46,501	\$5,932	\$442,253	10.51%
EXPENDITURES	\$37,737	\$32,831	\$37,737	\$4,905	\$442,253	8.53%
NET	(\$14,314)	\$7,738	\$8,764	\$1,027	\$0	

FY 2023 Capital Improvement Project Tracking Report

As of:
8/31/2022

8/31/2022	FY23 Status or Start Date	Percent of Completion	FY23 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY23 YTD Expended	(Over)/Under Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	Pending	0%	\$ 929,922	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 929,922
Municipal Space Replacement Planning (ARPA)	In process	0%	\$ 550,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 550,000
Library Upgrade & Condo-ization	Pending	0%	\$ 34,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,000
Mason Avenue Parking Lot Improvement	Pending	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Mason Avenue Restroom	Pending	0%	\$ 110,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 110,000
South Beach Restroom Renovation	Pending	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
Gator for Public Works Staff	Pending	0%	\$ 26,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,500
Grounds Maintenance Equipment for PW	In process	78%	\$ 33,270	\$ 26,016	\$ -	\$ -	\$ -	\$ 26,016	\$ 7,254
Central Park Game Area for Adults (CCP)	Pending	0%	\$ 29,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,000
Storage Facility (3 x conexes + roofing)	Pending	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Capital Project Contingency		0%	\$ 75,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,040
subtotal	\$ -		\$ 1,867,732	\$ 26,016	\$ -	\$ -	\$ -	\$ 26,016	\$ 1,841,716
Utility Fund -Water									
Keck Well Connection (Engineering)	Pending	0%	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000
Utility Fund - Wastewater									
Sewer Pod Controller Upgrades Phase 2 of 5	Pending	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,500
subtotal	\$ -		\$ 74,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 74,500
Harbor Fund									
Fuel System-Relocate Emergency Stop Switches	Pending	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Fuel Management System Replacement	Pending	0%	\$ 42,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 42,000
Inner Harbor King Pile & Waler Replacement Design	Pending	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
subtotal	\$ -		\$ 92,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 92,000
TOTAL	\$ -		\$ 2,034,232	\$ 26,016	\$ -	\$ -	\$ -	\$ 26,016	\$ 2,008,216
*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT									



 TOWN OF CAPE CHARLES	AGENDA TITLE: Zoning Text Amendment – Accessory Dwelling Unit Ordinance		AGENDA DATE October 20, 2022
	SUBJECT/PROPOSAL/REQUEST: Zoning Text Amendment (ZTA) 2022-01 regarding Accessory Dwelling Units		ITEM NUMBER: 8A
	ATTACHMENTS: (1) ZTA 2022-01 Proposed Language as amended by Planning Commission; and (2) Draft ADU Annual Safety Inspection Checklist & Affidavit		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

At the September 15, 2022 meeting, the Town Council voted to send Zoning Text Amendment (ZTA)2022-02 to public hearing to amend the zoning ordinance section concerning Accessory Dwelling Units.

The Planning Commission held their public hearing on ZTA 2022-01 on Tuesday, October 4, 2022; the staff report was presented, no public comments were offered and the public hearing was closed. The Planning Commission discussed the proposed ZTA 2022-02 and offered the following corrections to the proposed Zoning Text Amendment:

1. Removal all Ampersands from the Zoning Text and insert “and” in its place.
2. Show Accessory Dwelling Units as used allowed by right in compliance with the requirements of Article 4.2(J) to the following Zoning Districts in Article III:
 - a. Residential Estate District RE (Section 3.1 (B), new item 6)
 - b. Single Family Residential District R-1 (Section 3.2 (B), new item 9)
 - c. Residential Mixed District R-2 (Section 3.3 (B), new item 4)
 - d. Residential Multi-Family District R-3 (Section 3.4 (B), new item 5)
3. Correct misspelling on Page 3 under definition of “Sleeping Area” – last sentence, it should read: including **and** without limitation, a pull-out couch or futon.

PLANNING COMMISSION RECOMMENDATION:

Commissioner Grossman voted to recommend adoption of ZTA 2022-01 as amended with Corrections #1 through 3 above (and which have been incorporated into the proposed zoning text amendment document) and was seconded by Commissioner McCoy. The motion was approved unanimously by the Planning Commission.

TOWN COUNCIL

Town Council is requested to hold their public hearing on ZTA 2022-01 as recommended for amendment by the Planning Commission; to consider all public comments provided and consider favorable action to adopt ZTA 2022-01 as recommended for amendment by the Planning Commission.

