

TOWN COUNCIL
Public Hearing & Regular Meeting
January 19, 2023
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. Introduction and Welcoming of New Members
4. Public Hearing:
 - A. Zoning Text Amendment 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to amend Article III to create a new zoning district called Bay Crossing Planned Unit Development and to amend any other sections of the Zoning Ordinances deemed appropriate to achieve the purposes described herein
 - B. Zoning Map Amendment 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to rezone Tax Map #90-19-A from Residential-R3 to the new zoning district called Bay Crossing Planned Unit Development District if so created
5. Recognition of Visitors / Presentations / Recognitions
 - A. Cape Charles Main Street Presentation
6. Public Comments (3 minutes per speaker for topics not subject to this evening's public hearing)
7. *Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
 - C. Approval of November 30, 2022 Financial Report
8. Unfinished Business:
 - *A. None
9. New Business:
 - *A. Election of Vice Mayor for Two-Year Term
 - *B. Zoning Text Amendment 2023-01 –New District: Bay Crossing Planned Unit Development
 - *C. Zoning Map Amendment 2023-01 – Tax Map #90-19-A
 - *D. Library Material Reconsideration Procedure
 - *E. Town Council Representative to Planning Commission
 - *F. Town Council Representative to Library Board
 - *G. Historic District Review Board Member Reappointment
 - *H. Library Board Member Appointment
10. Town Manager Comments
11. Mayor & Council Comments (5 minutes per speaker)
12. Announcements
 - February 2, 2023 – Town Council Work Session
 - February 16, 2023 – Town Council Regular Meeting
13. Adjournment

TOWN OF CAPE CHARLES
Town Council Public Hearings

The Cape Charles Town Council will hold public hearings on Thursday, January 19, 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) 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to amend Article III to create a new zoning district called Bay Crossing Planned Unit Development and to amend any other sections of the Zoning Ordinances deemed appropriate to achieve the purposes described herein.
- B. A Zoning Map Amendment (ZMA) 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to rezone Tax Map #90-19-A from Residential-R3 to the new zoning district called Bay Crossing Planned Unit Development District if so created.

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 1-757- 331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post on Tuesday, January 3, 2023

AD TO RUN: Friday, January 6, 2023 and Friday, January 13, 2023



PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Meeting Date: January 3, 2023

Item #:6A & 6B – ZTA-2023-01 and ZMA-2023-01

Prepared by: Katie H. Nunez, Planning/Zoning Administrator

Date: December 28, 2022

APPLICANT: Town of Cape Charles and Lot 4 Holdings, LLC c/o Winmar Advisory & General Builders, LLC

SITE ADDRESS: Off Old Cape Charles Road and Cassatt Parkway

TAX MAP: 90-19-A

LOT SIZE: 11.75 acres

TYPE OF APPLICATION: Zoning Text Amendment (ZTA) and Zoning Map Amendment (ZMA) 2023-01

SPECIFIC REQUEST: Create new PUD Zoning District: Bay Crossing PUD and rezone Tax Map #90-19-A from R-3 to Bay Crossing PUD

ZONING ORDINANCE: Section 2.7

CURRENT ZONING: Residential (R-3)

PROPOSED ZONING: Bay Crossing PUD

DATE RECEIVED: December 12, 2022

DATE DEEMED COMPLETE: January 3, 2023

LEGAL DEADLINE: 100 days from 1st Receiving Application: April 13, 2023

NARRATIVE OF PROPOSAL

Since early spring 2022, the Town has been engaged in discussions with Lance Marine of Lot 4 Holdings, LLC c/o Winmar Advisory regarding a potential workforce housing development on 11.76 acres located between Old Cape Charles Road and Cassatt Parkway. The property is still under ownership by General Builders, LLC with the intent of purchase by Lot 4 Holdings, LLC if Town approved is gained regarding zoning and project conception.

As we discussed this possible project and learned about possible unit sizes of the housing units and types (micro-studios, 1 and 2 bedroom units) and the possible # of units per building (approximately 60), we looked hard at the current zoning district for Tax Map #90-19-A (total of 11.75 acres approximately) of Residential-3 and recognized that it had limitations that did not fully support the type of project Mr. Marine was envisioning. Enclosed is aerial map of the parcel between Cassatt Parkway and Old Cape Charles Road that I created to help start to track some of the larger issues that would need to be addressed for this parcel, such as water and sewer, which are being handled on a dual discussion path by the Town Manager and the Developer.

At that time, I began looking at the PUD Ordinance template in the Cape Charles Zoning Ordinance and felt that this would be the best vehicle for this type of project being proposed and discussed this with Mr. Marine and he also felt that this would provide the flexibility he was seeking both relative to density, house unit size and some other development requirements and have been working with the developer and his attorney on a draft PUD Zoning Ordinance targeted for workforce housing with the project name of "Bay Crossing".



Mr. Marine has submitted a draft conceptual plan for the site to show at least two uses occurring on the property as required by our PUD Template Ordinance, which is enclosed for your consideration as follows: the conceptual site plan for 5 acres (the minimum required for a PUD) and the remaining acreage 6.76 shown as the residual lot.

ITEM SPECIFICS:

You will see on the site plan, certain notations within the building layout - they equate to the following:

- S1 = Micro/Studio – size of approximately 360 sq. ft
- S2 – Micro Studio – size of approximately 365 sq. ft.
- A1 = 1 bedroom/1 Bath Unit of approximately 520 sq. ft.
- B1 = 2 bedroom/2 bath unit of approximately 700 sq. ft.
- B2 = 2 bedroom/2 bath unit of approximately 702 sq. ft.

The Zoning Text Amendment Application has been completed and submitted and includes the full Bay Crossing PUD Zoning Ordinance and a Zoning Map Amendment application has also been completed.

The Zoning Text Amendment is drafted to highlight the components of the ordinance that are different than what would be found in the R-3 Zoning District. It contains a statement of intent seeking to define workforce housing

through a percentage of the Area Median Income as obtained through the US Census which would then also seek to limit the rent to no greater than 30% of that income for housing related costs. I have included an Excel Spreadsheet (Attachment 5) to help illustrate this definition which we can discuss further. The text amendment is crafted to allow the high-density multi-family housing residential development and electric vehicle charging stations as uses allowed by right with all other uses allowed through a conditional use permit process, which requires public hearing and review by the Planning Commission and the Town Council. I have also included a list of those uses as seen in the other zoning districts just so that you don't have to search for that information (see Attachment 6). If there is no deviation from the Town's existing zoning ordinance, there is a clause at the end of the PUD ordinance that states that all other provisions of the CCZO shall apply to this PUD District unless stated herein. This is the same construct as the Bay Creek PUD.

REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

The Cape Charles Comprehensive Plan, within its Housing Chapter (page 35), has stated as the primary intent is to "pursue land use, zoning and housing policies to meet and maintain the housing needs of all Cape Charles residents and support a strong local workforce, while preserving local character".

The Plan has identified the lack of affordable housing as a key factor contributing to a worker shortage both in the Town as well as in Northampton County (page 44) and the Town has adopted as one of its goals and objectives in the Comprehensive Plan to "Encourage development of affordable workforce housing" (page 45).

REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

The Cape Charles Zoning Ordinance allows for the creation and consideration of a Planned Unit Development (PUD) and specifically includes a statement of intent in Section 3.12 which states:

"The intent of this district is to promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional zoning regulations. It is further intended to promote more efficient use of land while encouraging variety and convenience for the overall development and the development of recreational areas and open spaces within the project."

The proposed Bay Crossing PUD is presuming the basis of a R-3 Zoning District concept but within the confines and requirements of the PUD Template. The R-3 Zoning District has a statement of intent which states that:

"to provide for relatively high density, multi-family residential development. This district is designed to promote and encourage a suitable environment for family life and to restrict activities of a commercial nature to those which serve the needs of the surrounding residential neighborhood."

Staff believes the proposed Bay Crossing PUD addresses all of the requirements of the PUD Zoning District Template and staff is requesting a full review of the proposed Bay Crossing PUD by the Commission and to discuss any elements of said to ensure full understanding of the PUD as a proposed district and how it works in complement with the rest of the Town Zoning Ordinance. **Please note that when this application was presented to the Town Council at their meeting on December 15, 2022 it was noted that there should be a minimum contiguous area for a PUD district of 5 acre be included within the zoning text amendment and the applicant agreed to that correction. Due to both the holiday schedule and health issues of the zoning administrator, this correction has not**

been made to the document but will be done so as part of this consideration before the Planning Commission.

ANAYLSIS

Impacts to Adjacent Property

This property is current farmland and zoning R-3. To the east is a Town-owned lot of approximately 17.65 acres which is primarily undeveloped with the exception of hosting a component of the town well system on a portion of the adjacent property. To the south is 4 one-acre lots with the intention of building a 4-unit apartment building on each lot with one unit currently completed. To the west is a 27.36-acre parcel under conservation easement. To the north a new road (Cassatt Parkway) was constructed in 2016-2017 that runs alongside this property

The classification of this land to a high-density, multi-family housing development with a specific focus on workforce housing type is appropriate since the area is underdeveloped with excellent road access and the parcel is large enough to encourage a “traditional” development pattern with its own primary main road onto and throughout the property. In addition, the location is adjacent to the Town’s well/water system and adjacent to expansion of the sewer system in a reasonably costly manner. This location also provides ready access to the main road into the Town and is located 1.5 miles from getting of the Town limits and out to the main area of the County where a commercial grocery establishment is located.

STAFF RECOMMENDATION

Staff is requesting the Planning Commission to convene and hold the public hearings and consider all comments received and determine if there are additional issues raised that were not considered by staff which may need to be considered. Staff is recommending favorable consideration of the creation of a new zoning district, the Bay Crossing PUD, and to favorably consider rezoning Tax Map#90-19-A from R-3 to Bay Crossing PUD.

Staff is prepared to work with the Planning Commission on a motion regarding a recommendation on both ZTA and ZMA 2023-01 to develop a recommendation for the Town Council on the two applications.

Attachments:

Attachment 1 – ZTA Packet

Attachment 2 – ZMA Packet

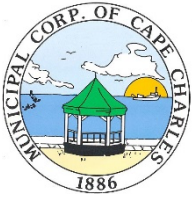
Attachment 3 – Owner Affidavit Form completed by Angelo Manuel of General Builders, LLC

Attachment 3 – Resolution #20221215A

Attachment 4 - Bay Crossing Concept Plan (6 Slides)

Attachment 5 – Chart re: Income to Rent

Attachment 6 – KHN List of Uses



Zoning Text Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24

planningtech@capecharles.org

Revised 12/2022

Taxes

Violations

Fee

Decision

PART 1. APPLICATION NOTES

1. A pre-application conference with Planning staff is strongly recommended prior to submission of a zoning text amendment.
2. The Zoning Text Amendment application process typically takes about four (4) months.
3. A Zoning Text Application may be submitted by any Cape Charles property owner. It may only be advanced to either the Planning Commission or the Town Council for a public hearing following staff consultation with the Town Manager.
4. Either the Planning Commission or Town Council may submit an application for a zoning text amendment with the Town Manager, Zoning Administrator or Planning Director representing the application on behalf of the Town.
5. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204
6. The applicant will be required to make a presentation to fully explain the request and demonstrate its need. The presentation should show how the proposed change supports and maintains compliance with the goals and objectives of the Comprehensive Plan.
7. The final decision will be made by Town Council, which approves zoning text amendments at their legislative discretion.

PART 2: APPLICANT INFORMATION

Applicant Name: Lot 4 Holdings, LLC c/o Winmar Advisory

Cape Charles Address: N/A - Tax Map #: 90-19-A

Mailing Address: 2100 Reston Parkway, Suite 104, Reston, VA 20191

Email address: lance@winmaradvisory.com

Phone: 703.622.8156

If the applicant has property owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

Lance LJ Marine (same as above)

PART 3: Description of Request

Answer all questions in this section. Attach additional sheets as needed.

Submission Date:

Zoning Ordinance Sections Proposed to be Amended (Sec. # and Title):

Existing Text:

R3

Proposed Text:

Bay Crossing PUD (see attached)

PART 4: Written Narrative – Provide on a separate sheet(s)

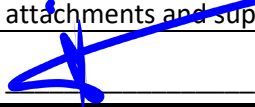
Provide a written narrative that, at a minimum, covers the following information:

- A) Relevant code section(s) to be amended and proposed changes to the Zoning Ordinance.
- B) Whether and the extent to which the proposed amendment is consistent with the comprehensive plan and any other applicable and adopted long range planning documents. Cite the document and page.
- C) Whether the proposed amendment is in conflict with any provision of the Zoning Ordinance and any other regulations contained in the City Code or other applicable regulations.
- D) Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- E) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.
- F) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, floodplains, wetlands, and the natural functioning of the environment.

Whether to amend the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment, the Town Council may consider any factor it deems applicable and consistent with the Code of Virginia, including but not limited to the Town's comprehensive plan, and the public health, safety, and general welfare.

PART 5: Applicant Certification

By signing this application below, I hereby attest to the truth and accuracy of all facts and information presented with this application and any attachments and supplemental information submitted with the application.

Applicant's signature: 

Date: 12/12/2022

PART 6: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZTA
Planning Commission	Town Council
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:



Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24

planningtech@capecharles.org

Revised 9/2022

Taxes	
Violations	
Fee	
Decision	

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: Residual Parcel, Tract A, Subdision Tract A, instrument no. 170000133

Subject Property Tax Map #: 9-10-A

Owner Information

Owner's name: General Builders LLC

Mailing address: 7707 Leafwood Drive Norfolk, VA 23518

Phone number: 757 289 9266 Email: angelo@parrproperties.com

I hereby give authority to the following representatives to act on my behalf on the following matter:

To apply for a zoning text amendement in order to obtain a zoning map amendment for a PUD district on the property

Representative Information

Name: Lot 4 Holdings, LLC Lance J. Marine

Mailing address: _____

Phone number: 703 622 8156 Email: lancejmarine@gmail.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☒ ASM to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 10/15/2022

State of Virginia, County of Nathant

The foregoing instrument was acknowledged before me this 15th day of December, 20 22, by Angelo S. Manuel (name of person acknowledged)

Signature of Notarial Officer: [Signature]

Notary Registration number: 211548

My commission expires: 11/30/2025



Town of Cape Charles

BAY CROSSING PLANNED UNIT DEVELOPMENT (“PUD”) DISTRICT

District Regulations

Section 1. BAY CROSSING PUD District

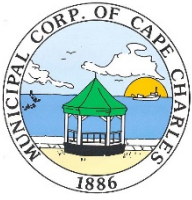
- 1) **Statement of Intent.** The intent of this PUD district is to provide for low-to-moderate density residential development designed to serve the workforce and other housing needs of the Town of Cape Charles and Northampton County. The targeted workforce housing segment income range is 80% to 150% of the Area Median Income (\$55,104 for Cape Charles) and no greater than 30% of income to be spent for housing costs (rent and utilities). Additionally, this district provides for residential and limited complimentary commercial development with substantial Town control by both the Town Council and Planning Commission thru the existing Conditional Use Permit process to ensure any proposed use and application is appropriate for the development and harmonious with the associated multi-family residential development.
- 2) **Permitted Uses.** The following uses shall be permitted by right, subject to the yard, height, coverage and density requirements contained herein: all uses permitted by-right and as accessory uses in the R-3 District and Electric Vehicle Charging Station(s). Notwithstanding the foregoing, the following items from the Zoning Ordinance shall be not applicable (i) Item #35 from the C-1 District (any use allowed in the S-C District) and (ii) Item C from the C-1 District.
- 3) **Conditional Uses.** Subject to the Conditional Use Permit application process, the following conditional uses may be allowed: all uses in the C-1, C-2 and C-3 Districts, conditional uses within the R-3 District and any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.
- 4) **LOT, YARD, HEIGHT, COVERAGE AND DENSITY REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT WITHIN THE BAY CROSSING PUD DISTRICT THE FOLLOWING STANDARDS SHALL APPLY:**
 - a) In addition to the following, townhouse projects must have minimum of one acre:
 - A. Minimum lot requirements
 - (1) lot area dwelling units (sf): N/A
 - (2) lot width (ft): 15

Town of Cape Charles
Zoning Ordinance
DRAFT BAY CROSSING PLANNED UNIT DEVELOPMENT
PUD Regulations

- B. Minimum yard requirements
 - (1) front yard (ft): 10
 - (2) side yard between principal structures (ft): 20
 - (3) side yard between end structures and side property line (ft): 10
 - (4) side yard between units: N/A
 - (5) rear yard (ft): 10
 - (6) rear yard (parking in rear yard): 10
 - C. Maximum building height (ft): 40
 - D. Building coverage: No more than 60 percent of the lot may be covered by the structures.
 - E. Maximum development: No more than twenty-five townhouse dwelling units shall be constructed or attached together in a continuous row, and no such row shall exceed 240 feet in length.
 - F. Off-street parking: Parking shall be provided on the premises. No such parking lot or garage shall be located more than 200 feet from the dwelling unit which it serves (excluding non-residential parking such as guest, golf cart or flex parking). Two (2) spaces per dwelling unit shall be required.
 - G. The definition of a townhouse is a multi-floor home that shares one or more walls with adjacent properties.
- b) In addition to the following, multi-family projects must have minimum of one acre:
- A. Minimum lot requirements lot area per building (FAR): 0.35
 - B. Minimum yard requirements
 - (1) front yard (no parking in front yard) (ft): 30
 - (2) front yard (parking in front yard) (ft): 30
 - (3) side yard between separate structures (ft): 20
 - (4) side yard between end structure and side property line (ft): 20
 - (5) rear yard (no parking in rear yard) (ft): 20
 - (6) rear yard (parking in rear yard) (ft): 35
 - C. Furthermore, no multi-family unit may be erected on a lot which has a width at the building line of less than 60 feet.
 - D. Maximum building height (ft): 40
 - E. Building coverage: No more than 60 percent of the lot may be covered by the structure.
 - F. Parking: Multi-family projects must have one space per one bedroom dwelling unit or studio, otherwise two spaces per dwelling unit.
 - G. Required open space. Open space shall be provided equivalent to ten percent (10%) percent of lot area. For the purpose of this section, the term open space shall be construed to consist of open space amenities and spacing between buildings. Open space amenities include plazas, esplanades, landscaped areas, walkways, public recreational facilities, and the like designed and maintained for use by residents, pedestrians and open to the public. Where feasible, open space shall be designed to serve as part of a coordinated pedestrian circulation system.

Town of Cape Charles
Zoning Ordinance
DRAFT BAY CROSSING PLANNED UNIT DEVELOPMENT
PUD Regulations

- H. Development in this district may contain the density requirements of one or more of the R-1, R-2, and R-3 for residential districts, and CR, C-1, C-2 and C-3, for the commercial districts to accommodate flexibility and imaginative development designs. Density shall be consistent with conditions that are applicable to the property, such as topography, the character of the surrounding property, potential health or safety hazards, traffic safety considerations, and the effects upon existing public facilities that could be alleviated by a reduction in density.
 - I. Additional Development Terms. Placement of drives and parking areas. Entrances and exits, drives or parking area may be located adjacent to any lot line.
- 5) LOT, YARD, HEIGHT REQUIREMENTS FOR COMMERCIAL DEVELOPMENT WITHIN THE BAY CROSSING PUD DISTRICT:
- a) In addition to the following, commercial projects must have minimum of 1/4 acre:
 - A. Lot width at setback line (ft): 40
 - B. Side yard (ft): 5
 - C. Rear yard (ft): 10
 - D. Front setback (ft): 25 feet from center of right of way (defined as centerline of main street roadway) or 15 percent $\pm$ of the lot depth, whichever is less
 - E. Height Regulations. Buildings may be erected up to a height of 35 feet from the adjacent ground elevation.
 - F. Notwithstanding the foregoing, any electric vehicle charging stations shall be implemented with no setback or minimum land area restrictions provided they meet with adequate landscaping and screening requirements.
 - G. Buffer yards. The following Buffer Yards shall apply, in lieu of any other setbacks, as follows. If the PUD adjoins:
 - (1) Open Space/Conservation Easement zoning from the Accawmacke Plantation PUD, there shall be no buffer yard requirement.
 - (2) Old Cape Charles Road, there shall be a 100' buffer yard requirement.
 - (3) Cassatt Parkway, there shall be a 30' setback.
 - (4) RE or R3 Zoned property, there shall be a 20' setback.
- 6) Other applicable provisions and limitations as follows:
- A. Primary Access: All development on the Parcel shall maintain primary access (and signage, if applicable) to Cassatt Parkway via the Main Street access road.
 - B. **All other provisions of the Cape Charles Zoning Ordinance shall apply to the PUD District unless stated herein. In the event there is a conflict between the PUD District and the applicable Zoning Ordinance, the PUD District terms shall apply, to the extent they are not inconsistent with the provisions of this chapter.**



Zoning Map Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24

planningtech@capecharles.org

Revised 12/2022

Taxes

Violations

Fee

Decision

PART 1. APPLICATION NOTES

1. A pre-application conference is mandatory prior to submission of an application for a zoning map amendment.
2. A zoning map amendment application should be consistent with the Comprehensive Plan and therefore, may also require a Comprehensive Plan amendment, which should be approved prior to the zoning map amendment application.
3. The Town Council may not add conditions of approval to a zoning map amendment application.
4. If proffers are being offered, the proffer statements may not be less restrictive than the requested base zoning district standards.
5. If proffers are being offered, proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent. The applicant may voluntarily offer proffered conditions as part of their application, which must be listed in a separate voluntary proffer statement using the template found on our website.