ZONING TEXT AMENDMENT 2022-02

PROPOSED ZONING TEXT AMENDMENTS RE: ACCESSORY DWELLING UNITS

Legend of Changes in the document:

Current Zoning Text: Regular Text

Proposed Deletions: Shown as **~~bold, strike-through text~~**

Proposed Additions, first version: Shown in *Red Italic Font*

A. PROPOSED ZONING TEXT AMENDMENTS TO CCZO SECTION 4.2 (J)

1. ADD A NEW SECTION AS THE FIRST PARAGRAPH in SECTION 4.2 (J)
STATEMENT OF INTENT: *To establish criteria and standards for Accessory Dwelling Units to implement one component of the goal from the Town's Comprehensive Plan to add diversity of housing type while maintaining the neighborhood character. The intent is to allow an increased density on a lot in specific zoning districts to provide opportunity in the creation of long-term rental units to assist in meeting the housing needs of the Town and County and to provide flexibility to property owners to be able to utilize the ADUs as overflow space for their own family use and guests.*

ORIGINAL ORDINANCE of SECTION 4.2 (J):

Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, ~~contingent upon approval as a conditional use in accordance with Section 4.3, and~~ subject to the following:

1. Physical characteristics.
 - a. Accessory dwellings shall be located in an accessory building.
 - b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.
 - c. Accessory dwellings shall have one kitchen, one bathroom, and a *sleeping area*.
 - d. Accessory buildings ~~and~~ shall not have the appearance of a single-family dwelling.
2. Occupancy characteristics.
 - a. *Transient Occupancy (also referred to Short Term Rentals [STRs]) means any person(s) who, for any period of not more than 30 consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel tourist home, or other facility. Accessory Dwelling Units may not be rented on a Transient Occupancy basis.*
 - b. Length of stay – ~~No~~ *An* accessory dwelling unit ~~shall~~ *may* be occupied by any person or persons, ~~whether paying a fee for such occupancy or not,~~ for a period *no* less than thirty (30) consecutive calendar days *either paying a fee for such occupancy at his own expense or at the expense of another (30-day rental or greater).* Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the

accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, ~~either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.~~

~~b. Inspections—All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.~~

c. The property owner where the Accessory Dwelling Unit (ADU) is located may utilize the ADU as overflow residential space for members of their family and guests.

3. Other requirements.

a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.

b. Accessory dwellings will be required to have its own municipally issued trash receptacle, separate from the main residence/structure.

c. Accessory dwellings meeting the requirements of all of the physical characteristics of 4.2 (J) (1) and (2) above must obtain a Certificate of Completion for Accessory Dwellings from the Code Official, which is equivalent to a Certificate of Occupancy. In order to issue said Certificate, the Code Official will conduct an inspection to determine compliance with the Building Code.

~~b.~~ d. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.

~~e.~~ e. Parking ~~shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to be in compliance with~~ Section 4.5.1.C.6. ~~(Table of Parking Standards)~~ using both on and off-street parking areas.

d. f. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

~~e.~~ *g. Annual Certifications to be submitted to the Town by March 15 of each year to the Building and Planning Department.*

1. The property owner will submit an annual affidavit on Town Affidavit Form for Accessory Dwellings attesting to their acknowledgement and adherence to the Zoning Ordinance requirements for Accessory Dwelling Units.

2. The property owner will submit an annual affidavit on Town Affidavit Form for Safety Compliance for Accessory Dwellings Units.

3. If the property owner changes between March 16 and December 31 of the calendar year, the new property owner will be required to submit both a new Town Affidavit Form for Accessory Dwellings and a Town Affidavit Form for Safety Compliance for Accessory Dwelling Units no later than 30 days from the property transfer.

B. PROPOSED ZONING TEXT AMENDMENTS TO SECTION 2.9 – Definitions

1. Add the following Definitions to Section 2.9

KITCHEN means a space within a structure designated for the cooking and preparation of food that includes a sink and a refrigerator.

BATHROOM means a room or area that includes a sink and toilet. It may also include a bathtub, shower, or bidet.

BEDROOM is a room, or space within a structure intended for sleeping.

Requirements include:

- *A minimum size of 70 sq. ft; if more than one person occupies the room, there must be 50 sq. ft per occupant.*
- *Access to a bathroom without crossing another bedroom.*
- *Every bedroom must have access to natural ventilation and have a permanent heat source.*
- *Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 sq. ft and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.*
- *Ceiling height must be no less than 7 feet.*

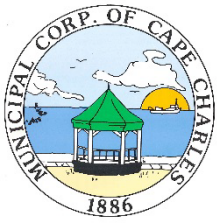
SLEEPING AREA is an area in a room or house where a person can sleep and may utilize a bed, bunk beds, daybed, or other furniture identified for sleeping purposes, including and without limitation, a pull-out couch or futon.

2. Correct the following definition in Section 2.9

BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a ~~conditional permit is issued for an accessory dwelling~~ *zoning permit is issued in compliance with Section 4.2 (J).*

C. ADD TO ARTICLE III, THE FOLLOWING:

1. *Section 3.1(B) Residential Estate District RE, add Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) as new item #6*
2. *Section 3.2(B) Residential District R-1, add Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) as new item #9*
3. *Section 3.3(B) Single Family Residential District R-2, add Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) as new item #4*
4. *Section 3.4(B) Residential Multi-Family District R-3, add Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) as new item #5*



CAPE CHARLES

ACCESSORY DWELLING UNIT ANNUAL SAFETY INSPECTION CHECKLIST & AFFIDAVIT

INSTRUCTIONS:

Each Accessory Dwelling Unit established pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) is required to conduct and complete this Annual Safety Inspection Checklist by May 1 annually and return to the Building Office at (INSERT ADDRESS). You must sign and get this affidavit notarized, confirming that you have conducted the inspection, either yourself as the property owner, or your agent on your behalf, and you are attesting to the accuracy of all information provided.

The Building/Code Official retains the right to conduct an in-person inspection of the property to determine compliance with the Safety and Health Requirements for Accessory Dwelling Units and will schedule said inspection within 5 days of providing written notice to the property owner.

If "N" or "NO" is checked in any category, the property owner must provide a date in the NOTES COLUMN when the item will be corrected and complete and submit a second form confirming that all items are now in working and functional order.

PROPERTY ADDRESS		Person Completing Inspection:	
PROPERTY OWNER NAME:		Date of Inspection:	
MAILING ADDRESS			
PHONE #:		EMAIL:	

SAFETY INSEPCTION ITEMS		Answer		NOTES
ITEM # and CATEGORY		N	NA	
1	SMOKE DETECTORS Please list the location of each smoke detector and # of smoke detectors total for the structure. Are they located and installed, as previously approved by the Building Official during the initial inspection, with one on each level and in each bedroom, if separated by walls?			
2	CARBON MONOXIDE (CO) ALARM Please list the location of each carbon monoxide alarm and # of carbon monoxide alarms total for the structure.			
3	STAIRS & STAIRWAY Are all steps and handrails securely fastened and anchored, free from trip hazards and no loose or broken boards or stair treads? Is the stairway in sound condition and free from any obtstacles? Is the stairway illumination still functional and working?			
4	DOORS Are all exits out of the building free ofobstructions and able to be used?			

SAFETY INSEPCTION ITEMS		Answer		NOTES
	Does the egress door for the Accessory Dwelling Unit open from the inside without a key?			
5	WINDOWS Is the egress window easily openable? Is the egress window free from obstructions or obstacles?			
6	GARAGE SEPARATION to LIVING SPACE Is the separation from garage to living space in the same condition as approved by the Building Official during his initial inspection?			
7	ELECTRICAL Are all electrical components in safe working conditions, including: • No missing cover plates • No exposed open wiring • All outlets are working			
8	WATER HEATER • Is the water heater in sound, working condition?			
9	HEATING Does the living space have heating ability to a minimum of 68 degrees? Please Note: space heaters are not permitted to meet this requirement.			
10	FIRE EXTINGUISHER Is there a fire extinguisher in the kitchen? Please provide location where it is. Is it expired or current?			
11	GENERAL Interior areas, including the garage, shall be kept free from excessive accumulation of rubbish or garbage. No grills are permitted on balconies			

AFFIDAVIT STATEMENT & NOTARY

I, _____, hereby certify that I have the authority to conduct the safety inspection for _____ (Property Address) and that the answers provided to the checklist items are correct and true..

Self Inspection conducted by: _____
PRINT NAME

SIGN NAME & DATE

Has appeared before me in the Town of _____, Virginia on the ____ day of _____, 20____ in the presence of the undersigned notary.

Notary Public

My Commission expires on the ____ day of _____, 20____.

Registration #:

 TOWN OF CAPE CHARLES	AGENDA TITLE: Zoning Text Amendment – Removal of Proffer Statement as Part of the Keck Property Rezoning		AGENDA DATE October 20, 2022
	SUBJECT/PROPOSAL/REQUEST: Remove of Proffer Statement as part of the Keck Property Rezoning		ITEM NUMBER: 8B
	ATTACHMENTS: (1) Letter from Winmar Advisory dated 2022-09-12 (2) Exhibit 1 - Proffer Statement 2008-12-31; (3) Exhibit 2 – Plat from Kecks to Town recorded 2009-12-18 – Tracts A and B; (4) Exhibit 3 - Deed from Kecks to Town recorded 2009-12-18 Tract B; (5) Exhibit 4 - Deed from Kecks to General Builders LLC recorded 2016-06-17; (6) Exhibit 5 – Subdivision Plat for Tract A recorded 2017-01-30		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Administrator		REVIEWED BY: John Hozey, Town Manager

At the Town Council meeting on September 15, 2022, the Council voted to send Zoning Map Amendment/Zoning Text Amendment 2022-03 to public hearing to consider lifting/removing the conditional zoning proffers that were identified as the Keck Property Proffers and accepted by the Town on November 13, 2008.

BACKGROUND:

On November 13, 2008, the Town of Cape Charles agreed to conditionally rezone a portion of then Tax Map #90-3-A, comprising of 33.195 acres off of Old Cape Charles Road and more commonly identified as the Keck Property with proffers; said rezoning change on the left side of the property (marked in Yellow Hatching) went from R-E to R-3 and the right side of the property (marked in Blue Angled Lines) remained R-E. Said proffers were accepted and recorded on December 31, 2008.

ALL OF THIS MARKED UP AERIAL is the original Tax Map #90-30-A



The proffers were the following:

- (1) The Grantors proffer by dedication 17.751 +/- acres of unimproved land currently identified as tax map #90-30-A zoned Residential Estate, RE, adjoining the property to be rezoned, to be deeded to the Town of Cape Charles as unimproved land. The purse of the dedication is for the dedicated property to become Town property and be developed by the Town in the future in a manner that will best serve the interests of the Town.