PART 2: PROPERTY INFORMATION

Property Address: N/A

Tax Map #: 90-19-A

Project name: Bay Crossing

Current Zoning District: R3

Does this application include proffers? ☒ No ☐ Yes, if so, attach separate form

Proposed Zoning District: PUD

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: Lot 4 Holdings, LLC c/o Winmar Advisory, LLC

Mailing Address: 2100 Reston Parkway, Suite 104, Reston, VA 20919

Email address: lance@winmaradvisory.com

Phone: 703.622.8156

If property is owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

Lance LJ Marine (same as above)

Zoning Map Amendment Application (also referred to as a Rezoning or Conditional Rezoning) may be submitted by a Cape Charles property owner and may be advanced to public hearing, after this application is submitted to Town Council who authorizes said applications to public hearings, first to the Planning Commission in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204.

The applicant will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan

Additionally, the Planning Commission or Town Council may prepare and apply for a zoning map amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

PART 4: Written Description of Request – Answer all questions in this section. Attach additional sheets as needed.

- A) Describe the existing conditions on the property including existing land uses and buildings as well as the land uses and zoning districts on the abutting properties.

Unimproved land abutting Conservation Easement, RE Zoning and R3 zoning

- B) Describe how existing conditions have changed, thereby making the proposed amendment needed.

Unit size and layout

- C) Describe how the proposed amendment furthers the objectives of the Comprehensive Plan.

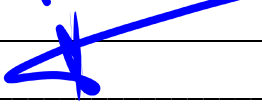
Provides workforce housing

- D) Describe why the proposed rezoning is necessary.

Economic viability for development

- E) Describe the proposed use of the rezoned property including a site plan with the proposed types of site improvements and buildings.

The intent of this PUD district is to provide for low-to-moderate density residential development designed to serve the workforce and other housing needs of the Town of Cape Charles and Northampton County. The targeted workforce housing segment income range is 80% to 150% of the Area Median Income (\$55,104 for Cape Charles) and no greater than 30% of income to be spent for housing costs (rent and utilities). Additionally, this district provides for residential and limited complimentary commercial development with substantial Town control by both the Town Council and Planning Commission thru the existing Conditional Use Permit process to ensure any proposed use and application is appropriate for the development and harmonious with the associated multi-family residential development.

Applicant's signature: 

Date: 12/12/2022

PART 5: To Be Completed by P & Z Department Staff

Date Application Received in Office:

Application #: ZMA

Planning Commission

Town Council

Date referred:

Date received from Planning Commission:

Action deadline (100 days from receipt):

Action deadline (max. 365 days from referral to PC):

Public hearing date:	Public hearing date:
Decision:	Decision:



Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24

planningtech@capecharles.org

Revised 9/2022

Taxes	
Violations	
Fee	
Decision	

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: Residual Parcel, Tract A, Subdision Tract A, instrument no. 170000133

Subject Property Tax Map #: 9-10-A

Owner Information

Owner's name: General Builders LLC

Mailing address: 7707 Leafwood Drive Norfolk, VA 23518

Phone number: 757 289 9266 Email: angelo@parrproperties.com

I hereby give authority to the following representatives to act on my behalf on the following matter:

To apply for a zoning text amendement in order to obtain a zoning map amendment for a PUD district on the property

Representative Information

Name: Lot 4 Holdings, LLC Lance J. Marine

Mailing address: _____

Phone number: 703 622 8156 Email: lancejmarine@gmail.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☒ ASM to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 10/15/2022

State of Virginia, County of Nathant

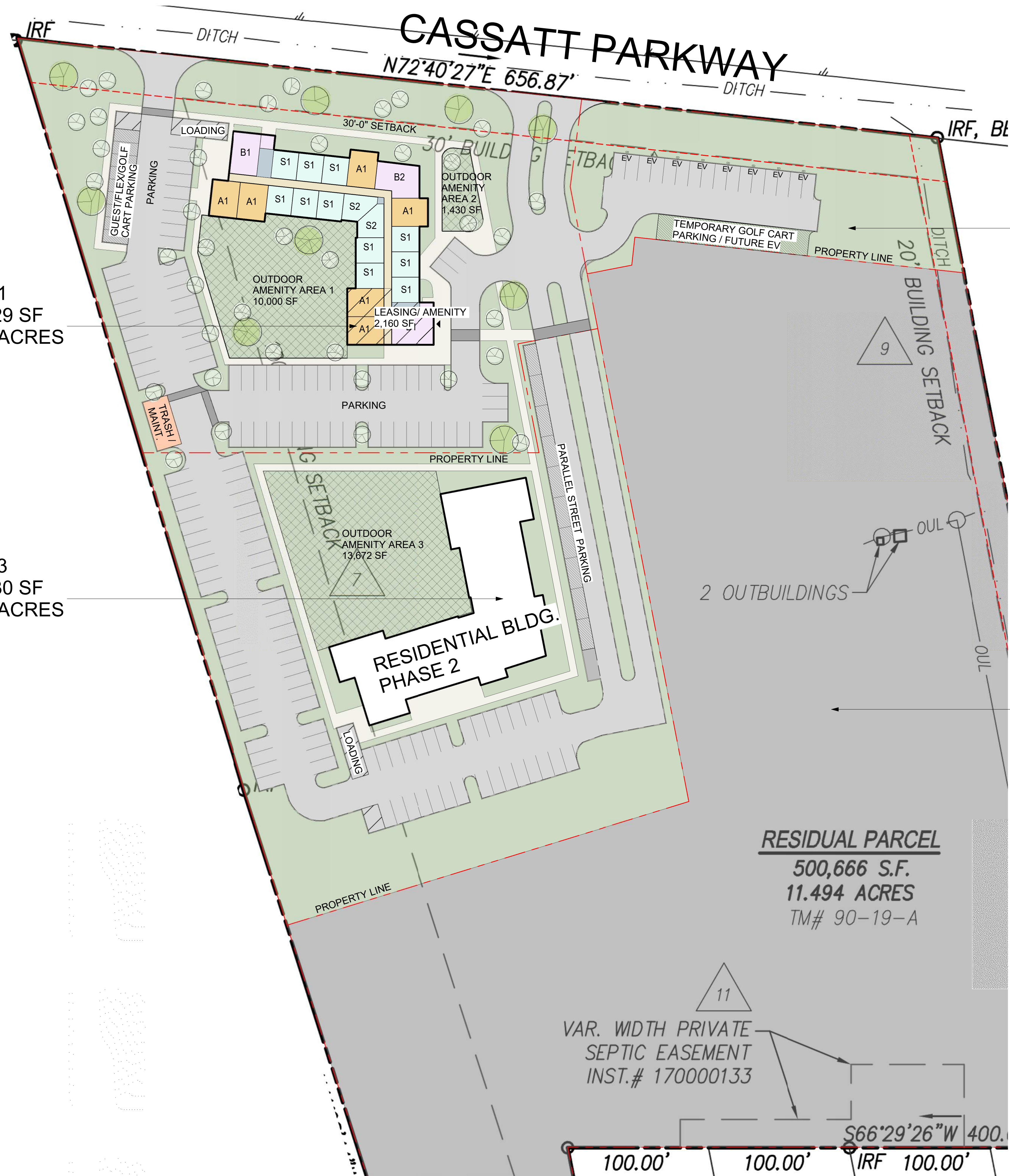
The foregoing instrument was acknowledged before me this 15th day of December, 20 22, by Angelo S. Manuel (name of person acknowledged)

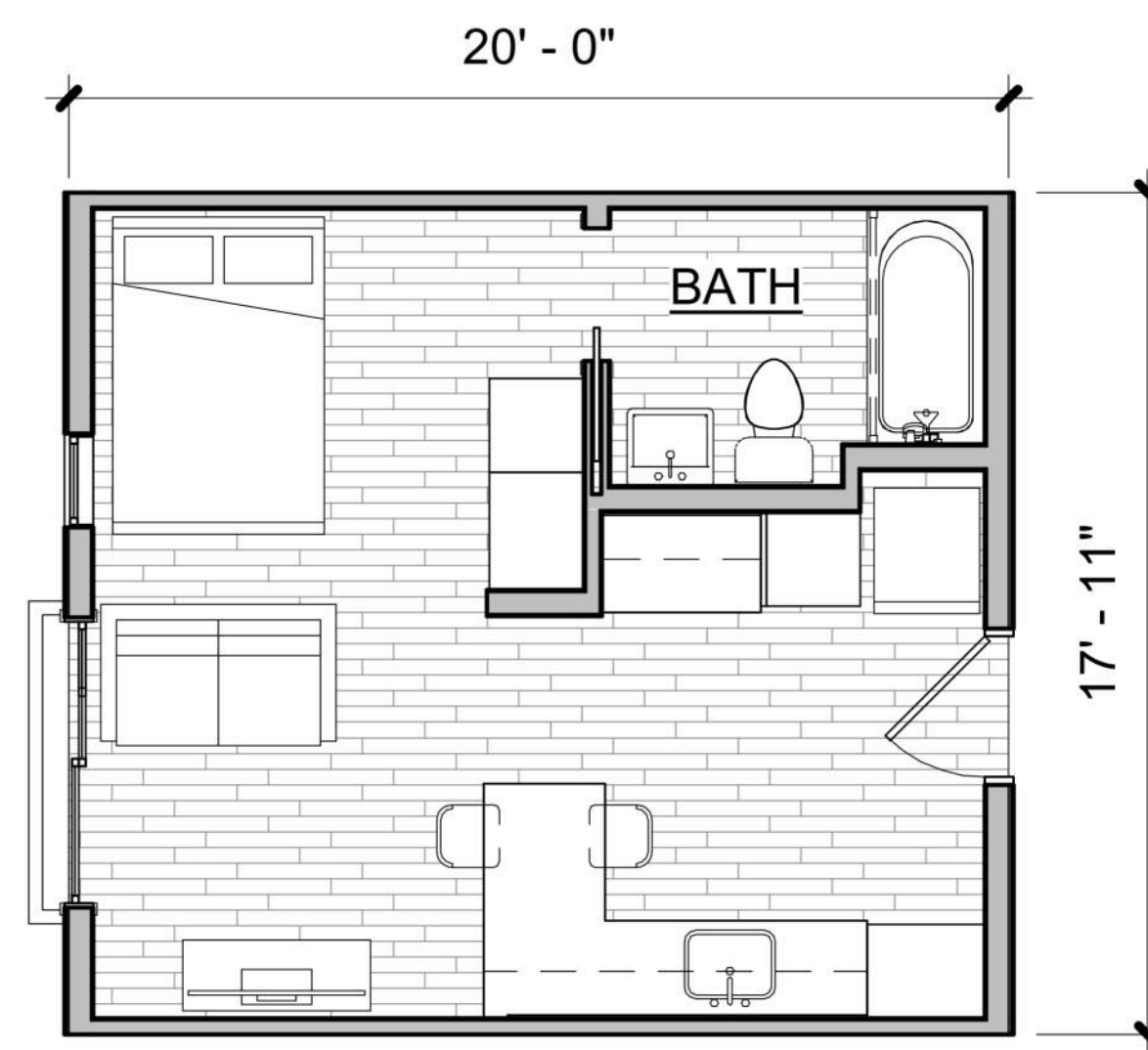
Signature of Notarial Officer: [Signature]

Notary Registration number: 211548

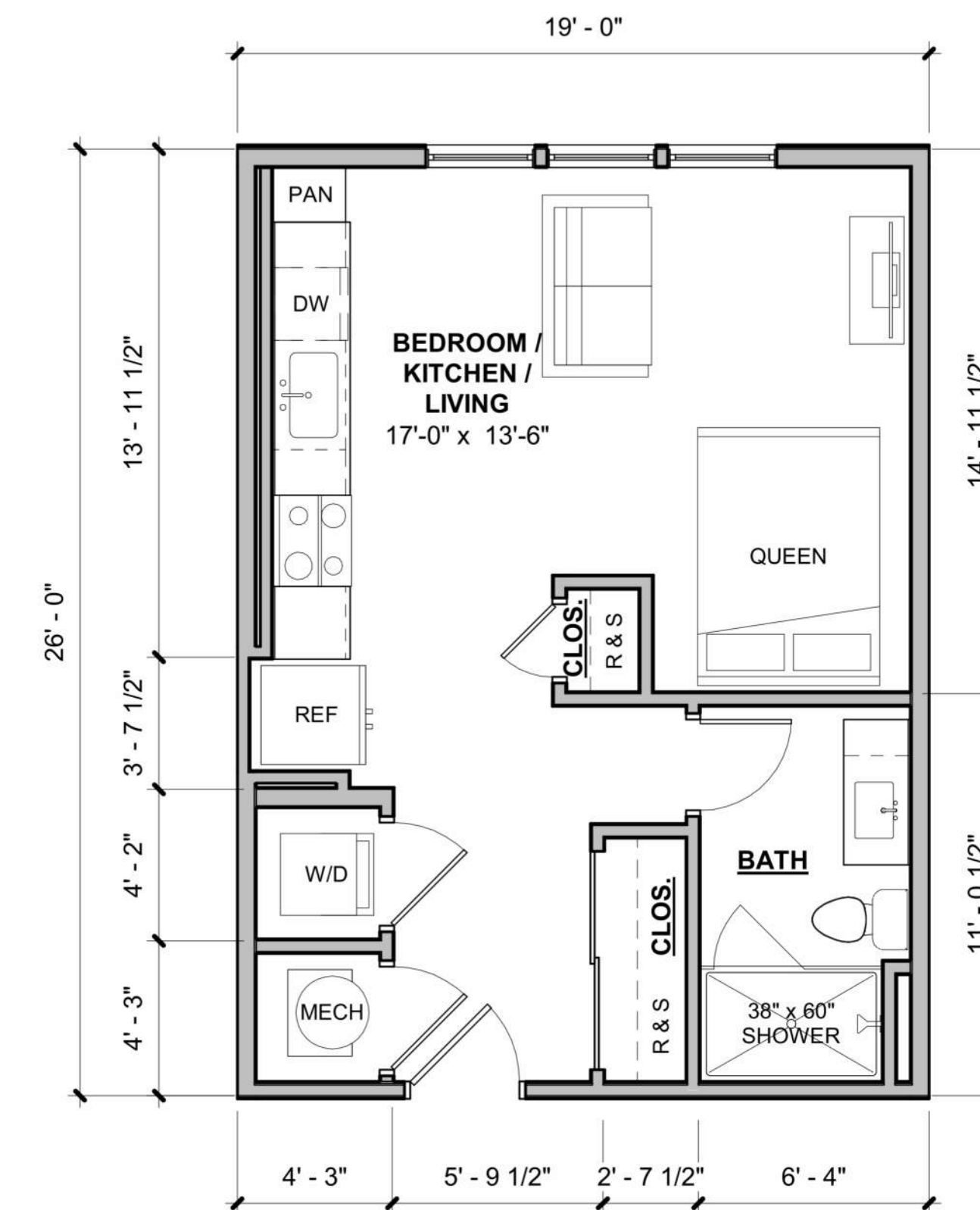
My commission expires: 11/30/2025







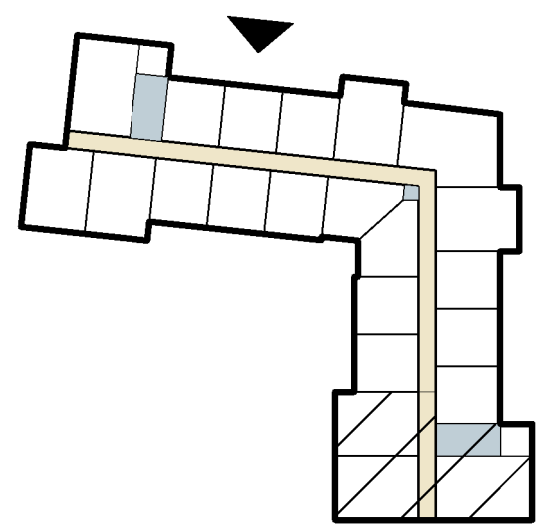
CONCEPTUAL UNIT PLAN - S1
 AREA : 360 SF
 SCALE : 1/4"=1'-0"

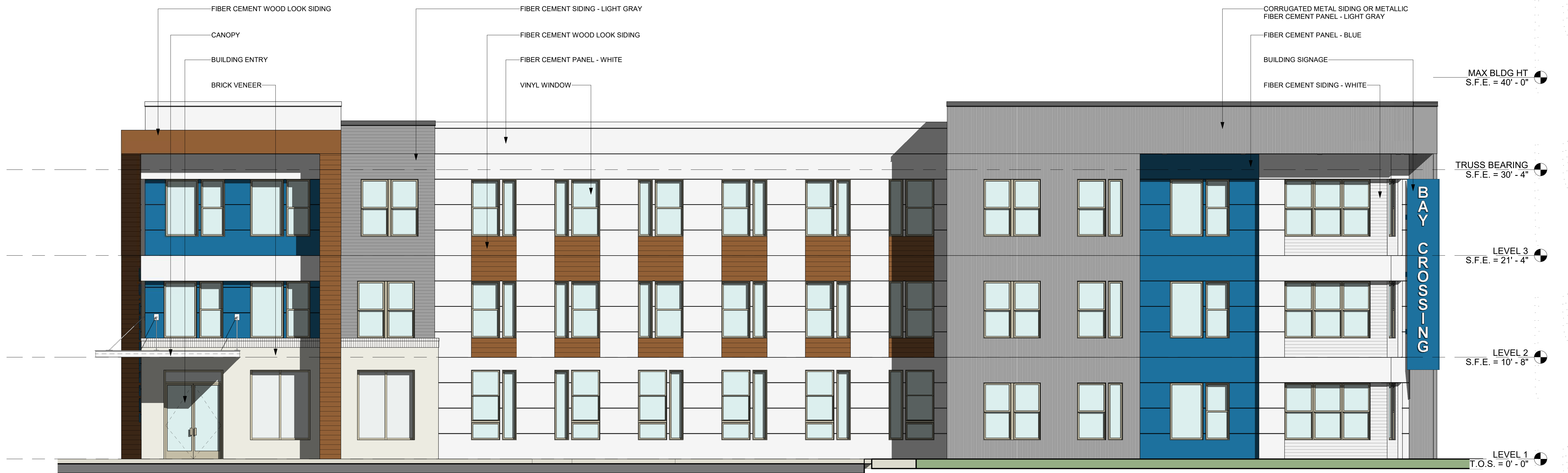


CONCEPTUAL UNIT PLAN - A1
 AREA : 520 SF
 SCALE : 1/4"=1'-0"