The following restrictions shall apply:

- A. The Town shall use the property for public purposes, excluding residential and commercial development.
 - B. The Town shall retain ownership of the property for a minimum of 15 years.
 - C. Any future Town buildings, other structures constructed on the property and the storage of heavy equipment shall have a minimum 100 ft. setback from the common boundary with the rezoned R-3 property. The common boundary shall be planted with a Class III vegetated buffer, as identified in the Town's Zoning Ordinance, by the developer of the adjoining R-3 property. All future structures on the town property shall be designed and constructed in terms of both visual appearance and potential sound pollution in a manner that is compatible, complementary and otherwise consistent with being adjacent to a residential community.
 - D. The proffered property shall have the same 100 ft. setback and Class III vegetated buffer from Old Cape Charles Road as the rezoned R-3 property, continuing east around the existing residential properties to the eastern boundary. This buffer is to be planted by the Town as a Class III Buffer at such time as any construction, other than water wells, is undertaken, insuring the entire frontage of the two properties retains a rural appearance from the road and neighboring properties.
 - E. The Town may rezone the property to a zoning category that allows Town uses as per A. above but all deed restrictions shall remain in force.
- (2) The Grantors proffer the following regarding 15.611 +/- acre portion of the property being retained and rezoned R-3:
 - A. A maximum density of 100 dwelling units.
 - B. A 100 ft. setback and Class III vegetated buffer on the western boundary of the property and on Old Cape Charles Road. Upon commencement of construction of buildings on the property, the buffers must be landscaped with trees a minimum of 6 ft. in height at the time of planting. Trees are to be selected from the varieties listed in the Town Zoning Ordinance regarding Class III buffers. In addition the developer of the property, at the tie of construction of buildings on the property, shall also plant a Class III vegetated buffer along the common border with the eastern neighbor, the Town of Cape Charles, incorporating appropriate species within the existing tree line.
 - C. Any future site plan for development of the property must provide for access to a possible public road in the future, which road may be constructed on the adjoining land on the norther boundary of the property.
 - (3) This proffer agreement may be recorded by Grantee against the Property and the appropriate officials of Grantee are hereby authorized by Grantor to do so.
 - (4) The conditions set forth in this agreement shall continue in full force and effect until they are amended as provided herein but otherwise until a subsequent amendment changes the zoning on the Property covered by such conditions; provided, however, that such conditions shall continue despite a subsequent amendment if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance.

Subsequent to the proffer statement, a deed was recorded on November 30, 2009 from Allan and Gail Keck to the Town of Cape Charles for the property on the right side at 17.705 acres. Said deed references a plat which was also recorded (Instrument #090002548) that shows this subdivision of the main parcel into 2 parcels with the Town parcel being referred to as Tract B and this plat includes as Notes the Proffer Conditions relative to setbacks and vegetated buffer requirements.

Additionally, **the remaining parcel on the left side, referred to as Tract A was sold on June 13, 2016 from Allan and Gail Keck to General Builders, LLC.** Said deed references the same plat that was utilized for the Town parcel. Lastly, **a further subdivision of Tract A was approved by the Town on January 30, 2017 which created 4 one acre lots and a remainder or residual parcel of 11.5 acres;** this subdivision plat also includes as Notes the Proffer Conditions relative to setbacks and vegetated buffer requirements.

ITEM SPECIFICS:

The Town has been in conversations with a representative of Lot 4 Holdings, LLC, who is conducting due diligence relative to the purchase of the Remainder or Residual lot of 11.5 acres (now identified as Tax Map #90-19-A). Lance Marine has indicated an interest in a workforce housing development and as we have identified the issues or elements that must be addressed in order for such a project to proceed successfully, the proffers that cover this property (identified and referred to as the Keck Property Proffer Statement) are proving to be an impediment to move forward and he has provided a letter outlining his project intentions (see letter from Winmar Advisory dated September 12, 2022 and signed by Lance Marine, Managing Principal).

The Town has spoken with our attorney to ascertain the process to remove or amend the proffers and have been advised that following an advertised public hearing and with concurrence from the current legal owners of the land affected by the proffers, the Town can amend and/or repeal the proffers.

The current owners of the land are: Town of Cape Charles, General Builders, LLC acting through its principal representative Angelo Manuel, and CEM Investments, LLC who recently purchased the developed one acre lot from General Builders, LLC that fronts on Old Cape Charles Road. Based upon conversations, it is our understanding that all current owners would be supportive of removing the proffers.

In addition, there have been conversation with the original property owner, the Kecks, who no longer reside in Cape Charles and are no longer a party to the Proffer Conditions except by being the originator of said proffer and rezoning request, and they would pose no objection to the removal of the proffers from all of the land originally covered by the proffers.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on Tuesday, October 4, 2022, received an initial staff briefing and then received the following public comments:

- Jody Bundy of 2510 Old Cape Charles Road stated her concern about this public hearing as a whole and feels that there is insufficient information about the developer and the potential project/concept plan and the Town should not lift any of the current proffers on the property until there is a more complete presentation and understanding of the concept plan that better defines the definition of workforce housing, # of density units being sought in excess of what the proffers would allow currently on the land [16 units on the 4 one-acre lots owned by General Builders LLC and CEM Investments LLC and 84 units on the 11.5 acre tract owned by General Builders which the developer is interested for the workforce housing project concept].
- Mark Bundy of 2510 Old Cape Charles Road stated that he believes the Town is moving too quickly on this matter and should consider entertaining other offers of development besides this one.

There were no further public comments so the public hearing was closed. The Planning Commission asked staff if there as additional information that could be provided relative to ongoing conversations between the Town and the developer.

Ms. Nunez provided the following additional clarifying information as a result of her ongoing conversations with the developer regarding the project:

- the 11.5 acres owned by General Builders, LLC has been the focus of the workforce housing concept project.
- the developer has done a very preliminary draft sketch of what a building would look like & specifically what a housing unit/studio/apartment unit would look like, including built in furniture (like kitchen table,

desk, etc);

- talked about minimum square footage requirements in our ordinance (960 sq. ft) which may be too large for this type of development and the need to consider a smaller square footage; talked about height limitations and the possibility of looking at taller buildings; also talked about the total density of development that could occur on the land vs. any proffer limitations;
- have discussed at length the Town's water and sewer capacity and what infrastructure is available and what is not at this point to this property and the Town's capital planning for addressing water and sewer. The adjacent land owned by the Town is the home of what is identified as the Keck Well – this is a well that has been permitted and incorporated as part of the Town's Water Permit for their town wells; however, the well has not been connected to the water plant at this point and is included on the Town's capital plan to be connected by Fiscal Year 2024. The Town has also taken a vote to assign an already engineered wastewater line to the developer to use for obtaining construction cost estimates and to allow the Town and the developer to enter into more solid discussions about cost sharing re: wastewater line expansion to this property.
- Have talked with the developer about developing a PUD Ordinance that would specifically define workforce housing, density, height, unit square footage (both unit and total building size) and the need to identify two types of uses that would occur on the property as stipulated by our own ordinance.

Commissioner Grossman stated the proffers also hamper the Town's position and ensuring they have as flexible a position on property they own to evaluate how best to use the land but that there is no current discussion with the Town concerning their lot.

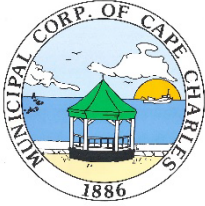
Ms. Nunez did confirm that access to the 11.5 acre parcel must be from Cassatt Parkway with only the Old Cape Charles Road to be utilized as a secondary, emergency vehicle access only and this has been echoed in the initial conversation that the Town arranged with the developer and VDOT.

Commissioner Grossman motioned to recommend favorable consideration by Town Council to remove the proffers originally accepted and approved on November 13, 2008 and further identified as part of the Keck Property Rezoning by the Town and recorded in the Northampton County Clerk of Courts office as Instrument #090002549 since the proffers are inhibiting consideration and development of a workforce housing proposal which is one of the Town's strategic goals. Said proffers would be removed from the following properties:

Tax Map #:	OWNER:	LOCATION
90-19-B	Town of Cape Charles	2443 Old Cape Charles Road
90-19-A	General Builders LLC	Old Cape Charles Road
90-29-3	General Builders LLC	2401 Old Cape Charles Road
90-29-4	General Builders LLC	2403 Old Cape Charles Road
90-29-2	CEM Investments, LLC	2405 Old Cape Charles Road
90-29-1	General Builders LLC	2407 Old Cape Charles Road

TOWN COUNCIL RECOMMENDATION:

I would recommend that the Town Council hold the public hearing at the October 20, 2022 Town Council meeting, to consider the staff report and any comments offered during the public hearing and consider accepting the Planning Commission recommendation on Zoning Map Amendment/Zoning Text Amendment 2022-03.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of Intent to Consider Zoning Text Amendments to Section 4.5 – Off-Street Parking and Loading Standards		AGENDA DATE October 20, 2022
	SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission		ITEM NUMBER: 8C
	ATTACHMENTS: Resolution of Intent 20201020		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Both the Town zoning ordinance and Virginia Code 15.2-2286 (A) (7) requires a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map.

ITEM SPECIFICS:

Approving this resolution does not constitute approval of any change. It merely identifies that sufficient public necessity, convenience, general welfare, or good zoning practice exists within the proposal to conduct a public process that more fully explores the proposed changes. This resolution will formally establish that the proposed changes meet the requirements to be referred to the Planning Commission for public hearing and their recommendation. Final and formal consideration of any change will be brought back to the Town Council following action by the Planning Commission.

During the September 15, 2022 work session discussion, Council and staff discussed the parking requirements and felt that since Cape Charles is a golf cart community, consideration for golf cart parking spaces was needed. It was also recommended that Section 4.5.C. related to shared parking include language for dual use facilities. This would benefit potential future development.

RECOMMENDATION:

Staff recommends adoption of Resolution of Intent 20221020 Zoning Ordinance Text Amendment to Section 4.5 – Off-Street Parking and Loading Standards by roll call vote.

RESOLUTION OF INTENT 20221020
ZONING ORDINANCE TEXT AMENDMENT TO
SECTION 4.5 OFF-STREET PARKING AND LOADING STANDARDS

WHEREAS, in accordance with Code of Virginia § 15.2-2286.A, the Cape Charles Zoning Ordinance § 2.7.1 includes regulations pertaining to initiation of amendments, supplements, change in the regulations, district boundaries or classifications of property contained in the zoning ordinance; and

WHEREAS, the need to update the current zoning ordinance has been discussed in the past; and

WHEREAS, Cape Charles Zoning Ordinance § 4.5 Off-Street Parking and Loading Standards may require amendment to add considerations for the parking of golf carts in the table of parking standards, and § 4.5.C related to shared parking for dual use facilities.