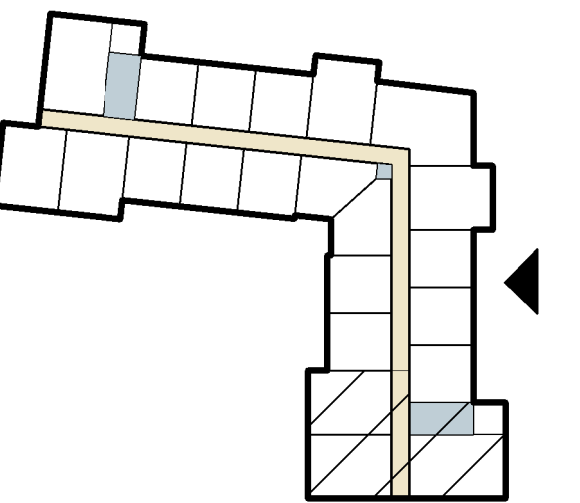


1 CONCEPTUAL BUILDING ELEVATION FACING NORTH
3/16" = 1'-0"





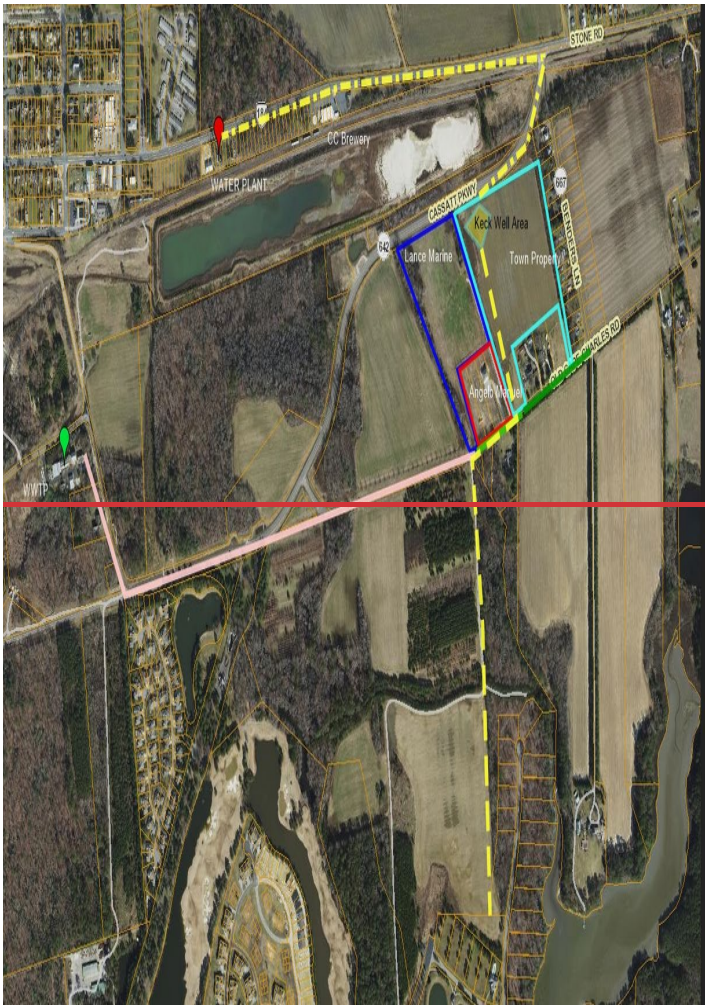
1 CONCEPTUAL BUILDING ELEVATION FACING EAST
3/16" = 1'-0"







- NOTES:**
- Town Council voted on 7/21/2022 to assign the sewer plans re: connecting the Marine/Manuel property to the WWTP which includes the 2 alternates to Lance Marine for obtaining prices only – there is no agreement between Town and developer re: cost allocation and/or reimbursement.
 - Keck Wells – part of the Town Permit for the Water System but no water draw is occurring from the wells and no line connecting the wells to the Water Treatment Plant.
 - GHD previously brought plans to connect the wells to 90% design stage. Task orders have been requested to bring to 100%, including a bidding package, and to modify our withdrawal permit beyond 360K/day.

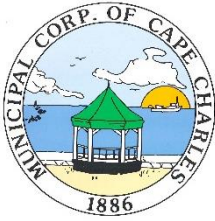


MAP LEGEND

- Teal Outline – Town Property with Keck Well area shown
- Blue Outline – Lance Marine Property
- Red Outline – Angelo Manuel Property
- Pink Line – Sewer Line – Base Bid (WWTP to Marine/Manuel Property)
- ~~Light Yellow~~/~~GG~~ Green Dash Line – Sewer Line Alternate One (Marine/Manuel Property to Town/Keck Well Property)
- Green Line – Sewer Line Alternate Two (Town/Keck Well Property to County Line)
- YELLOW MINI DASH LINE – Approximate Water Line Path to Connect Keck Wells to Water Plant (Could run return line to bring treated water back to the property)
- YELLOW LARGE DASH LINE – Possible Alternate Water Line Path thru Bay Creek Creekside Lane Area

Numbers Explanation of Workforce Housing Definition
Prepared by Katie Nunez on 12-09-2022

Workforce Housing Definition: Equal to or less than 150% of the Area Median Income (AMI) and no greater than 30% of income to be spent for housing costs (rent and utilities) .	AMI From US Census \$55,104	30% of Income for Housing Costs - Rent & Utilities (Annual)	30% of Income for Housing Costs - Rent & Utilities (Monthly)
Percentage of AMI			
80%	\$ 44,083.20	\$ 13,224.96	\$ 1,102.08
81%	\$ 44,634.24	\$ 13,390.27	\$ 1,115.86
82%	\$ 45,185.28	\$ 13,555.58	\$ 1,129.63
83%	\$ 45,736.32	\$ 13,720.90	\$ 1,143.41
84%	\$ 46,287.36	\$ 13,886.21	\$ 1,157.18
85%	\$ 46,838.40	\$ 14,051.52	\$ 1,170.96
86%	\$ 47,389.44	\$ 14,216.83	\$ 1,184.74
87%	\$ 47,940.48	\$ 14,382.14	\$ 1,198.51
88%	\$ 48,491.52	\$ 14,547.46	\$ 1,212.29
89%	\$ 49,042.56	\$ 14,712.77	\$ 1,226.06
90%	\$ 49,593.60	\$ 14,878.08	\$ 1,239.84
91%	\$ 50,144.64	\$ 15,043.39	\$ 1,253.62
92%	\$ 50,695.68	\$ 15,208.70	\$ 1,267.39
93%	\$ 51,246.72	\$ 15,374.02	\$ 1,281.17
94%	\$ 51,797.76	\$ 15,539.33	\$ 1,294.94
95%	\$ 52,348.80	\$ 15,704.64	\$ 1,308.72
96%	\$ 52,899.84	\$ 15,869.95	\$ 1,322.50
97%	\$ 53,450.88	\$ 16,035.26	\$ 1,336.27
98%	\$ 54,001.92	\$ 16,200.58	\$ 1,350.05
99%	\$ 54,552.96	\$ 16,365.89	\$ 1,363.82
100%	\$ 55,104.00	\$ 16,531.20	\$ 1,377.60
101%	\$ 55,655.04	\$ 16,696.51	\$ 1,391.38
102%	\$ 56,206.08	\$ 16,861.82	\$ 1,405.15
103%	\$ 56,757.12	\$ 17,027.14	\$ 1,418.93
104%	\$ 57,308.16	\$ 17,192.45	\$ 1,432.70
105%	\$ 57,859.20	\$ 17,357.76	\$ 1,446.48
106%	\$ 58,410.24	\$ 17,523.07	\$ 1,460.26
107%	\$ 58,961.28	\$ 17,688.38	\$ 1,474.03
108%	\$ 59,512.32	\$ 17,853.70	\$ 1,487.81
109%	\$ 60,063.36	\$ 18,019.01	\$ 1,501.58
110%	\$ 60,614.40	\$ 18,184.32	\$ 1,515.36
111%	\$ 61,165.44	\$ 18,349.63	\$ 1,529.14
112%	\$ 61,716.48	\$ 18,514.94	\$ 1,542.91
113%	\$ 62,267.52	\$ 18,680.26	\$ 1,556.69
114%	\$ 62,818.56	\$ 18,845.57	\$ 1,570.46
115%	\$ 63,369.60	\$ 19,010.88	\$ 1,584.24
116%	\$ 63,920.64	\$ 19,176.19	\$ 1,598.02
117%	\$ 64,471.68	\$ 19,341.50	\$ 1,611.79
118%	\$ 65,022.72	\$ 19,506.82	\$ 1,625.57
119%	\$ 65,573.76	\$ 19,672.13	\$ 1,639.34
120%	\$ 66,124.80	\$ 19,837.44	\$ 1,653.12
121%	\$ 66,675.84	\$ 20,002.75	\$ 1,666.90
122%	\$ 67,226.88	\$ 20,168.06	\$ 1,680.67
123%	\$ 67,777.92	\$ 20,333.38	\$ 1,694.45
124%	\$ 68,328.96	\$ 20,498.69	\$ 1,708.22
125%	\$ 68,880.00	\$ 20,664.00	\$ 1,722.00
126%	\$ 69,431.04	\$ 20,829.31	\$ 1,735.78
127%	\$ 69,982.08	\$ 20,994.62	\$ 1,749.55
128%	\$ 70,533.12	\$ 21,159.94	\$ 1,763.33
129%	\$ 71,084.16	\$ 21,325.25	\$ 1,777.10
130%	\$ 71,635.20	\$ 21,490.56	\$ 1,790.88
131%	\$ 72,186.24	\$ 21,655.87	\$ 1,804.66
132%	\$ 72,737.28	\$ 21,821.18	\$ 1,818.43
133%	\$ 73,288.32	\$ 21,986.50	\$ 1,832.21
134%	\$ 73,839.36	\$ 22,151.81	\$ 1,845.98
135%	\$ 74,390.40	\$ 22,317.12	\$ 1,859.76
136%	\$ 74,941.44	\$ 22,482.43	\$ 1,873.54
137%	\$ 75,492.48	\$ 22,647.74	\$ 1,887.31
138%	\$ 76,043.52	\$ 22,813.06	\$ 1,901.09
139%	\$ 76,594.56	\$ 22,978.37	\$ 1,914.86
140%	\$ 77,145.60	\$ 23,143.68	\$ 1,928.64
141%	\$ 77,696.64	\$ 23,308.99	\$ 1,942.42
142%	\$ 78,247.68	\$ 23,474.30	\$ 1,956.19
143%	\$ 78,798.72	\$ 23,639.62	\$ 1,969.97
144%	\$ 79,349.76	\$ 23,804.93	\$ 1,983.74
145%	\$ 79,900.80	\$ 23,970.24	\$ 1,997.52
146%	\$ 80,451.84	\$ 24,135.55	\$ 2,011.30
147%	\$ 81,002.88	\$ 24,300.86	\$ 2,025.07
148%	\$ 81,553.92	\$ 24,466.18	\$ 2,038.85
149%	\$ 82,104.96	\$ 24,631.49	\$ 2,052.62
150%	\$ 82,656.00	\$ 24,796.80	\$ 2,066.40



DRAFT
TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
December 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 Mayor-elect Adam Charney, Councilman-elect Ken Butta, Town Manager John Hozey, 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 13 members of the public physically in attendance, and 11 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 A) Fiscal Year 2022-2023 Proposed Budget Amendment; and B) the updated Historic District Design Guidelines.

A. *Fiscal Year 2022-2023 Proposed Budget Amendment:*

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

B. *Historic District Design Guidelines:*

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

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

The public hearing was closed at 6:33 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS:

A. *Proposed Workforce Housing Presentation (Bay Crossing) – Lance Marine*

Mr. Lance Marine provided an overview of the proposed workforce housing project, adding that the plans emphasized use of the outdoors with a lot of energy and effort put into the outdoor space, including a dog park. He envisioned an attractive, high quality residential structure built for sustainability. One of the changes being requested was a reduction in the minimum square footage from 1,000 square feet as it would not be possible to construct the number of planned multi-residential units and keep the project within budget to qualify for workforce housing. This was not a transient project, and much emphasis was placed on the amenities to be enjoyed as families grew. Future phases would be planned on the additional land available on the parcel. With the close proximity of the Cape Charles downtown area, golf cart and pedestrian connectivity was planned. Another part of the project included electric vehicle (EV) charging stations. (Please see attached for the presentation slides.)

John Hozey thanked Mr. Marine for his interest and effort in planning for this workforce housing development. There was an incredible need for workforce housing in the town and county. He added that the Kiptopeke Inn was another workforce housing project in the county, but the smallest unit in the proposed Bay Crossings development was still larger than the largest unit at

the Kiptopeke Inn. John Hozey went on to explain that one of the requirements of the Planned Unit Development (PUD) documents was a second use as commercial. The EV charging stations represented the second use. The Town had received numerous requests to install EV charging stations, but it was not necessarily considered a Town function.

B. *Recognition of Employee Celebrating 10-Year Anniversary*

Mayor Dize stated that Scottie Neville, the Town's water plant manager, celebrated his 10th anniversary with the Town on December 10, 2022. Mr. Neville had done a very good job for the Town and even slept at the plant on occasion during bad snowstorms. Mayor Dize gave the Certificate of Appreciation to John Hozey to present to Scottie Neville.

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

Bill Bridgeforth, Cape Charles resident

Mr. Bridgeforth expressed his support of the Planning Commission's recommendation to leave all the properties on Randolph Avenue which were currently zoned as residential R-1 on Randolph Avenue as is and urged Council to approve the Commission's recommendation.

Dianne Davis, Cape Charles resident and member of the Cape Charles Memorial Library Board

Ms. Davis addressed the Council regarding the Cape Charles Memorial Library and their recent activities as part of Festive Fridays. (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. October 5 and 8, 2022 Town Council Town Hall Meetings
- ii. October 6, 2022 Public Forum re: Draft Comprehensive Plan
- iii. October 20, 2022 Town Council Public Hearing & Regular Meeting
- iv. October 27, 2022 Town Council & Planning Commission Joint Work Session
- v. November 9, 2022 Town Council & Planning Commission Joint Work Session
- vi. November 10, 2022 Town Council Public Hearing & Special Meeting
- vii. November 28, 2022 Town Council Work Session
- viii. November 30, 2022 Town Council Executive Session
- ix. December 1, 2022 Town Council Executive Session
- x. December 6, 2022 Planning Commission & Town Council Joint Public Hearing

C. Approval of September 30, 2022 and October 31, 2022 Financial Reports

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, 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. *Zoning Text Amendment Request for Bay Crossing – Resolution of Intent:*

Planner/Zoning Administrator Katie Nunez stated that she and John Hozey had been working with Mr. Lance Marine since early spring 2022 regarding the potential workforce housing development. Ms. Nunez continued as follows: i) In reviewing the requirements of the current zoning district (Residential R-3) it was recognized that it had limitations that did not fully support the type of project Mr. Marine was envisioning. In reviewing the PUD Ordinance template in the Cape Charles Zoning Ordinance, it was felt that this would be the best vehicle for the type of

project being proposed. Mr. Marine was in agreement that this would provide the flexibility relative to density, house unit size and some other development requirements; ii) The PUD template required two identified uses, that was why Mr. Marine came forward with the second use of an EV charging station. Additional commercial uses could be considered in the future; iii) There was also a requirement of a minimum of 5 acres. This lot had 11 acres in total, but Mr. Marine was not ready to commit the entire parcel at this time. Any future development of the remainder of the parcel would be brought to the Planning Commission and Town Council as conditional use permit applications; iv) Mr. Marine was not ready to provide a conceptual plan, which was another requirement of the PUD Ordinance template, but it was felt that the presentation provided earlier this evening was a good compromise to get things moving forward; v) The Planning Commission's housing subcommittee would be reviewing the minimum square footage requirements; vi) If Council were to vote to adopt the Resolution of Intent, the Planning Commission would be able to hold a public hearing at their January 3rd meeting and discuss the PUD Ordinance and other requirements with Mr. Marine. The Commission had 120 days to review and provide their recommendation to the Town Council. This would be one instance where the Planning Commission and Town Council would hold separate public hearings, which would provide the public ample time to speak on the project as well; vii) The Owner Affidavit for Permission to Represent was received today from General Builders, LLC since they were still the owner of the property.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution of Intent 20221215A Zoning Ordinance Text Amendment and Map Amendment.

Mayor Dize read the complete text of Resolution of Intent 20221215A.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

B. *Adoption of Comprehensive Plan:*

John Hozey stated that everyone worked hard on this, and he felt that we have a good product.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20221215B Adoption of the Town of Cape Charles Comprehensive Plan Update.

There was some discussion regarding the mixed-use designations from Mason to Randolph Avenues. i) Councilman Grossman stated that he had made the recommendation that the corner lots facing Randolph Avenue remain as residential, and all existing residences on Randolph Avenue should remain as residential and not proposed as future mixed-use; ii) Katie Nunez stated that the map had been updated and all the residential parcels would remain as residential. The only changes were the two lots where the Town Council had approved commercial – the lot on the corner of Strawberry Street and the mid-block lot for the Hotel Cape Charles; iii) Katie Nunez had also been working on a GIS Platform, which would be available online, where anyone could look at the zoning layers and future land use map.

Mayor Dize moved for adoption of Resolution 20221215B as noticed and forewent reading of the Resolution.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

C. *Adoption of the Historic District Design Guidelines:*

Mayor Dize stated that the Guidelines had been reviewed in detail during previous work sessions.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20221215C Adoption of the Town of Cape Charles Historic District Design Guidelines.

Mayor Dize moved for adoption of Resolution 20221215C as noticed and forewent reading of the Resolution.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

Mayor Dize stated that the items under 8D had been reviewed and discussed in detail in previous work sessions.

Katie Nunez added that the public hearings for all items were held as required on December 6th and no comments were received.

D. Zoning Ordinance Amendments:

i. Reaffirmation of Historic District Overlay Map & Zoning Text Amendment to § 8.3:

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Ordinance 20221215A Reaffirming the Historic District Overlay Map and Amending Cape Charles Zoning Ordinance Section 8.3-Inventory of Landmarks and Contributing Properties Established.

Mayor Dize moved for adoption of Ordinance 20221215A as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

ii. Zoning Text Amendment - § 3.2-District Regulations - Single Family Residential District R-1

Katie Nunez explained the reasoning behind the deletion of vinyl siding from these sections was to eliminate the conflict between the Zoning Ordinance and the Historic District Design Guidelines. Although the language related to vinyl siding was being removed from the Zoning Ordinance, there was a process in the Historic District Design Guidelines for the use of alternative materials that would be considered by the Historic District Review Board on a case-by-case basis.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to adopt Ordinance 20221215B Amending Cape Charles Zoning Ordinance Sections 3.2 (I)-District Regulations - Single Family Residential District R-1, and 3.6-District Regulations - Commercial District C-1.

Mayor Dize moved for adoption of Ordinance 20221215B as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

iii. Zoning Text Amendment - § 8.3-Inventory of Landmarks and Contributing Properties Established:

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to adopt Ordinance 20221215C Amending Cape Charles Zoning Ordinance Section 8.3-Inventory of Landmarks and Contributing Properties Established.

Mayor Dize moved for adoption of Ordinance 20221215C as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

iv. *Zoning Text Amendment - § 8.4-Application of the District; Relation to Other Zoning Districts:*

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Ordinance 20221215D Amending Cape Charles Zoning Ordinance Section 8.4-Application of the District; Relations to Other Zoning Districts.

Mayor Dize moved for adoption of Ordinance 20221215D as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

v. *Zoning Text Amendment - § 8.8-Historic District Review Board; Terms:*

John Hozey explained that currently, the only way to remove a member from any of the Town's boards was by cause. This proposed language changed it so members served at the will of the Town Council. This change would also be made for all other boards except the Planning Commission and Board of Zoning Appeals.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adopt Ordinance 20221215E Amending Cape Charles Zoning Ordinance Section 8.8-Historic District Review Board; Terms.

Mayor Dize moved for adoption of Ordinance 20221215E as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

vi. *Zoning Text Amendment - § 8.14-Historic District Review Board; Powers and Duties:*

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to adopt Ordinance 20221215F Amending Cape Charles Zoning Ordinance Section 8.14 (E)-Historic District Review Board; Powers and Duties.