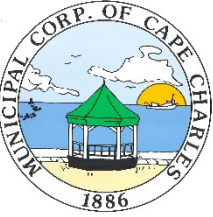
NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance § 4.5 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

Adopted by the Town Council of the Town of Cape Charles on October 20, 2022.

By: _____
Mayor Dize

Attest:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Amended Policy re: Electronic Participation in a Town Council Meeting		AGENDA DATE: October 20, 2022
	SUBJECT/PROPOSAL/REQUEST: Review and adoption of amended policy regarding electronic participation in meetings due to Virginia General Assembly revisions to Code of Virginia § 2.2-3708, subsections 2 and 3		ITEM NUMBER: 8D
	ATTACHMENTS: Proposed Amendment to Town of Cape Charles Electronic Participation in Town Council Meetings Policy		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

ITEM SPECIFICS:

On October 18, 2018, the Town Council adopted a written policy regarding electronic participation in Town Council meetings pursuant to Code of Virginia § 2.2-3708.2. The policy was amended effective July 1, 2021 due to changes made by the Virginia General Assembly.

During the 2022 Session, the General Assembly again amended Code of Virginia § 2.2-3708, moving regulations related to individual members of a public body participating remotely through electronic communication means to from § 2.2-3708.2 to § 2.2-3708.3. This change became effective September 1, 2022.

Code of Virginia § 2.2-3708.3, subsection D. requires the public bodies to adopt a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for participation. Once adopted, the policy must be applied strictly and uniformly, without exception.

Due to the recent amendments to Code of Virginia § 2.2-3708, the Town's written policy must also be amended.

RECOMMENDATION:

Staff requests Council review and, if deemed appropriate, adoption of the amended Town of Cape Charles Electronic Participation in Town Council Meetings Policy.

Town of Cape Charles
Electronic Participation in Town Council Meetings Policy
(Amended Effective October 20, 2022)

On October 18, 2018, the Cape Charles Town Council adopted a policy regulating remote electronic participation in Town Council Meetings as governed by Code of Virginia § 2.2-3708.2, and amended the policy effective July 1, 2021, due to changes made by the Virginia General Assembly. Effective September 1, 2022, the Virginia General Assembly made additional changes to the legislation relating to meetings held through electronic communication means that became effective September 1, 2022, necessitating another amendment to the Town's policy.

The following provisions qualify for an individual member of a public body to use remote participation in meetings: i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; ii) a family member's medical condition that requires the member to provide care for such family member that prevents the member's physical attendance; iii) the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or iv) a personal matter.

1. On or before the day of a meeting, the Town Council member shall notify the mayor that he/she is unable to attend the meeting due to:
 - a. A temporary or permanent disability or other medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance, along with the remote location from which the absent member participated.
 - b. A family member's medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a family member's medical condition that required the member to provide care for such family member, preventing the member's physical attendance, along with the remote location from which the absent member participated.
 - c. Principal residents more than 60 miles from the meeting location. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.
 - d. A personal matter. The member must specifically identify the nature of the personal matter which shall be recorded in the minutes of the meeting, along with the remote location from which the absent member participated.
 - i. Participation by a member pursuant to this subdivision is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
2. A quorum of the Council must be physically assembled at the primary meeting location.
3. The Council members present at the physical location must approve the electronic participation by a majority vote.
 - a. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes of the meeting.
4. Arrangements must be made for the voice of the remote participant to be heard by all persons at the primary meeting location.

Adopted by the Town Council of Cape Charles on October 20, 2022.

By: _____
Mayor Dize

ATTEST:

Town Clerk

Certification

I hereby certify that the above policy was duly adopted by the Governing Body of the Town of Cape Charles in a duly assembled meeting on the 20th day of October 2022, by unanimous vote.

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Reappointment of Wetlands and Coastal Dune Board Member		AGENDA DATE: October 20, 2022
	SUBJECT/PROPOSAL/REQUEST: Reappointment of a member to the Wetlands and Coastal Dune Board		ITEM NUMBER: 8E
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

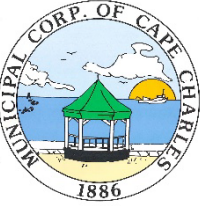
The Wetlands and Coastal Dune Board reviews applications for certain activities in wetlands and dune areas. The Board meets as needed and consists of five members each serving five-year terms.

DISCUSSION:

Mr. Bob Roche currently serves on the Wetlands Board and his term is due to expire on November 12, 2022. Mr. Roche expressed his interest in continuing his service on the Board for another term.

RECOMMENDATION:

Staff recommends, if deemed appropriate, that Council reappoint Mr. Bob Roche to the Wetlands and Coastal Dune Board for another term.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Downtown Restroom Design		AGENDA DATE October 20, 2022
	SUBJECT/PROPOSAL/REQUEST: Approve design change for the downtown restroom project		ITEM NUMBER: 8F
	ATTACHMENTS: Design Concepts		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

On September 15th the Council held a work session, where design concepts were presented for the new downtown restroom project. Three versions were presented. Following some discussion, an additional version was requested that included a roofline similar to an old train station. This direction was provided to the architect and a revised concept was developed (attached).