Mayor Dize moved for adoption of Ordinance 20221215F as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

vii. *Zoning Text Amendment - § 8.20-Design Guidelines; Recommendations for Review:*

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to adopt Ordinance 20221215G Amending Cape Charles Zoning Ordinance Section 8.20-Design Guidelines; Recommendations for Review.

Mayor Dize moved for adoption of Ordinance 20221215G as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

viii. *Zoning Text Amendment - § 8.20 (A)-Design Guidelines; Recommendations for Review:*

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Ordinance 20221215H Amending Cape Charles Zoning Ordinance Section 8.20 (A)-Design Guidelines; Recommendations for Review.

Mayor Dize moved for adoption of Ordinance 20221215H as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

ix. *Zoning Text Amendment - § 8.25 (A)-Receipt of Application:*

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to adopt Ordinance 20221215I Amending Cape Charles Zoning Ordinance Section 8.25 (A)-Receipt of Application.

Mayor Dize moved for adoption of Ordinance 20221215I as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

x. *Zoning Text Amendment - § 8.29-Expiration of Certificates of Appropriateness:*

Councilman Follmer noted that the proposed changes showed the majority of the times in the section to be changed from twelve months to six months with the exception of the first line.

Katie Nunez stated that was an oversight and should also be changed to six months.

Motion made by Councilman Follmer, seconded by Councilman Buchholz, to correct the timeframe in the first line of Section 8.29 to show six months. The motion was approved by unanimous vote.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to adopt Ordinance 20221215J Amendment to Cape Charles Zoning Ordinance Section 8.29-Expirations of Certificates of Appropriateness.

Mayor Dize moved for adoption of Ordinance 20221215J as noticed and forewent reading of the Ordinance.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

E. *Fiscal Year 2023 Budget Amendment:*

John Hozey stated that the mid-year budget was discussed at a work session on November 28th, and there were no additional changes in the proposed budget amendment. The public hearing had been advertised as required and no comments were heard during the public hearing held earlier this evening.

Motion made by Vice Mayor Bennett, seconded by Councilman Follmer, to adopt the Fiscal Year 2023 Budget Amendment as proposed.

Councilwoman Holloway stated that Cape Charles Main Street and the Town of Cape Charles worked together to submit an application for a Northampton County Infrastructure Grant for the proposed visitors center and restroom, and she was proud to announce that the application was

approved for a grant of \$100K. With this new development, the proposed Fiscal Year 2023 Budget needed to be amended.

Motion made by Councilwoman Holloway, seconded by Vice Mayor Bennett, to reduce the appropriation from the ARPA funding by \$100K for the construction of the visitors center and restroom, and replacing it with \$100K of grant revenue from the Northampton County Infrastructure Grant. The motion was approved by unanimous vote.

Vice Mayor Bennett amended his original motion, which was seconded by Councilman Grossman, to adopt the Fiscal Year 2023 Budget Amendment as amended. The motion was approved by unanimous vote.

F. Board of Zoning Appeals Member Reappointment:

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to reappoint Mr. Pete Baumann to the Board of Zoning Appeals for another term. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) He informed Council that the 2022 Community Survey would be launched next week. Hard copies would be mailed with the utility bills, and it would be available electronically in Survey Monkey. A Special Gazette would go out next week with the link to the survey, and the link would also be on Facebook; ii) When the Comprehensive Asset Purchase Agreement for the water and wastewater plants were approved, majority of the schedules were incomplete. Most of the schedules were now complete and he had forwarded them to the Mayor and Council via email. Libby Hume worked to compile all the documents and uploaded them to the website for public review; iii) He gave a big shout out to the Finance Department for the incredible work done to finally get the tax billing completed today. The bills would be mailed tomorrow with a January 3, 2023 postmark deadline. It was a ridiculous amount of work, and he hoped that the County would work on addressing the issues in the future. He thanked Deborah Pocock and her staff. Deborah Pocock interjected stating that she had changed the deadline to January 5th to allow three weeks for payment. She reminded everyone that if they wanted to claim the taxes as a deduction on their 2022 Federal income tax return, the payment must be postmarked by December 31, 2022.

MAYOR AND COUNCIL COMMENTS

Councilman O'Brien commented as follows: i) Staff, the Planning Commissioners and Council had gone through a lot regarding zoning, and she felt that the amendments would help make things easier for the citizens and everyone involved; ii) She was happy to see that the Comprehensive Plan update was able to be completed this year; iii) This was her last Council meeting. She would be enjoying the fun from the other side of the dais in the future.

Councilman Grossman commented as follows: i) He expressed his appreciation to Pete Baumann for his continued service on the Board of Zoning Appeals; ii) He expressed his appreciation to Mayor Dize and Councilwoman O'Brien for what they had brought to the table during their tenure; iii) He commended Libby Hume on the 90 pages of minutes included on this agenda and admitted that he had not read every word; iv) He commended Katie Nunez and Tracy Outten for their work on the Comprehensive Plan and Historic District Design Guidelines, along with Article VIII of the Zoning Ordinance. Staff, along with the Historic District Review Board and Planning Commission, had been working on these documents for four or five years and he was glad that they were finally completed.

Councilman Follmer gave a huge shout out to Cape Charles Main Street and the organizers of Festive Fridays. He was overwhelmed with the positive feedback received. Festive Fridays continued to get better each year which was reflected in the increased business. Getting the sponsors for the lights, and with the addition of the street closure, everyone who attended enjoyed themselves. After the last couple of years, we all needed this event.

Vice Mayor Bennett commented as follows: i) He had been on Council for quite a while and had never received a 544-page Council packet. The work being produced by staff was incredible; ii) Since this was their last meeting, he wanted to take this opportunity to thank Councilwoman O'Brien and Mayor Dize for all that they had contributed to this Council and therefore to the Town. Councilwoman O'Brien had only been on Council for a relatively short time, had made a definite and positive impact and he had enjoyed serving with her. Her comments were always well thought out and equally well articulated. He hoped to see her name on a future ballot. Mayor Dize had done an amazing job with a host of unusual and difficult situations during his four years in office. The challenges he had faced and the solutions to those challenges that he brought forth, he had always had the best interest of this town at the forefront of his decision-making. Vice Mayor Bennett added that he personally thought that Mayor Dize had been one of the best Mayors Cape Charles has had and he appreciated all that Mayor Dize had done while in this position. There were big shoes to fill. As Mayor Dize moved on to other challenges, he certainly wished him the best adding that he would be missed in this room for sure. Vice Mayor Bennett wished the best to both Councilwoman O'Brien and Mayor Dize.

Councilwoman Holloway commented about Festive Fridays stating that it took a true team. From the Town, they had the assistance of Chief Pruitt and his officers, and the Public Works crew. Everyone worked together to make Festive Fridays happen and the results were incredible. From Cape Charles Main Street, Tara Ashworth, Julie Crouse and Hilary Mason were the true coordinators. As volunteers, they typically did not receive any recognition and did not let any negativity pull them down. It was rewarding to see so many people in the shops, on the streets and in the restaurants each week. She also gave special thanks to Julie Pruitt for all her assistance with Festive Fridays, The Cookie Trail, Lighted Golf Cart Parade, and Grand Illumination.

Councilman Buchholz commented as follows: i) To Councilwoman O'Brien and Mayor Dize, he stated that it was a great honor to serve with them both; ii) He gave a shout out to Cape Charles Main Street for the picture perfect post card of the Christmas holiday; iii) The Town staff really killed the low-lying fruit and the amount of effort and volume of work done, keeping the priorities in mind, regarding the Comprehensive Plan, the tax dilemma, the new potential workforce housing, etc. There was a lot going on and another nine projects to complete before work could be done on the newer priorities. He gave a shout out to John Hozey and staff, adding that he hoped John Hozey would stick around.

Mayor Dize commented as follows: i) He was truly humbled that the citizens of Cape Charles had trusted him and elected him as Mayor. It had been an experience of a lifetime. He sat up at the dais and was able to see the Town in a different perspective. He had worked for the Town for 13 or 14 years but sitting up here was different. He has had the pleasure of working with the smartest people here - Chris Bannon who had been here since the beginning of time and served the Town well, Cela Burge who was now a judge, and the six individuals sitting at the dais tonight; ii) He named Councilman Buchholz as best dressed, Councilman Follmer for his punctuality, Councilwoman Holloway for being a bull in a China shop when she had something on her mind. He stated that he chose Steve Bennett as vice mayor since they had worked together when he was the harbormaster and Vice Mayor Bennett was on the Harbor Area Review Board. Vice Mayor Bennett was smart, well-read, and well respected. He appreciated Vice Mayor Bennett being by his side throughout his term. There were a lot of good people around him to advise him. Councilman Grossman - He asked him to step in as planner while the position was vacant; iii) He was very proud of all that had been accomplished. He went on to state that if we did not have the proper staff in the proper places, things could not move forward. He paid tribute to the appointed officers of the Town - Libby Hume, Jim Pruitt, Deborah Pocock and John Hozey; iv) His greatest accomplishment was hiring John Hozey. He remembered when he spoke to Governor Walker on the phone, he was told that some people talked about doing things and some people were doers - John Hozey was a doer. He hoped John Hozey never stopped doing for the Town; iv) He stepped off the dais and thanked Ken Butta and Adam Charney

for their willingness to serve the Town; v) He concluded by stating that if anyone ever saw his name on any ballot in the future, he hoped they would vote for him.

Mayor Dize read the announcements, adding the Dropping of the Crab Pot on December 31st.

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

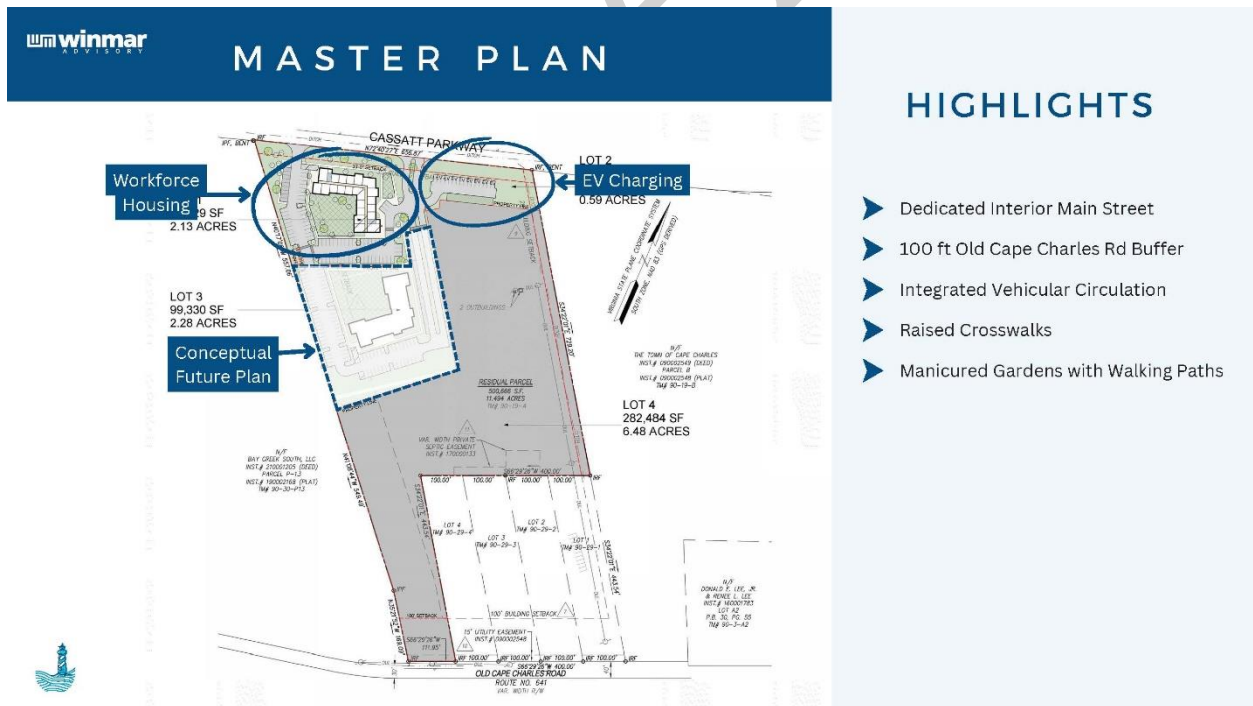
The Public Hearing & Regular Meeting adjourned at 7:56 p.m.

Mayor Dize

Town Clerk

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

Bay Crossing Work Force Housing Presentation – Lance Marine



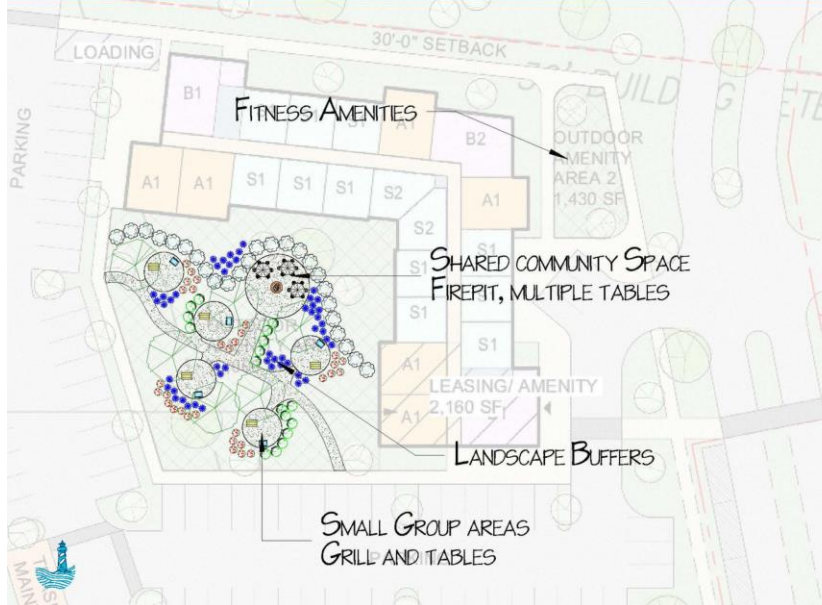
CONCEPT DESIGN



HIGHLIGHTS

- ▶ Dedicated Interior Main Street
- ▶ 100 ft Old Cape Charles Rd Buffer
- ▶ Integrated Vehicular Circulation
- ▶ Raised Crosswalks
- ▶ Manicured Gardens with Walking Paths
- ▶ 63 Units
 - 62% Studios (360 SF)
 - 27% 1 Bedrooms (520 SF)
 - 11% 2 Bedrooms (700 SF)
- ▶ 1.25 Parking Spaces per Bedroom
- ▶ 2.13 Acres
- ▶ 12% Amenity Space
- ▶ 37% FAR

LANDSCAPE PLAN

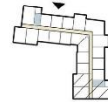


HIGHLIGHTS

- ▶ Dedicated Interior Main Street
- ▶ 100 ft Old Cape Charles Rd Buffer
- ▶ Integrated Vehicular Circulation
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 - 11% 2 Bedrooms (700 SF)
- ▶ 1.25 Parking Spaces per Bedroom
- ▶ 2.13 Acres
- ▶ 12% Amenity Space
- ▶ 37% FAR
- ▶ Dog Park
- ▶ Courtyard
 - Fire Pits
 - Grills
 - Picnic Tables
 - Walking Paths
 - Hammocks

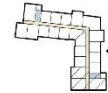
ELEVATION

NORTH FACING



ELEVATION

EAST FACING



UNIT PLAN

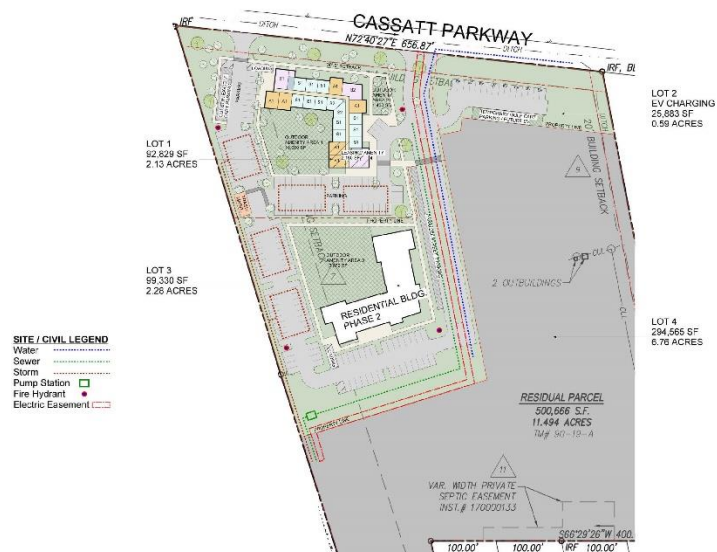


CONCEPTUAL UNIT PLAN - S1
AREA : 360 SF
SCALE : 1/4"=1'-0"



CONCEPTUAL UNIT PLAN - A1
AREA : 520 SF
SCALE : 1/4"=1'-0"

CIVIL PLAN





Dianne Davis, Cape Charles resident, and member of the Cape Charles Memorial Library Board

Good evening,

I am Dianne Davis, resident, and a member of the Cape Charles Memorial Library Board.

We would like to thank you for your support by becoming a member of the library, and special thanks to those of you who joined and received your membership cards during our celebration of Library Week. For those of you who have not joined, you still have the opportunity to do so. We welcome you.

We are proud to inform you that on December 2, Festive Friday, we had 120 visitors and the children participated in the arts and crafts that the staff and Board members assisted them with. On December 9, we had 180 visitors. Also, thanks to those of you on the Council and Town Manager for stopping by.

We are proud of the staff that we have as well as our patrons who visit us from day to day.

Have a blessed and safe Christmas.

November 2022 Treasurer's Report

Page 1 – Cash Position

- Real Property Tax Revenues are flowing in at a good rate. The due date is December 5th.

e

Page 2 – Revenue vs. Expenditures

- Because tax bills were sent out so much later than in fiscal year 2021, it appears that the General Fund Revenue is lagging. This should level out on the December report, as far as real property taxes are concerned. Personal property taxes are not due until January 5th, 2023.

Page 3 – Capital Projects

- A payment of \$6,200 was made for the Town's portion of the new section of fence. Doty & Sons Concrete was paid \$5,414 for the adult games area work.
- Several large invoices for the municipal center and trail project were paid.

Page 4 – Tax Collection Rate

- Real property tax collection is at 39% of budget.

Page 5 – Tax Revenue Trends

- The decrease in harbor dockage over last year is likely due to a change in accounting method. The end of the fiscal year will bring the two methods into alignment and will be a better gauge of performance.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
November 30, 2022

<u>Cash on Hand</u>	<u>10/31/2022</u>	<u>11/30/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$344,687	\$1,184,223	\$839,536
Atlantic Union Bank Money Market Account	\$2,975,758	\$2,856,113	-\$119,645
LGIP Account 1 - Unrestricted	\$105,342	\$105,666	\$324
LGIP Account 2 - Unrestricted	\$304,797	\$305,825	\$1,028
Total Cash On Hand	\$3,730,584	\$4,451,827	\$721,243

<u>Restricted and Reserved Cash Balances</u>	<u>10/31/2022</u>	<u>11/30/2022</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	\$9,520	\$9,810	\$290
US Bank - Reserved per VRA Interest Free Loan Requirements	\$258,820	\$258,143	-\$677
Wells Fargo 2010 Debt Service pass through account #300	\$2,931	\$2,938	\$7
Wells Fargo 2010 Debt Service pass through account #308	\$767	\$769	\$2
Atlantic Union Money Market # ARPA CRF #5847	\$1,057,863	\$884,603	-\$173,260
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$2,702,786	\$2,743,033	\$40,247
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$143,677	\$144,122	\$444
Total Cash Held in Reserve	\$4,217,959	\$4,085,013	-\$132,946
Total Cash - All Accounts	\$7,948,543	\$8,536,840	\$588,297

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	\$5,582,148
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MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

November 30, 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 FY23</u>
GENERAL Operations						
REVENUE	\$803,426	\$2,244,180	\$1,964,345	-\$279,834	\$4,030,694	48.73%
EXPENDITURES	\$234,776	\$1,200,409	\$1,520,442	\$320,033	\$4,030,694	37.72%
NET	\$568,650	\$1,043,770	\$443,904	(\$599,867)	\$0	
GENERAL Capital						
REVENUE	\$6,105	\$38,461	\$44,463	\$6,002	\$1,950,314	2.28%
EXPENDITURES	\$6,200	\$5,111	\$162,569	\$157,458	\$1,950,314	8.34%
NET	(\$95)	\$33,350	(\$118,106)	(\$151,457)	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$104,166	\$104,498	\$332	\$249,571	41.87%
EXPENDITURES	\$0	\$104,166	\$104,498	\$332	\$249,571	41.87%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$0	\$127,161	\$567,270	\$440,109	\$919,350	61.70%
EXPENDITURES	\$3,000	\$232,623	\$61,460	-\$171,163	\$919,350	6.69%
NET	(\$3,000)	(\$105,461)	\$505,810	\$611,272	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

November 30, 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 FY23</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$171,023	\$647,984	\$974,092	\$326,108	\$2,137,020	45.58%
EXPENDITURES - Operating	\$210,207	\$276,340	\$804,934	\$528,595	\$1,120,101	71.86%
NET	(\$39,184)	\$371,645	\$169,158	(\$202,487)	\$1,016,919	
REVENUE - CAPITAL GRANTS, LOANS	\$0	\$163,100	\$0	-\$163,100	\$0	#DIV/0!
REVENUE - FACILITY FEES	\$13,200	\$220,352	\$138,600	-\$81,752	\$466,400	29.72%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$13,200	\$383,453	\$300,125	-\$83,328	\$1,016,919	29.51%
TOWN CONTRIB. & PENDING GRANTS	\$0	\$0	(\$161,525)	(\$161,525)	(\$1,016,919)	
HARBOR						
REVENUE - Operating	\$35,315	\$420,095	\$537,854	\$117,759	\$1,007,545	53.38%
EXPENDITURES - Operating	\$40,783	\$332,263	\$453,865	\$121,601	\$957,438	47.40%
NET	(\$5,469)	\$87,832	\$83,990	(\$3,842)	\$50,107	
REVENUE - GRANTS & LOANS	\$0	\$30,754	\$0	-\$30,754	\$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	\$30,754	\$0	(\$30,754)	(\$50,107)	
SANITATION						
REVENUE	\$23,277	\$102,655	\$116,915	\$14,260	\$442,253	26.44%
EXPENDITURES	\$22,022	\$91,348	\$104,008	\$12,660	\$442,253	23.52%
NET	\$1,255	\$11,308	\$12,907	\$1,600	\$0	

FY 2023 Capital Improvement Project Tracking Report

As of:
11/30/2022

	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	<u>Pending</u>	1%	\$ 929,922	\$ 12,070	\$ -	\$ -	\$ -	12,070	\$ 917,852
Municipal Space Replacement Planning (ARPA)	<u>In process</u>	16%	\$ 550,000	\$ -	\$ 89,657	\$ -	\$ -	89,657	\$ 460,344
Library Upgrade & Condo-ization	<u>Pending</u>	0%	\$ 34,000	\$ -	\$ -	\$ -	\$ -	-	\$ 34,000
Mason Avenue Parking Lot Improvement	<u>Pending</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	-	\$ 20,000
Mason Avenue Restroom	<u>Pending</u>	0%	\$ 110,000	\$ -	\$ -	\$ -	\$ -	-	\$ 110,000
South Beach Restroom Renovation	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	-	\$ 40,000
Gator for Public Works Staff	<u>Pending</u>	0%	\$ 26,500	\$ -	\$ -	\$ -	\$ -	-	\$ 26,500
Grounds Maintenance Equipment for PW	<u>In process</u>	73%	\$ 33,270	\$ 24,228	\$ -	\$ -	\$ -	24,228	\$ 9,042
Central Park Game Area for Adults (CCP)	<u>Pending</u>	40%	\$ 29,000	\$ -	\$ 11,614	\$ -	\$ -	11,614	\$ 17,386
Storage Facility (3 x conexes + roofing)	<u>Pending</u>	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	-	\$ 20,000
Capital Project Contingency		0%	\$ 75,040	\$ -	\$ -	\$ -	\$ -	-	\$ 75,040
Public Trash Can Replacements, late FY22 project	<u>completed</u>	100%	\$ 25,000	\$ 25,000	\$ -	\$ -	\$ -	25,000	\$ -
subtotal	\$ -	-	\$ 1,892,732	\$ 61,298	\$ 101,271	\$ -	\$ -	162,569	\$ 1,730,163
Utility Fund -Water									
Keck Well Connection (Engineering)	<u>Pending</u>	0%	\$ 60,000	\$ -	\$ -	\$ -	\$ -	-	\$ 60,000
Utility Fund - Wastewater									
Sewer Pod Controller Upgrades Phase 2 of 5	<u>Pending</u>	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	-	\$ 14,500
subtotal	\$ -	-	\$ 74,500	\$ -	\$ -	\$ -	\$ -	-	\$ 74,500
Harbor Fund									
Fuel System-Relocate Emergency Stop Switches	<u>Pending</u>	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	-	\$ 10,000
Fuel Management System Replacement	<u>Pending</u>	0%	\$ 42,000	\$ -	\$ -	\$ -	\$ -	-	\$ 42,000
Inner Harbor King Pile & Waler Replacement Design	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	-	\$ 40,000
subtotal	\$ -	-	\$ 92,000	\$ -	\$ -	\$ -	\$ -	-	\$ 92,000
TOTAL	\$ -	-	\$ 2,059,232	\$ 61,298	\$ 101,271	\$ -	\$ -	162,569	\$ 1,896,663

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES

November 30, 2022

YTD 2022 Real Estate Tax Collections

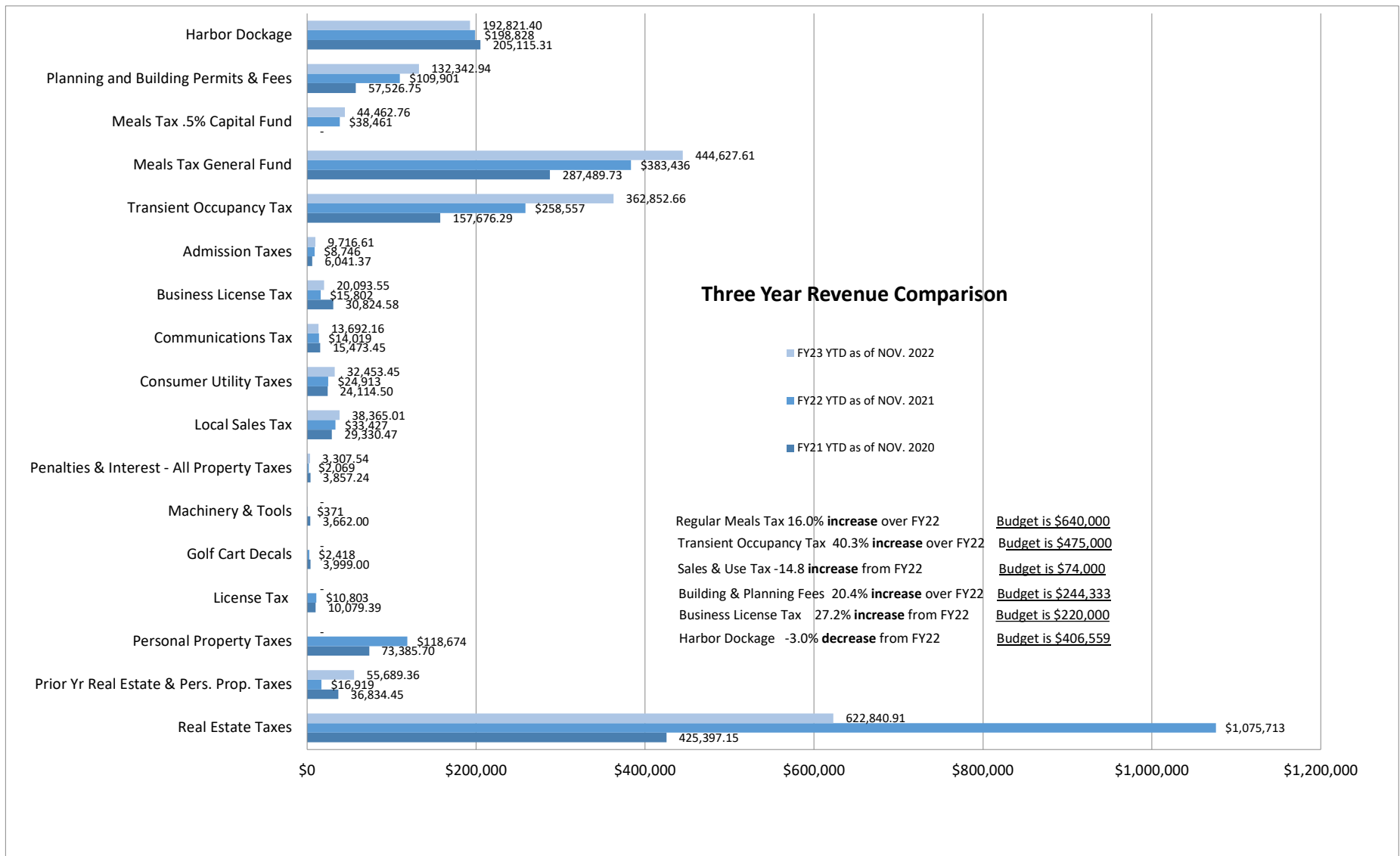
Total Taxable Land Value	302,643,900	
Total Improvement Value	447,005,000	
Exemptions	(9,455,398)	
Additional Assessments (SCC Utility)	4,074,010	
Total Real Estate Value (taxable)	744,267,512	
 Total Budgeted	 1,569,242	
Total Tax Billed	1,606,830	
Total Adjustments	(27,627)	
Total Collected YTD (percent of billed)	<u>622,841</u>	39%
Amount Due per Accounts Receivable	956,362	

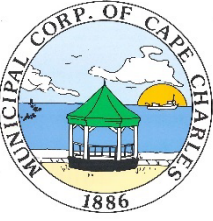
**YTD 2022 Personal Property Tax, Machinery and Tools Tax
& 2022 License Tax Collections**

Total Personal Property Value		
2022 Initial Assesement Exonerations & Proration		
Personal Property Value, billed		
 2022 Supplemental Assessments	 -	
2022 Supplemental PPTRA & Exonerations	-	
Personal Property Value, billed	-	
Total Value for 2022 supplemental	-	
 Total Budgeted	 153,000	
Total Tax Billed less PPTRA	-	
2021 Supplemental Tax Billing	-	
Total Adjustments & Additional Exonerations	-	
Total Collected YTD (percent of billed)	<u>-</u>	#DIV/0!
Amount Due per Accounts Receivable	-	

YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections

Total Budgeted	76,462	
Total Collected (percent of budget)	<u>58,997</u>	77%
Amount Due Per Budget	17,465	



 TOWN OF	AGENDA TITLE: Election of Vice Mayor		AGENDA DATE: January 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Election of Vice-Mayor		ITEM NUMBER: 9A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Section 3.6 of the Town Charter states that:

“The Town Council shall elect from its members, by a majority of the members present, a vice mayor. During the absence or inability of the mayor to act, the vice mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice mayor may vote as a member of the town council.”

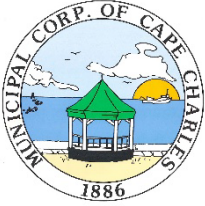
DISCUSSION:

Each election year, a new vice mayor has been elected at the first regular or special meeting with the new Council.

In July 2020, Councilman Bennett was elected vice mayor for a two-year term.

RECOMMENDATION:

Staff recommends discussion and election of a vice mayor to serve from January 2023 through December 2024.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Public Hearing & Discussion on Bay Crossing PUD Zoning Text Amendment 2023-01 & Zoning Map Amendment 2023-01		AGENDA DATE January 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Bay Crossing PUD Zoning Text Amendment 2023-01 & Zoning Map Amendment 2023-01		ITEM NUMBER: 9B & 9C
	ATTACHMENTS: ZTA Application and ZMA Application		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

At your December 15, 2022 meeting, Town Council was apprised that Zoning Text Amendment 2023-01 and Zoning Map Amendment 2023-01 applications were received from Lot 4 Holdings, LLC c/o Winmar Advisory (contact, Lance Marine) and received a conceptual presentation from the applicant regarding a Workforce Housing Project called Bay Crossing PUD and agreed to forward the applications to the Planning Commission to commence the public hearing process.

The property he is interested in locating this project on is just over 11.76 acres located between Old Cape Charles Road and Cassatt Parkway, more specifically identified as Tax Map 90-19-A. This property is currently zoned Residential-3.



At the time of submission of his application, the property was still owned by General Builders, LLC who did sign an Owner Affidavit statement acknowledging knowledge and approval for the submission of the application to the Town by Lot 4 Holdings, LLC. However, as of January 9, 2023, Lot 4 Holdings has purchased this property.

The applicant is seeking to create a Planned Unit Development Zoning District called Bay Crossing PUD with specific deviations proposed from the Residential-3 Zoning District to allow for smaller square footage multi-family unit residential development more specifically targeting work force housing.

Enclosed is the full proposed zoning text amendment called Bay Crossing Planned Unit Development (PUD). I have also enclosed a chart that shows the zoning ordinance for the Residential-3 and listing the full proposed

zoning text amendment for the Bay Crossing PUD since the applicant has indicated that he used the R-4 Ordinance as the basis for the development of his proposal. Also, I have provided a full listing of the Conditional Use Permit uses that could be sought on this property since the proposed PUD indicates that this listing is being pulled from several zoning districts.

ANAYLSIS

Impacts to Adjacent Property

This property is current farmland and zoning R-3. To the east is a Town-owned lot of approximately 17.65 acres which is primarily undeveloped with the exception of hosting a component of the town well system on a portion of the adjacent property. To the south is 4 one-acre lots with the intention of building a 4-unit apartment building on each lot with one unit currently completed. To the west is a 27.36-acre parcel under conservation easement. To the north a new road (Cassatt Parkway) was constructed in 2016-2017 that runs alongside this property

The classification of this land to a high-density, multi-family housing development with a specific focus on workforce housing type is appropriate since the area is underdeveloped with excellent road access and the parcel is large enough to encourage a “traditional” development pattern with its own primary main road onto and throughout the property. In addition, the location is adjacent to the Town’s well/water system and adjacent to expansion of the sewer system in a reasonably costly manner. This location also provides ready access to the main road into the Town and is located 1.5 miles from getting of the Town limits and out to the main area of the County where a commercial grocery establishment is located.

Mr. Marine has submitted a conceptual plan for the site to show at least two uses occurring on the property as required by our PUD Template Ordinance, which is enclosed for your consideration as follows: the conceptual site plan for 5 acres (the minimum required for a PUD) and the remaining acreage 6.76 shown as the residual lot.

ITEM SPECIFICS:

You will see on the site plan, certain notations within the building layout - they equate to the following:

S1 = Micro/Studio – size of approximately 360 sq. ft

S2 – Micro Studio – size of approximately 365 sq. ft.

A1 = 1 bedroom/1 Bath Unit of approximately 520 sq. ft.

B1 = 2 bedroom/2 bath unit of approximately 700 sq. ft.

B2 = 2 bedroom/2 bath unit of approximately 702 sq. ft.

PLANNING COMMISSION PUBLIC HEARING

Staff made a brief presentation of the zoning text amendment application and zoning map amendment application and then the applicant made a more detailed presentation of the matter.

Mr. Marine indicated that he had reached out to the mayor just about a year ago with the concept of this project and the vision and scope of the project has been honed after dialogue with business owners and refined based upon design work and in concert with cost consideration for all project costs. While there are some small differences in the proposed PUD to the R-3 District, the one significant text amendment that he is seeking is to build residential units under 1,000 square feet.

The proposed design includes a main road to set the tone to create a neighborhood with a median as part of that proposal and a strong flavor of pedestrian access with raised sidewalks. He is seeking increased parking above the requirements of the Town zoning ordinance. 63 Units proposed in the 1st building for workforce housing. The plan shows the concept of a possible Phase 2 which is a mirror of the 1st building area. His second use beyond the residential development is a commercial use of an Electric Charging Station. He has included a 100 ft buffer from Old Cape Charles Road and does not intend to have an access point onto the property from Old Cape Charles Road unless required by VDOT which he believes would be limited to public safety vehicles only. He is proposing several community amenities, such as firepits, grills, etc. to create a community gathering space through the outdoor space. He did not include balconies since he believes that is contrary to the

community outdoor space he is trying to create.

There was a question about what consideration has been done about high-speed internet access being brought to this property. Mr. Marine indicated that he has not focused on that utility for this property but will be exploring this. There was a question about Mr. Marine's understanding of the demand for this type of project and the take rate for these units. Mr. Marine indicated that there will need to be a marketing and educational campaign about the specifics of these units and that is why he is focused only on a Phase I build of 63 units initially. There was a question about the changing work/home model where so much of work was funneled into the home space and the need for some time of business center affiliated with the multi-family housing space. Mr. Marine indicated that there is some flexibility space within the proposed building that could meet that need.

PUBLIC COMMENTS:

Sam Jones of 530 Monroe Avenue stated that he is supportive of workforce house. He serves on the board for Eastern Shore Habitat for Humanity and sees the need for all types of housing options. He did the math based upon the range indicated in the Statement of Intent and felt that the wage range seems correct based upon the workforce on the Shore. He wanted to ensure the Town was evaluating this project proposal not just from a 63-unit consideration but rather from, if the project is highly successful, then it is possible that there could be 4 building with a total of 252 units. Also, he hopes that the Town could also ensure through the ordinance that these units be long-term for work force housing and not converted into short-term rentals at all.

There were no other public comments and the public hearing was closed by Commissioner Grossman and seconded by Commissioner McCoy.

PLANNING COMMISSION DISCUSSION

Commissioner Smith asked if the EVC station would be a revenue generating proposal and Mr. Marine confirmed that it would be.

Commissioner Grossman asked if the plan is essentially the concept that may have some minor tweaks as it progresses and Mr. Marine confirmed. Commissioner Grossman asked for Mr. Marine's position for these units being used for short-term rental or subletting. Mr. Marine stated that short-term rental is totally misaligned with his vision for this project.

Commissioner Grossman asked how Mr. Marine is interpreting how the 30% component contained in the Statement of Intent is being applicable to the project. Mr. Marine stated that he believes the 30% component would be far in excess of the rent he would be charging. Commissioner Grossman then asked staff how this can be included since there is no space in zoning for oversight of rent or income based housing. Ms. Nunez indicated that she provided the information to put the Statement of Intent into some numerical context for the public and it shows the range from the top to the bottom .

Mr. Marine indicated that there would be no private sector debt on this project and he is in discussion with Virginia Housing for financing and there are several models that could be applicable and will have to adhere to their requirements. For example, one program states that 60% of the units would have to be at 80% of AMI. He would seek to maximum his offerings and finance options since he does not intend any of his units to be "luxury" units. The other factor that is not viable for this project is that the unit size must be less than 1,000 square feet.

Based upon that information from Mr. Marine, then Commissioner Grossman feels there is a disconnect in the Statement of Intent specific to the inclusion of the following sentence: "The targeted workforce housing segment income range is 80% to 150% of the Area Median Income (\$55,104 for Cape Charles) and no greater than 30% of income to be spent for housing costs (rents and utilities)".

Mr. Marine indicated that he believes the 80% re: income level should be removed based upon feedback he has received and believes that it was provided to illustrate for people what type of housing was intended and he believes that this seems to lean closer to a pro-forma statement vs. a zoning ordinance and the actual request

which is only to remove the minimum 1,000 square foot housing unit requirement.

Commissioner Grossman believes that the Planning Commission may be overstepping its bounds with imposing what he would call “rent control”. He does not believe state code provides that authority to the Planning Commission and he does not think the applicant is willing to live with this condition being imposed upon him, whether it is the range of the AMI or the 30% of income being spent on housing costs (Rent and Utilities).

Ms. Nunez stated that the Planning Commission did not impose this upon Mr. Marine but rather this zoning text amendment was proposed by the applicant, including the Statement of Intent, and the Planning Commission is reviewing and commenting on whether the text amendment is ok as presented.