ITEM SPECIFICS:

While developing the requested change to this project, the architect learned of Main Street's plans to renovate the train next to the restroom for use as an office and visitor's center. The architect asked if the town wanted to consider the idea of expanding the restroom building to incorporate the visitor's center function, thus eliminating the need/cost of renovating the train for occupancy. Additionally, the costs of maintaining a train car verses a standard building for these functions would likely be much more expensive over time. So, the idea was presented to Main Street. At the October 17th CCMS Board meeting the Board endorsed the concept of establishing the visitor's center in the restroom building verses the train car, as long as this did not slow down the development of the restroom.

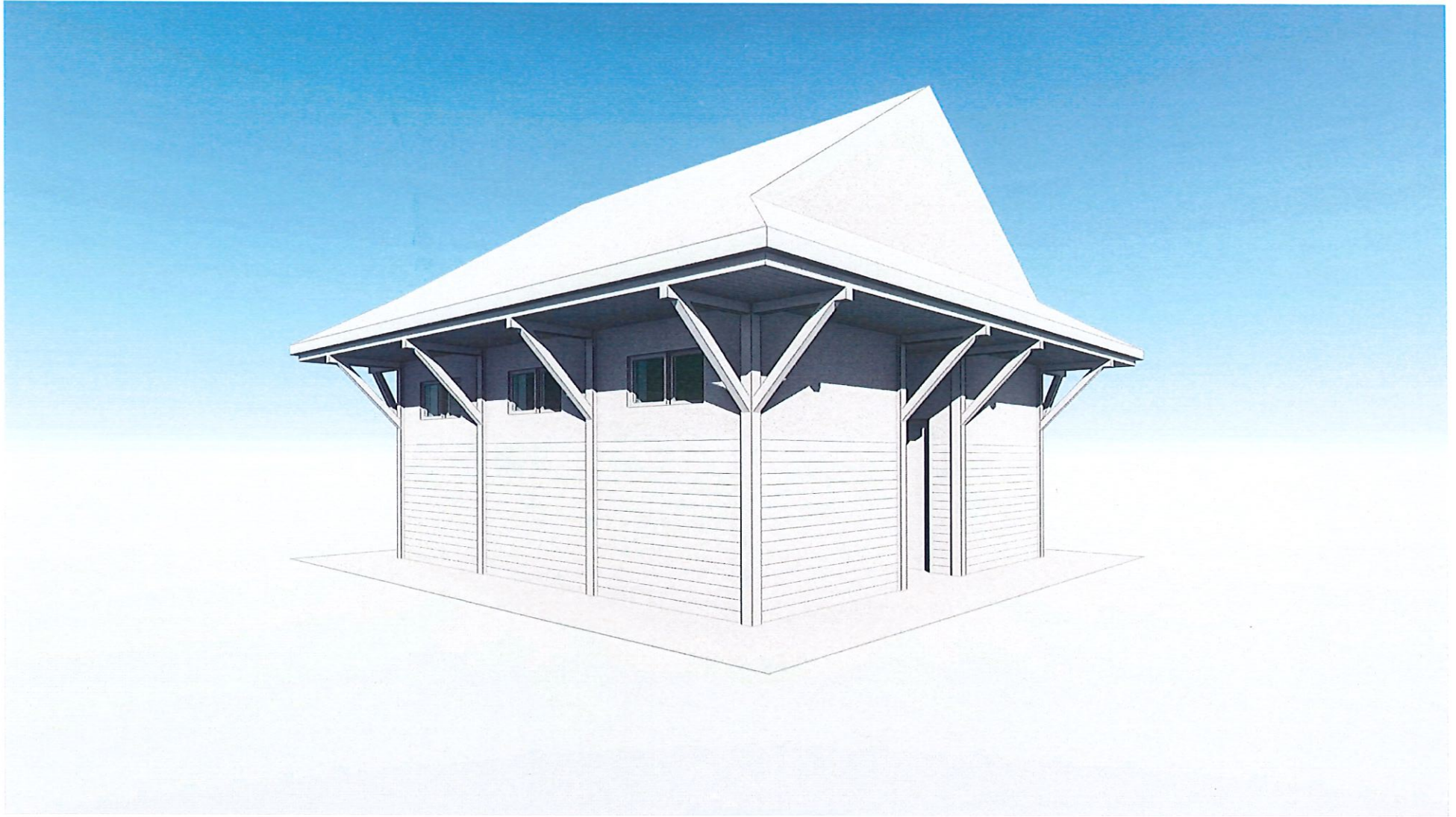
We are on a tight timeline to get this restroom project out to bid before next summer. The architect is currently holding the design effort pending a decision on whether to include a visitor's center. Each day a decision is delayed, is another day we delay getting the project out to bid. So, a timely decision is critical.

The architect developed some preliminary drawings of what this concept could look like (attached). It would increase the footprint of the building by another 782 square feet. It would also require permission from Canonic to increase our leased area. But in addition to long-term cost savings for maintaining these functions, the larger building dimensions enables the structure to look much more like a train station, than just the restroom alone.

However, the obvious concern with such a huge increase in scope is the associated increase in project cost. The current construction environment is driving up cost estimates and our architect is advising we should plan for \$350 per square foot. At that rate, the additional area needed for this expansion would increase the project budget by approximately \$275,000. While staff believes a standard building is a better option for a visitor's center downtown, it is also hard to accept such a large upfront price tag. Note: potential funding sources will be discussed at the meeting.