Mr. Marine indicated that based upon the conversations at this point then he does think the AMI reference, specifically the 80% reference, should be omitted and the 30% of income spent on housing costs (rent and utilities) should also be omitted, especially since this is not a public/private partnership and there is no funding from the County or the Town for this project. He stated that the term of workforce housing is a made-up term and that stuff was included to be illustrative of what he would consider the workforce population that this type of development would serve.

Commissioner Stramm indicated that the Town does not have a definition of workforce housing and the housing sub-committee is working on that issue.

Commissioner Grossman asked what is the “SC-District” since the ordinance stated that this PUD would be allowed any use which is also allowed in the SC District. Ms. Nunez indicated that the SC District is the Specialty Commercial District of the Accawmacke Plantation Planned Unit Development Ordinance and she has already informed Mr. Marine that this would be proposed for removal of this reference from Article 3 of the Cape Charles Zoning Ordinance when the Accawmacke Plantation PUD is advanced this year for amendment before the Town.

Commissioner Grossman asked for clarification regarding Item 6B and Ms. Nunez stated that the use of the word “Chapter” means the entire Zoning Ordinance.

Ms. Nunez asked the Planning Commission to take note of the Resolution of Intent from Town Council since it includes the reference to the various evaluations staff conducted of these applications against our policy documents.

REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

The Cape Charles Comprehensive Plan, within its Housing Chapter (page 35), has stated as the primary intent is to “pursue land use, zoning and housing policies to meet and maintain the housing needs of all Cape Charles residents and support a strong local workforce, while preserving local character”.

The Plan has identified the lack of affordable housing as a key factor contributing to a worker shortage both in the Town as well as in Northampton County (page 44) and the Town has adopted as one of its goals and objectives in the Comprehensive Plan to “Encourage development of affordable workforce housing” (page 45).

REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

The Cape Charles Zoning Ordinance allows for the creation and consideration of a Planned Unit Development (PUD) and specifically includes a statement of intent in Section 3.12 which states:

“The intent of this district is to promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional zoning regulations. It is further intended to promote more efficient use of land while encouraging variety and convenience for the overall development and the development of recreational areas and open spaces within the project.”

The proposed Bay Crossing PUD is presuming the basis of a R-3 Zoning District concept but within the confines and requirements of the PUD Template. The R-3 Zoning District has a statement of intent which states that:

“to provide for relatively high density, multi-family residential development. This district is designed to promote and encourage a suitable environment for family life and to restrict activities of a commercial nature to those which serve the needs of the surrounding residential neighborhood.”

PLANNING COMMISSION RECOMMENDATION:

1. ***Commissioner Grossman motioned to recommend to Town Council to approve Zoning Text Amendment (ZTA) 2023-01 with the following amendments to the text ordinance:***

*Under Section 1, Item 1 “Statement of Intent”, second sentence, delete the sentence (~~The targeted workforce housing segment income range is 80% to 150% of the Area Median Income (\$55,104 for Cape Charles) and no greater than 30% of income to be spent for housing costs (rent and utilities)~~) and replace with the following: “**The targeted housing market is the workforce housing segment.**”*

*Under Section 1, Item 4: add to end of sentence – **Minimum of 5 Acres for PUD District**”.*

The motion was seconded by Commissioner McCoy and the motion was unanimously approved.

2. ***Commissioner Grossman motioned to recommend to Town Council to approve Zoning Map Amendment (ZMA) 2023-01 to rezone Tax Map #90-19-A from R-3 to new zoning district called Bay Crossing PUD and was seconded by Commissioner Holloway. The motion was unanimously approved.***

STAFF COMMENT:

Following the Planning Commission meeting, Town Manager John Hozey and I had a phone call with Lance Marine to discuss the recommendation from the Planning Commission and what is the next step in this process, specifically the mechanics of the Town Council public hearing meeting on January 19, 2023. After we explained the process, there was discussion about the removal of the definition of workforce housing from the proposed ordinance and that the developer and the Town need to come to a mutual agreement as to a definition of workforce house and Mr. Marine indicated that he may be able to support the inclusion of this phrase “income-restricted” workforce housing within the Statement of Intent in Section 1, Item 1.

TOWN COUNCIL:

Town Council is requested to hold the public hearing on Zoning Text Amendment 2023-01 and Zoning Map Amendment 2023-01 and to consider the Planning Commission Recommendation on both items and to allow staff to provide its perspective on the amendments recommended by the Planning Commission and to listen to any public comments received through the public hearing. Staff is prepared to assist with the development of a proposed motion for both items.

Attachments:

Attachment 1 – ZTA Packet

Attachment 2 – ZMA Packet

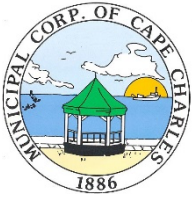
Attachment 3 – ~~Owner Affidavit Form completed by Angelo Manuel of General Builders, LLC~~ Deed of Sale

Attachment 3 – Town Council Resolution #20221215A

Attachment 4 - Bay Crossing Concept Plan (6 Slides)

Attachment 5 – KHN List of Uses

Attachment 6 – KHN Comparison Chart of Residential-3 vs. Bay Crossing PUD Zoning Text



Zoning Text Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24

planningtech@capecharles.org

Revised 12/2022

Taxes

Violations

Fee

Decision

PART 1. APPLICATION NOTES

1. A pre-application conference with Planning staff is strongly recommended prior to submission of a zoning text amendment.
2. The Zoning Text Amendment application process typically takes about four (4) months.
3. A Zoning Text Application may be submitted by any Cape Charles property owner. It may only be advanced to either the Planning Commission or the Town Council for a public hearing following staff consultation with the Town Manager.
4. Either the Planning Commission or Town Council may submit an application for a zoning text amendment with the Town Manager, Zoning Administrator or Planning Director representing the application on behalf of the Town.
5. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204
6. The applicant will be required to make a presentation to fully explain the request and demonstrate its need. The presentation should show how the proposed change supports and maintains compliance with the goals and objectives of the Comprehensive Plan.
7. The final decision will be made by Town Council, which approves zoning text amendments at their legislative discretion.

PART 2: APPLICANT INFORMATION

Applicant Name: Lot 4 Holdings, LLC c/o Winmar Advisory

Cape Charles Address: N/A - Tax Map #: 90-19-A

Mailing Address: 2100 Reston Parkway, Suite 104, Reston, VA 20191

Email address: lance@winmaradvisory.com

Phone: 703.622.8156

If the applicant has property owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

Lance LJ Marine (same as above)

PART 3: Description of Request

Answer all questions in this section. Attach additional sheets as needed.

Submission Date:

Zoning Ordinance Sections Proposed to be Amended (Sec. # and Title):

Existing Text:

R3

Proposed Text:

Bay Crossing PUD (see attached)

PART 4: Written Narrative – Provide on a separate sheet(s)

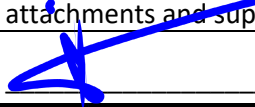
Provide a written narrative that, at a minimum, covers the following information:

- A) Relevant code section(s) to be amended and proposed changes to the Zoning Ordinance.
- B) Whether and the extent to which the proposed amendment is consistent with the comprehensive plan and any other applicable and adopted long range planning documents. Cite the document and page.
- C) Whether the proposed amendment is in conflict with any provision of the Zoning Ordinance and any other regulations contained in the City Code or other applicable regulations.
- D) Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- E) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.
- F) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, floodplains, wetlands, and the natural functioning of the environment.

Whether to amend the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment, the Town Council may consider any factor it deems applicable and consistent with the Code of Virginia, including but not limited to the Town's comprehensive plan, and the public health, safety, and general welfare.

PART 5: Applicant Certification

By signing this application below, I hereby attest to the truth and accuracy of all facts and information presented with this application and any attachments and supplemental information submitted with the application.

Applicant's signature: 

Date: 12/12/2022

PART 6: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZTA
Planning Commission	Town Council
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:



Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24

planningtech@capecharles.org

Revised 9/2022

Taxes	
Violations	
Fee	
Decision	

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: Residual Parcel, Tract A, Subdision Tract A, instrument no. 170000133

Subject Property Tax Map #: 9-10-A

Owner Information

Owner's name: General Builders LLC

Mailing address: 7707 Leafwood Drive Norfolk, VA 23518

Phone number: 757 289 9266 Email: angelo@parrproperties.com

I hereby give authority to the following representatives to act on my behalf on the following matter:

To apply for a zoning text amendement in order to obtain a zoning map amendment for a PUD district on the property

Representative Information

Name: Lot 4 Holdings, LLC Lance J. Marine

Mailing address: _____

Phone number: 703 622 8156 Email: lancejmarine@gmail.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☒ ASM to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 10/15/2022

State of Virginia, County of Nathant

The foregoing instrument was acknowledged before me this 15th day of December, 20 22, by Angelo S. Manuel (name of person acknowledged)

Signature of Notarial Officer: [Signature]

Notary Registration number: 211548

My commission expires: 11/30/2025



Town of Cape Charles

BAY CROSSING PLANNED UNIT DEVELOPMENT (“PUD”) DISTRICT

District Regulations

Section 1. BAY CROSSING PUD District

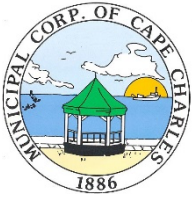
- 1) **Statement of Intent.** The intent of this PUD district is to provide for low-to-moderate density residential development designed to serve the workforce and other housing needs of the Town of Cape Charles and Northampton County. The targeted workforce housing segment income range is 80% to 150% of the Area Median Income (\$55,104 for Cape Charles) and no greater than 30% of income to be spent for housing costs (rent and utilities). Additionally, this district provides for residential and limited complimentary commercial development with substantial Town control by both the Town Council and Planning Commission thru the existing Conditional Use Permit process to ensure any proposed use and application is appropriate for the development and harmonious with the associated multi-family residential development.
- 2) **Permitted Uses.** The following uses shall be permitted by right, subject to the yard, height, coverage and density requirements contained herein: all uses permitted by-right and as accessory uses in the R-3 District and Electric Vehicle Charging Station(s). Notwithstanding the foregoing, the following items from the Zoning Ordinance shall be not applicable (i) Item #35 from the C-1 District (any use allowed in the S-C District) and (ii) Item C from the C-1 District.
- 3) **Conditional Uses.** Subject to the Conditional Use Permit application process, the following conditional uses may be allowed: all uses in the C-1, C-2 and C-3 Districts, conditional uses within the R-3 District and any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.
- 4) **LOT, YARD, HEIGHT, COVERAGE AND DENSITY REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT WITHIN THE BAY CROSSING PUD DISTRICT THE FOLLOWING STANDARDS SHALL APPLY:** Minimum of 5 acres for the PUD District
 - a) In addition to the following, townhouse projects must have minimum of one acre:
 - A. Minimum lot requirements
 - (1) lot area dwelling units (sf): N/A
 - (2) lot width (ft): 15

Town of Cape Charles
Zoning Ordinance
DRAFT BAY CROSSING PLANNED UNIT DEVELOPMENT
PUD Regulations

- B. Minimum yard requirements
 - (1) front yard (ft): 10
 - (2) side yard between principal structures (ft): 20
 - (3) side yard between end structures and side property line (ft): 10
 - (4) side yard between units: N/A
 - (5) rear yard (ft): 10
 - (6) rear yard (parking in rear yard): 10
 - C. Maximum building height (ft): 40
 - D. Building coverage: No more than 60 percent of the lot may be covered by the structures.
 - E. Maximum development: No more than twenty-five townhouse dwelling units shall be constructed or attached together in a continuous row, and no such row shall exceed 240 feet in length.
 - F. Off-street parking: Parking shall be provided on the premises. No such parking lot or garage shall be located more than 200 feet from the dwelling unit which it serves (excluding non-residential parking such as guest, golf cart or flex parking). Two (2) spaces per dwelling unit shall be required.
 - G. The definition of a townhouse is a multi-floor home that shares one or more walls with adjacent properties.
- b) In addition to the following, multi-family projects must have minimum of one acre:
- A. Minimum lot requirements lot area per building (FAR): 0.35
 - B. Minimum yard requirements
 - (1) front yard (no parking in front yard) (ft): 30
 - (2) front yard (parking in front yard) (ft): 30
 - (3) side yard between separate structures (ft): 20
 - (4) side yard between end structure and side property line (ft): 20
 - (5) rear yard (no parking in rear yard) (ft): 20
 - (6) rear yard (parking in rear yard) (ft): 35
 - C. Furthermore, no multi-family unit may be erected on a lot which has a width at the building line of less than 60 feet.
 - D. Maximum building height (ft): 40
 - E. Building coverage: No more than 60 percent of the lot may be covered by the structure.
 - F. Parking: Multi-family projects must have one space per one bedroom dwelling unit or studio, otherwise two spaces per dwelling unit.
 - G. Required open space. Open space shall be provided equivalent to ten percent (10%) percent of lot area. For the purpose of this section, the term open space shall be construed to consist of open space amenities and spacing between buildings. Open space amenities include plazas, esplanades, landscaped areas, walkways, public recreational facilities, and the like designed and maintained for use by residents, pedestrians and open to the public. Where feasible, open space shall be designed to serve as part of a coordinated pedestrian circulation system.

Town of Cape Charles
Zoning Ordinance
DRAFT BAY CROSSING PLANNED UNIT DEVELOPMENT
PUD Regulations

- H. Development in this district may contain the density requirements of one or more of the R-1, R-2, and R-3 for residential districts, and CR, C-1, C-2 and C-3, for the commercial districts to accommodate flexibility and imaginative development designs. Density shall be consistent with conditions that are applicable to the property, such as topography, the character of the surrounding property, potential health or safety hazards, traffic safety considerations, and the effects upon existing public facilities that could be alleviated by a reduction in density.
 - I. Additional Development Terms. Placement of drives and parking areas. Entrances and exits, drives or parking area may be located adjacent to any lot line.
- 5) LOT, YARD, HEIGHT REQUIREMENTS FOR COMMERCIAL DEVELOPMENT WITHIN THE BAY CROSSING PUD DISTRICT:
- a) In addition to the following, commercial projects must have minimum of 1/4 acre:
 - A. Lot width at setback line (ft): 40
 - B. Side yard (ft): 5
 - C. Rear yard (ft): 10
 - D. Front setback (ft): 25 feet from center of right of way (defined as centerline of main street roadway) or 15 percent $\pm$ of the lot depth, whichever is less
 - E. Height Regulations. Buildings may be erected up to a height of 35 feet from the adjacent ground elevation.
 - F. Notwithstanding the foregoing, any electric vehicle charging stations shall be implemented with no setback or minimum land area restrictions provided they meet with adequate landscaping and screening requirements.
 - G. Buffer yards. The following Buffer Yards shall apply, in lieu of any other setbacks, as follows. If the PUD adjoins:
 - (1) Open Space/Conservation Easement zoning from the Accawmacke Plantation PUD, there shall be no buffer yard requirement.
 - (2) Old Cape Charles Road, there shall be a 100' buffer yard requirement.
 - (3) Cassatt Parkway, there shall be a 30' setback.
 - (4) RE or R3 Zoned property, there shall be a 20' setback.
- 6) Other applicable provisions and limitations as follows:
- A. Primary Access: All development on the Parcel shall maintain primary access (and signage, if applicable) to Cassatt Parkway via the Main Street access road.
 - B. **All other provisions of the Cape Charles Zoning Ordinance shall apply to the PUD District unless stated herein. In the event there is a conflict between the PUD District and the applicable Zoning Ordinance, the PUD District terms shall apply, to the extent they are not inconsistent with the provisions of this chapter.**



Zoning Map Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24

planningtech@capecharles.org

Revised 12/2022

Taxes

Violations

Fee

\$200

Decision

PART 1. APPLICATION NOTES

1. A pre-application conference is mandatory prior to submission of an application for a zoning map amendment.
2. A zoning map amendment application should be consistent with the Comprehensive Plan and therefore, may also require a Comprehensive Plan amendment, which should be approved prior to the zoning map amendment application.
3. The Town Council may not add conditions of approval to a zoning map amendment application.
4. If proffers are being offered, the proffer statements may not be less restrictive than the requested base zoning district standards.
5. If proffers are being offered, proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent. The applicant may voluntarily offer proffered conditions as part of their application, which must be listed in a separate voluntary proffer statement using the template found on our website.

PART 2: PROPERTY INFORMATION

Property Address: N/A

Tax Map #: 90-19-A

Project name: Bay Crossing

Current Zoning District: R3

Does this application include proffers? ☒ No ☐ Yes, if so, attach separate form

Proposed Zoning District: PUD

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: Lot 4 Holdings, LLC c/o Winmar Advisory, LLC

Mailing Address: 2100 Reston Parkway, Suite 104, Reston, VA 20919

Email address: lance@winmaradvisory.com

Phone: 703.622.8156

If property is owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

Lance LJ Marine (same as above)

Zoning Map Amendment Application (also referred to as a Rezoning or Conditional Rezoning) may be submitted by a Cape Charles property owner and may be advanced to public hearing, after this application is submitted to Town Council who authorizes said applications to public hearings, first to the Planning Commission in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204.

The applicant will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan

Additionally, the Planning Commission or Town Council may prepare and apply for a zoning map amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

PART 4: Written Description of Request – Answer all questions in this section. Attach additional sheets as needed.

- A) Describe the existing conditions on the property including existing land uses and buildings as well as the land uses and zoning districts on the abutting properties.

Unimproved land abutting Conservation Easement, RE Zoning and R3 zoning

- B) Describe how existing conditions have changed, thereby making the proposed amendment needed.

Unit size and layout

- C) Describe how the proposed amendment furthers the objectives of the Comprehensive Plan.

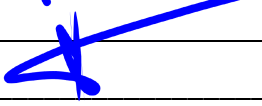
Provides workforce housing

- D) Describe why the proposed rezoning is necessary.

Economic viability for development

- E) Describe the proposed use of the rezoned property including a site plan with the proposed types of site improvements and buildings.

The intent of this PUD district is to provide for low-to-moderate density residential development designed to serve the workforce and other housing needs of the Town of Cape Charles and Northampton County. The targeted workforce housing segment income range is 80% to 150% of the Area Median Income (\$55,104 for Cape Charles) and no greater than 30% of income to be spent for housing costs (rent and utilities). Additionally, this district provides for residential and limited complimentary commercial development with substantial Town control by both the Town Council and Planning Commission thru the existing Conditional Use Permit process to ensure any proposed use and application is appropriate for the development and harmonious with the associated multi-family residential development.

Applicant's signature: 

Date: 12/12/2022

PART 5: To Be Completed by P & Z Department Staff

Date Application Received in Office:

Application #: ZMA

Planning Commission

Town Council

Date referred:

Date received from Planning Commission:

Action deadline (100 days from receipt):

Action deadline (max. 365 days from referral to PC):

Public hearing date:	Public hearing date:
Decision:	Decision:

Circuit Court Deed Calculation for NORTHAMPTON COUNTY CIRCUIT COURT

Deed Type:	DBS --> DEED BARGAIN AND SALE
Grantor Exempt:	N
Grantee Exempt:	N
Consideration Amount:	\$254,000.00
Assume/Value Amount:	\$0.00
Subsequent Recordation:	false
Locality Percent:	100 %
Pages:	4
O/P:	0
Date:	1/9/2023

This is an arms length transaction

<u>Fee</u>	<u>Amount</u>
VIRGINIA OUTDOOR FOUNDATION (035);	3.00
DEED PROCESSING FEE (036);	20.00
STATE GRANTOR TAX (038);	127.00
STATE GRANTEE TAX (039);	635.00
TECHNOLOGY TRST FND (106);	5.00
VSLF (145);	3.50
TRANSFER FEES (212);	1.00
COUNTY GRANTEE TAX (213);	211.67
COUNTY GRANTOR TAX (220);	127.00
CLERK RECORDING/INDEXING FEE (301);	14.50
Total:	\$1,147.67

*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.

THIS DEED, made this 29th day of December 2022, by and between GENERAL BUILDERS LLC, a Virginia Limited Liability Company, Grantor herein, and LOT 4 HOLDINGS, LLC, a Virginia Limited Liability Company, Grantee herein, whose address is 10000 Thompson Ridge Ct, Great Falls, VA 22066

W I T N E S S E T H:

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the said Grantor herein does hereby grant, bargain, sell, assign, transfer, and convey with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the said Grantee herein, the real property described on Exhibit A, attached to this deed and made a part of this deed.