RECOMMENDATION:

Staff requests Council's consideration of this expanded project concept. If desirable, please provide direction to move forward with that design. If the expanded scope is not desirable, then please consider if the revised roofline on just the restroom building alone satisfies the guidance provided at the September work session.



DOWNTOWN RESTROOM BUILDING FOR
TOWN OF CAPE CHARLES
CAPE CHARLES, VIRGINIA

EXTERIOR VIEW

23 x 24

09/12/22





DOWNTOWN RESTROOM BUILDING FOR
TOWN OF CAPE CHARLES
CAPE CHARLES, VIRGINIA

EXT. VIEW - RESTROOM & VISITOR'S CENTER

23 x 48

09/12/22



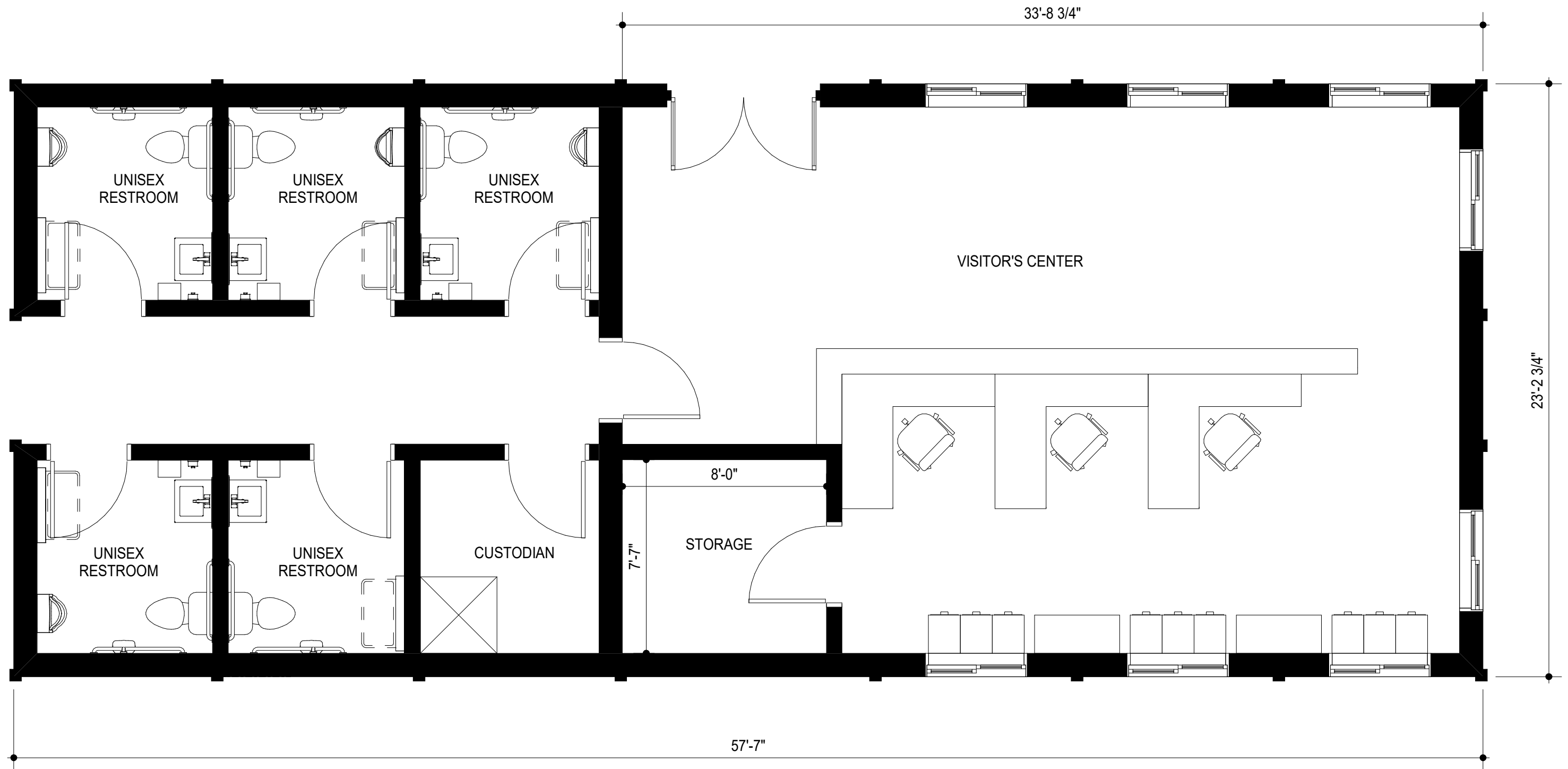


DOWNTOWN RESTROOM BUILDING FOR
TOWN OF CAPE CHARLES
CAPE CHARLES, VIRGINIA

EXT. VIEW - RESTROOM & VISITOR'S CENTER

10/17/22





DOWNTOWN RESTROOM BUILDING FOR
TOWN OF CAPE CHARLES
 CAPE CHARLES, VIRGINIA

RESTROOM & VISITORS CENTER

TOTAL SF: 1,337

1/4" = 1'-0"

10/17/22