Tax Map Number: 000901900000000A

Prepared by: Gary P. Arsenault, (bar# 17300

Return to: A & N Title & Settlement Co., LLC, 12139 Bank Avenue, Exmore, VA 23350

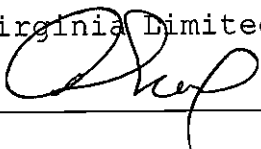
Title Insurance Underwriter: Chicago Title Insurance Company

Consideration: \$254,000.00

Assessment: \$254,600.00

The aforesaid property is conveyed unto the said Grantee expressly subject to the covenants, conditions, restrictions, and easements, if any of record, affecting said property and constituting constructive notice.

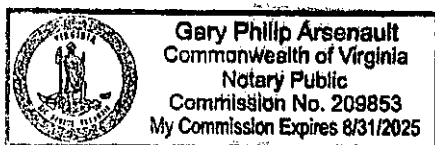
WITNESS the following signature and seal:

General Builders LLC,
a Virginia Limited Liability Company
By:  (SEAL)
Angelo S. Manuel, Member and Manager

STATE OF VIRGINIA,

CITY OF NORFOLK, to wit:

The forgoing instrument was acknowledged before me this 29th day of December 2022, by Angelo S. Manuel, Member and Manager of General Builders LLC, a Virginia limited liability company, on behalf of the company. Angelo S. Manuel is known to me.




Notary

My Commission Expires: August 31, 2025.

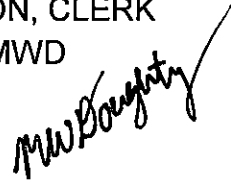
Registration Number: 209853.

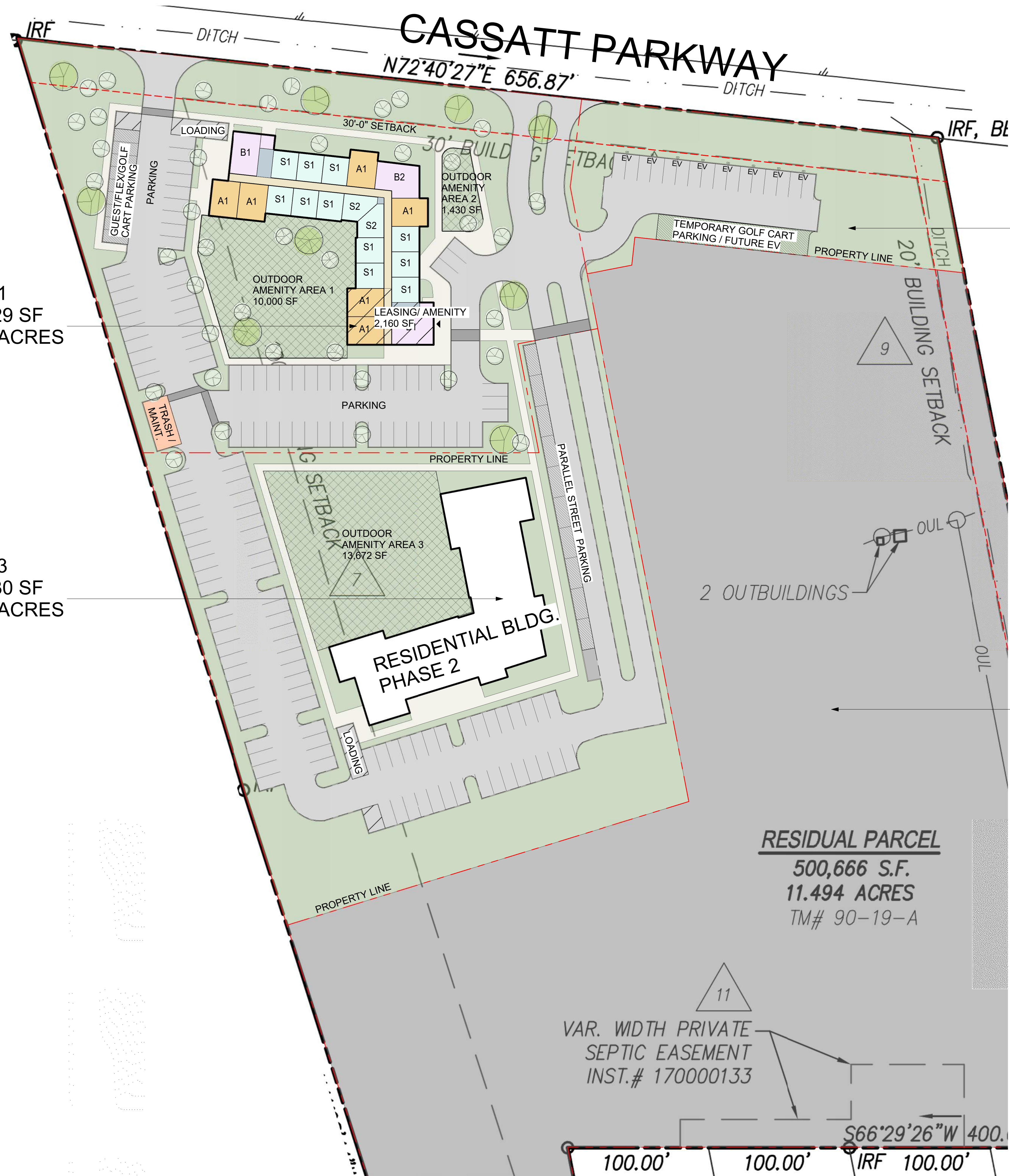
EXHIBIT A

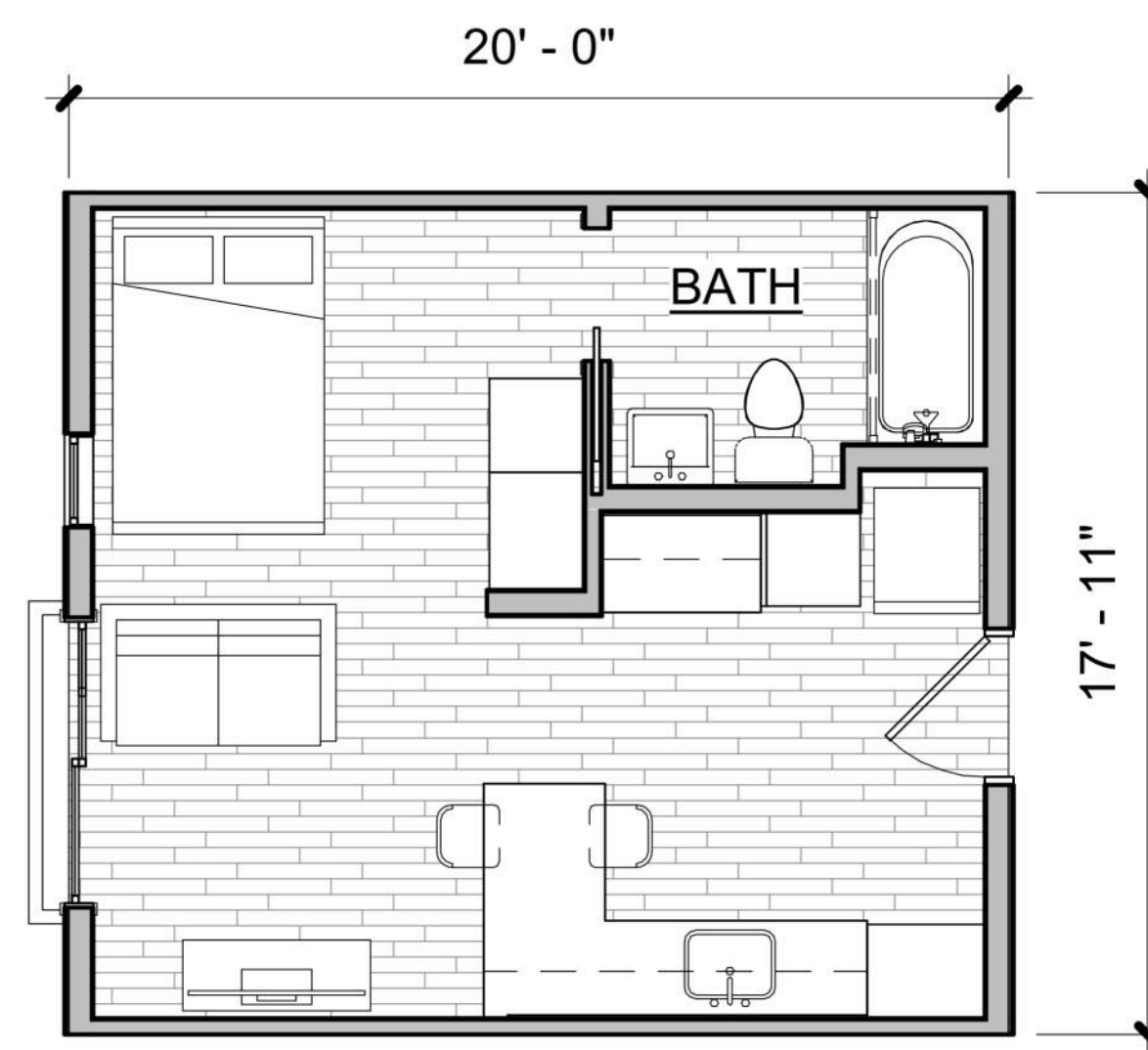
All that certain lot or parcel of land situate in the Town of Cape Charles, Northampton County, Virginia containing 11.5 AC and designated as "RESIDUAL PARCEL" on that certain plat of survey entitled, "SUBDIVISION OF TRACT A (INSTRUMENT #090002548), TOWN OF CAPE CHARLES, CAPEVILLE DISTRICT, NORTHAMPTON COUNTY, VIRGINIA, DECEMBER 16, 2016" made by MSA, P.C. and recorded on January 30, 2017 in the Clerk's Office of the Circuit Court for Northampton County, Virginia, as Instrument Number 170000133.

It being a portion of the property conveyed to General Builders LLC, a Virginia Limited Liability Company, from Gail Minoff-Keck and Allan R. Keck, by deed dated June 13, 2016 and recorded in the Northampton County, Virginia Circuit Court Clerk's Office as Instrument Number 160000888.

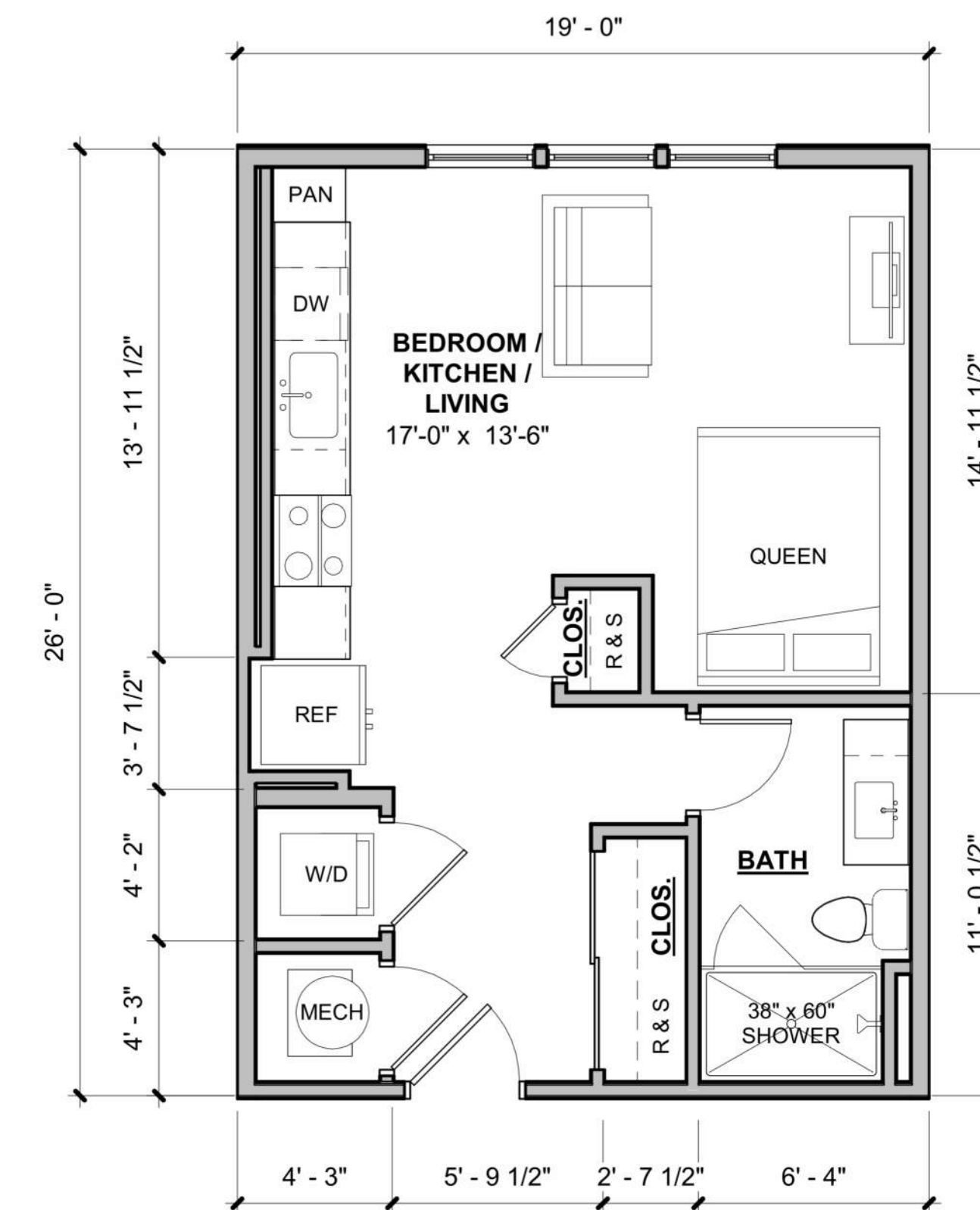
INSTRUMENT 230000052
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY CIRCUIT COURT ON
JANUARY 10, 2023 AT 11:37 AM
\$254.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$127.00 LOCAL: \$127.00
TRACI L. JOHNSON, CLERK
RECORDED BY: MWD

A handwritten signature in black ink, appearing to read "MWD", is written over the printed text "RECORDED BY: MWD". The signature is stylized and slanted.





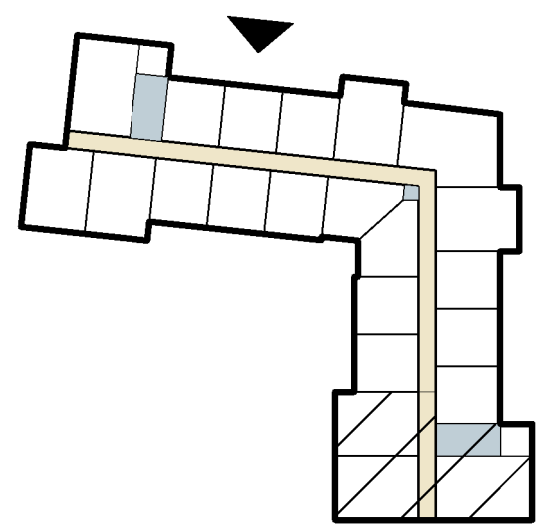
CONCEPTUAL UNIT PLAN - S1
 AREA : 360 SF
 SCALE : 1/4"=1'-0"

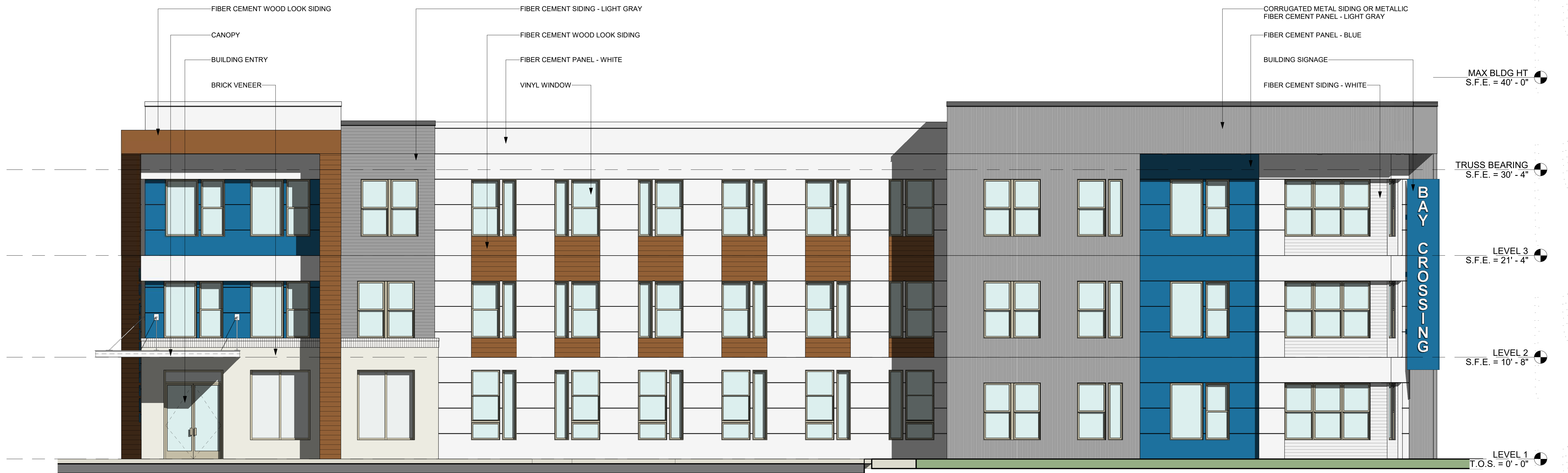


CONCEPTUAL UNIT PLAN - A1
 AREA : 520 SF
 SCALE : 1/4"=1'-0"

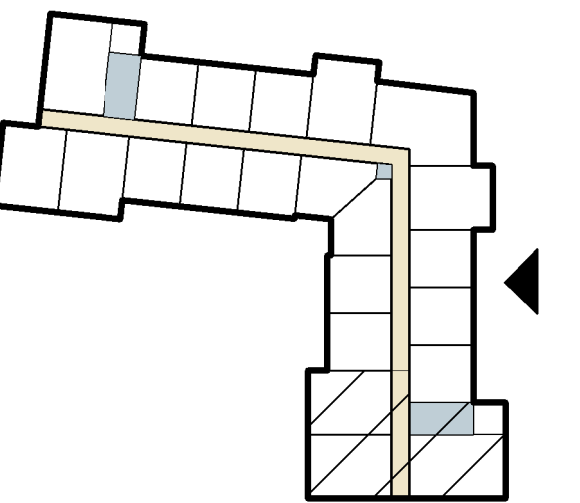


1 CONCEPTUAL BUILDING ELEVATION FACING NORTH
3/16" = 1'-0"





1 CONCEPTUAL BUILDING ELEVATION FACING EAST
3/16" = 1'-0"





**A FULL LISTING OF ALL BY-RIGHT USES PULLED FROM THE R-3 Districts and
ALL CONDITIONAL USES PULLED FROM THE R-3, C-1, C-2, and C-3 DISTRICTS**

Prepared by Katie Nunez on December 1, 2022

BY RIGHT USES

R-3 Zoning District

Permitted Uses

1. Townhouse dwellings
2. Multi-family dwellings
3. Retention areas; streets
4. Utility installations
5. Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) **Revised and Added on 10-20-2022**
6. **Electric Vehicle Charging Station(2) – New Addition proposed by Lance Marine**

Accessory Uses

1. Swimming pools with or without pool houses
2. Private garages
3. Tennis courts
4. Parking
5. Docks or piers
6. Recreational facilities
7. Gazebos
8. Residents' community centers

CONDITIONAL USES

From the R-3 District

1. Elementary, middle, or high schools or institutions of higher education, not to include trade or business schools, provided that the lot is five acres or more in size and no structure or parking area is located within 100 feet of any property line, and that such use shall be placed facing only on a collector street and accessory uses are limited.
2. Churches, synagogues, or similar places of worship provided that the lot is at least three acres in size, that no structure or parking area is located within 100 feet of any property line, and that such use shall be placed facing only on a collector street and accessory uses are limited.

3. Equestrian facilities provided that the lot is at least ten acres and no structure or parking facility is located within 100 feet of any property line.
4. Childcare facilities provided that such use is conducted within a church, synagogue, or similar place of worship or elementary, middle, high school, or institution of higher education.
5. Home occupations
 - a. The home occupation shall be a secondary use of the dwelling and such use shall not exceed more than fifty percent of the total floor area of the dwelling and on-site business activities shall be conducted wholly within the building.
 - b. The dwelling shall maintain its residential appearance.
 - c. Display of a sign is permitted in accordance with the sign regulations of this ordinance for home occupations.
 - d. There shall be no outdoor display of goods or outside storage of equipment or materials used in such home occupations.
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference which would be a public nuisance.

From the C-1 District

1. Art or antique shops
2. Auditoriums, theaters, and assembly halls
3. Automobile repair and small engine repair
4. Automobile service stations
5. Bakeries, confectionaries, delicatessens, and catering services
6. Barber shops and beauty parlors
7. Bicycle and moped sales and rentals
8. Blueprinting shops
9. Boat sales
10. Business and vocational schools
11. Business studios, offices, and clinics
12. Childcare and child care education centers
13. Commercial schools of instruction
14. Drug stores
15. Dressmaking, tailoring, and millinery shops, dry cleaning shops
16. Eating and drinking establishments
17. Financial institutions
18. Florists, gift shops, card shops, and stationery shops
19. Funeral homes
20. Furniture repair, sales and household appliance sales and repair, carpet and flooring sales
21. Greenhouses and plant nurseries
22. Grocery stores
23. Hotels and motels
24. Liquor stores
25. Libraries, museums, or galleries

26. Music stores
27. Medical or dental or other laboratories
28. Offices, office supply stores
29. Public facilities, public buildings
30. Restaurants
31. Pet shops and pet supply stores
32. Radio and television sales
33. Upholstering shops and fabric stores
34. Watch and jewelry stores
35. Any use allowable in the S-C District.
36. Any other commercial or professional use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.

C. Conditional Uses: Single family and multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).

From the C-2 District

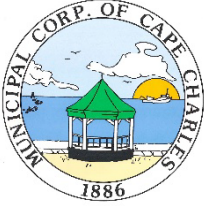
1. Nursing/retirement home

ZONING ORDINANCE TEXT COMPARISON BETWEEN THE R-3 MULTI-FAMILY ZONING VS. PROPOSED BAY CROSSING PLANNED UNIT DEVELOPMENT

	CCZO Section 3.4 Residential Multi-Family District (R-3)	Bay Crossing Planned Unit Development
A. Statement of Intent	The intent of this basic zoning district is to provide for relatively high density, multi-family residential development. This district is designed to promote and encourage a suitable environment for family life and to restrict activities of a commercial nature to those which serve the needs of the surrounding residential neighborhood.	The intent of this PUD district is to provide for low-to-moderate density residential development designed to serve the workforce and other housing needs of the Town of Cape Charles and Northampton County. The targeted workforce housing segment income range is 80% to 150% of the Area Median Income (\$55,104 for Cape Charles) and no greater than 30% of income to be spent for housing costs (rent and utilities). Additionally, this district provides for residential and limited complimentary commercial development with substantial Town control by both the Town Council and Planning Commission thru the existing Conditional Use Permit process to ensure any proposed use and application is appropriate for the development and harmonious with the associated multi-family residential development.
B. Permitted Uses	The following uses shall be permitted by right: <i>[revised 10-20- 2022]</i> 1. Townhouse dwellings 2. Multi-family dwellings 3. Retention areas; streets 4. Utility installations 5. Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J).	The following uses shall be permitted by right, subject to the yard, height, coverage and density requirements contained herein: all uses permitted by-right and as accessory uses in the R-3 District and Electric Vehicle Charging Station(s). Notwithstanding the foregoing, the following items from the Zoning Ordinance shall be not applicable (i) Item #35 from the C-1 District (any use allowed in the S-C District) and (ii) Item C from the C-1 District.
C. Conditional Uses	Within the R-3 Land Use Classification, the following conditional uses may be allowed: 1. Elementary, middle, or high schools or institutions of higher education, not to include trade or business schools, provided that the lot is five acres or more in size and no structure or parking area is located within 100 feet of any property line, and that such use shall be placed facing only on a collector street and accessory uses are limited. 2. Churches, synagogues, or similar places of worship provided that the lot is at least three acres in size, that no structure or parking area is located within 100 feet of any property line, and that such use shall be placed facing only on a collector street and accessory uses are limited. 3. Equestrian facilities provided that the lot is at least ten acres and no structure or parking facility is located within 100 feet of any property line. 4. Childcare facilities provided that such use is conducted within a church, synagogue, or similar place of worship or elementary, middle, high school, or institution of higher education. 5. Home occupations a. The home occupation shall be a secondary use of the dwelling and such use shall not exceed more than fifty percent of the total floor area of the dwelling and on-site business activities shall be conducted wholly within the building. b. The dwelling shall maintain its residential appearance. c. Display of a sign is permitted in accordance with the sign regulations of this ordinance for home occupations. d. There shall be no outdoor display of goods or outside storage of equipment or materials used in such home occupations. e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference which would be a public nuisance.	Subject to the Conditional Use Permit application process, the following conditional uses may be allowed: all uses in the C-1, C-2 and C-3 Districts, conditional uses within the R-3 District and any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.
D. Accessory Uses	Within the R-3 Land Use Classification, the following accessory uses shall be permitted. 1. Swimming pools with or without pool houses 2. Private garages 3. Tennis court 4. Parking 5. Docks or piers	

	6. Recreational facilities 7. Gazebos 8. Residents’ community center	
E. Lot, Yard, Height, Coverage and Density Requirements	Within the R-3 Residential Land Use Classification, the following standards shall apply: 1. In addition to the following, townhouse projects must have minimum of three acres: a. Minimum lot requirements lot area dwelling units (sf) 1,500 lot width (ft) 20 b. Minimum yard requirements front yard (no parking in front yard) (ft) 25 front yard (parking in front yard) (ft) 30 side yard between principal structures 20 side yard between end structures and side property line(ft) 20 side yard between units 0 rear yard (no parking in rear yard) (ft) 15 rear yard (parking in rear yard) 30 c. Maximum building height (ft) 40 d. Building coverage. No more than 60 percent of the lot may be covered by the structures. e. Dwelling size. Each dwelling shall have a minimum habitable area of 1,000 square feet. f. Maximum development. No more than eight townhouse dwelling units shall be constructed or attached together in a continuous row, and no such row shall exceed 240 feet in length. g. Off-street parking. Parking shall be provided on the premises. No such parking lot or garage shall be located more than 200 feet from the dwelling unit which it serves. 2. In addition to the following, multi-family projects must have minimum of three acres: a. Minimum lot requirements lot area per dwelling unit (sq. ft.) 1,500 b. Minimum yard requirements front yard (no parking in front yard) (ft) 30 front yard (parking in front yard) (ft) 35 side yard between separate structures 25 side yard between end structure and side property line 35 rear yard (no parking in rear yard) (ft) 20 rear yard (parking in rear yard) (ft) 35 Furthermore, no multi-family unit may be erected on a lot which has a width at the building line of less than 100 feet. c. Maximum building height (ft): 40 d. Building coverage: No more than 45 percent of the lot may be covered by the structure	LOT, YARD, HEIGHT, COVERAGE AND DENSITY REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT WITHIN THE BAY CROSSING PUD DISTRICT THE FOLLOWING STANDARDS SHALL APPLY: a) In addition to the following, townhouse projects must have minimum of one acre: A. Minimum lot requirements (1) lot area dwelling units (sf): N/A (2) lot width (ft): 15 B. Minimum yard requirements (1) front yard (ft):10 (2) side yard between principal structures (ft): 20 (3) side yard between end structures and side property line(ft): 10 (4) side yard between units: N/A (5) rear yard (ft): 10 (6) rear yard (parking in rear yard): 10 C. Maximum building height (ft): 40 D. Building coverage: No more than 60 percent of the lot may be covered by the structures. E. Maximum development: No more than twenty-five townhouse dwelling units shall be constructed or attached together in a continuous row, and no such row shall exceed 240 feet in length. F. Off-street parking: Parking shall be provided on the premises. No such parking lot or garage shall be located more than 200 feet from the dwelling unit which it serves (excluding non-residential parking such as guest, golf cart or flex parking). Two (2) spaces per dwelling unit shall be required. G. The definition of a townhouse is a multi-floor home that shares one or more walls with adjacent properties. b) In addition to the following, multi-family projects must have minimum of one acre: A. Minimum lot requirements lot area per building (FAR): 0.35 B. Minimum yard requirements (1) front yard (no parking in front yard) (ft): 30 (2) front yard (parking in front yard) (ft): 30 (3) side yard between separate structures (ft): 20 (4) side yard between end structure and side property line (ft): 20 (5) rear yard (no parking in rear yard) (ft): 20 (6) rear yard (parking in rear yard) (ft): 35 C. Furthermore, no multi-family unit may be erected on a lot which has a width at the building line of less than 60 feet. D. Maximum building height (ft): 40 E. Building coverage: No more than 60 percent of the lot may be covered by the structure. F. Parking: Multi-family projects must have one space per one bedroom dwelling unit or studio, otherwise two spaces per dwelling unit. G. Required open space. Open space shall be provided equivalent to ten percent (10%) percent of lot area. For the purpose of this section, the term open space shall be construed to consist of open space amenities and spacing between buildings. Open space

		amenities include plazas, esplanades, landscaped areas, walkways, public recreational facilities, and the like designed and maintained for use by residents, pedestrians and open to the public. Where feasible, open space shall be designed to serve as part of a coordinated pedestrian circulation system. H. Development in this district may contain the density requirements of one or more of the R-1, R-2, and R-3 for residential districts, and CR, C-1, C-2 and C-3, for the commercial districts to accommodate flexibility and imaginative development designs. Density shall be consistent with conditions that are applicable to the property, such as topography, the character of the surrounding property, potential health or safety hazards, traffic safety considerations, and the effects upon existing public facilities that could be alleviated by a reduction in density. I. Additional Development Terms. Placement of drives and parking areas. Entrances and exits, drives or parking area may be located adjacent to any lot line.
		LOT, YARD, HEIGHT REQUIREMENTS FOR <u>COMMERCIAL DEVELOPMENT</u> WITHIN THE BAY CROSSING PUD DISTRICT: a) In addition to the following, commercial projects must have minimum of 1/4 acre: A. Lot width at setback line (ft): 40 B. Side yard (ft): 5 C. Rear yard (ft): 10 D. Front setback (ft): 25 feet from center of right of way (defined as centerline of main street roadway) or 15 percent ± of the lot depth, whichever is less E. Height Regulations. Buildings may be erected up to a height of 35 feet from the adjacent ground elevation. F. Notwithstanding the foregoing, any electric vehicle charging stations shall be implemented with no setback or minimum land area restrictions provided they meet with adequate landscaping and screening requirements. G. Buffer yards. The following Buffer Yards shall apply, in lieu of any other setbacks, as follows. If the PUD adjoins: (1) Open Space/Conservation Easement zoning from the Accawmacke Plantation PUD, there shall be no buffer yard requirement. (2) Old Cape Charles Road, there shall be a 100’ buffer yard requirement. (3) Cassatt Parkway, there shall be a 30’ setback. (4) RE or R3 Zoned property, there shall be a 20’ setback.
F. Additional Development Requirements	Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located closer than ten feet from any lot line	Other applicable provisions and limitations as follows: A. Primary Access: All development on the Parcel shall maintain primary access (and signage, if applicable) to Cassatt Parkway via the Main Street access road. B. All other provisions of the Cape Charles Zoning Ordinance shall apply to the PUD District unless stated herein. In the event there is a conflict between the PUD District and the applicable Zoning Ordinance, the PUD District terms shall apply, to the extent they are not inconsistent with the provisions of this chapter.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Library Material Reconsideration Procedure		AGENDA DATE January 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Approval of Library Material Reconsideration Procedure		ITEM NUMBER: 9D
	ATTACHMENTS: Library Material Reconsideration Procedure, Reconsideration Request Form, Collection Development Policy		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Last Fall a patron of the library approached the Library Manager with a concern about the appropriateness of one of our collection materials. This patron asked for the procedure to request that this piece be removed from the library's collection. This was a very unusual request, not something we've seen in recent years, and so the process to consider such a removal required review. The Library Board met to discuss this matter and on December 16, 2022, they approved the attached procedure.

ITEM SPECIFICS:

While it is not typical for the Town Council to involve itself in the internal operations of any Town department, staff felt that this situation qualifies as an exception. In recent years, there has been a sharp rise in public sensitivity over political correctness and what constitutes offensive expression. At the same time, there has been a corresponding increase in concern over expanded government censorship and the right to freedom of expression. Therefore, this topic tends to transcend a normal administrative function, and moves instead into the realm of political philosophy for the jurisdiction. This makes the matter better suited for consideration by an elected body over appointed staff or board members.

That said, staff does wish to offer a few thoughts for consideration. A public library is open to the entire public, from small children to senior citizens, of all backgrounds and beliefs. The materials offered in such a collection must consider this full range of potential users. However, determining suitability for certain user groups is also a very slippery slope. Therefore, a well thought out collection development policy should be established. Such a development policy should never censor specific items, themes, or ideas; but rather provide broad guidance about the goals for the entire collection.

If there is ever an objection to a particular item in the collection, that item should then be judged only against the overall collection development policy, as to whether it serves the goals for the collection; and not judged against the personal sensitivities of any individual, or group of individuals.

Staff believes that the attached Library Board policy is a fine effort. There is just one suggestion we would like to offer. In an effort to minimize personal sensitivities, so that we can remain focused on the larger collection goals, staff would recommend that requests for removal of items require a petition from multiple patrons, not just a single member. Perhaps we could require a petition of at least 10 signatures (equivalent to about 0.5% of all library members) in order to initiate the review process.

RECOMMENDATION:

The Council is requested to approve the library material reconsideration procedure as is; amend the procedure and then approve it; or remand the procedure back to the Library Board for additional revision (with guidance).

Cape Charles Memorial Library

Material Reconsideration Procedure

The Cape Charles Memorial Library (CCML) will maintain a process for ensuring requests for reconsideration of library materials are handled in an attentive and consistent manner. Any library user has the right to request reconsideration of library materials and resources. A **Request for Reconsideration of Library Material Form** is available at CCML, on the CCML website, and at each Eastern Shore Public Library (ESPL) location.

The reconsideration process begins with a discussion between the patron and the Library Manager, allowing the reader to explain objections to the material and the Library Manager to explain the library's collection development practices and to answer any questions.

The following steps will be used when an individual feels that further action is necessary to address concerns about a library resource. For the duration of this process, the material in question will remain in circulation in the library collection.

1. A concerned patron who is dissatisfied with earlier informal discussions will be referred to the related section of the library's website that includes the library's Mission Statement, Collection Development Policy, Request for Reconsideration of Library Materials Form and the Library Bill of Rights
2. Patrons are required to complete and submit the official Request for Reconsideration of Library Material form to the Library Manager via mail or email. Only requests from Accomack or Northampton residents will be considered. Proof of residency may be required.
3. The Manager will form a reconsideration committee. The manager will strive to have five professional library staff or librarians from Accomack and/or Northampton Counties (employed or retired) and/or other persons who bring particular knowledge and competencies in the area. The committee will review the Reconsideration Form and the material in question, to consider whether its selection follows the criteria stated in the Collection Development Policy.
4. The committee's recommendation is to be an objective evaluation of the material *within the scope of CCML's Collection Development Policy*.
5. The committee's report, presenting both majority and minority opinions, should be presented to the Library Manager, with a recommendation to retain the material in its original location, to relocate the material, or to remove the material. The recommendation may differ from these three possibilities depending on the type of resource being challenged.

6. Within thirty (30) days of receipt of the patron's Request for Reconsideration Form, the Manager will make a decision utilizing the recommendations of the reconsideration committee and send a letter to the concerned person who requested the reconsideration, stating the reasons for the decision. The Manager will also send a copy of the letter and the committee's report and the original Request for Reconsideration of Library Materials Form to the Library Board.
7. If the appellant is not satisfied with the decision, a written appeal may be submitted within 10 business days to the CCML's Board of Trustees.
8. If the Board plans to address the appeal at their Board Meeting, the appellant will be notified of when and where the meeting will be held.
9. The appellant may provide written documentation and may make a statement. The Board of Trustees may then ask questions, provide comments and conduct a discussion. CCML Board Meetings are public, but spectators may not participate in the discussion, only the appellant. The Board of Trustees reserves the right to limit the length of public comments.
10. A quorum of Library Trustees will make a decision about the item by considering the Request for Reconsideration of Library Materials, the Collection Development Policy, and the recommendations of the reconsideration committee. The Board will communicate their decision, in writing to the Appellant within forty-five (45) days.
11. The decision of the Board is final.
12. In the event that a Material Reconsideration Form is filed on an item that has been previously reviewed by the reconsideration committee, as a result of an earlier filing, the Library Manager may, at his or her discretion, decline to convene another committee and may reply with a copy of the previous finding attached to a cover letter explaining the circumstances.
13. If the Board of Trustees has heard an appeal of a decision of the Library Manager and the recommendation committee concerning an item, and rendered a decision thereon, the Board may, at its discretion, decline to hear another appeal on the same item, and may reply with a letter explaining the circumstances.

CCML supports the American Library Association's Bill of Rights, Freedom to Read, Free Access to Libraries for Minors, and Freedom to View Statement.

Adopted by CCML Board of Trustees: December 16, 2022

Policy Revised:
January 11, 2023

Cape Charles Memorial Library

REQUEST FOR RECONSIDERATION OF LIBRARY RESOURCES

The Eastern Shore Public Library Board of Trustees has delegated the responsibility for selection and evaluation of library resources to the Library Director and has established reconsideration procedures to address concerns about those resources. Completion of this form is the first step in those procedures. If you wish to request reconsideration of library resources, please return the completed form to the ESPL Library Director.

Date _____

Name (First, Last) _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

Do you represent self? _____ Organization? _____

1. Resources on which you are commenting
- | | | |
|-----------------------|-----------------------|---------------|
| _____ Book | _____ Video | _____ Display |
| _____ Magazine | _____ Library Program | |
| _____ Audio Recording | _____ Newspaper | |
| _____ Other | _____ | |

Title _____

Author/Producer _____

2. What brought this resource to your attention?

3. Have you examined the entire resource? i.e. read the whole book

4. What concerns you about the resource?

5. Are there resource(s) you suggest to provide additional information and/or other viewpoints on this topic?

Signature: _____

Revised by the American Library Association Intellectual Freedom Committee, June 27, 1995

Cape Charles Memorial Library

Collection Development Policy

Purpose of the Policy

The purpose of the collection development policy is to serve as a guideline for adding to and deleting from the present collection, for collection maintenance, for replacement of lost or worn items, and for the acceptance of gifts. The policy is used to inform library staff, the Board of Trustees, and the public about the collection and the library management principles upon which selections are made. Collection development and management are necessary functions of the library which must be performed regularly in order to provide the public with a current and comprehensive collection. The rising costs of new materials make collection management an important activity for staff as they purchase, replace, or delete materials from the collection.

Library staff regularly:

- Compare library holdings with available titles to determine new purchases
- Track and analyze item usage to decide whether to add or withdraw multiple copies
- Conduct retention reviews to delete out-of-scope, little used, or outdated materials
- Select and transfer low-use materials to storage
- Analyze collection condition and weed damaged materials

A library must be responsive to the needs of the times and the people it serves. This policy will be subject to biennial review and revision. However, no changes will be made that violate the principles contained in the *Library Bill of Rights*, adopted and amended by the Council of the American Library Association, or the *ALA Freedom to Read Policy Statement*.

Mission Statement

The Cape Charles Memorial Library aims to identify, develop, evaluate, select, organize, and maintain high quality information services in a wide variety of print and non-print formats to meet the needs of our diverse community of residents and the students, faculty, and staff of our local schools and strives to develop a diverse, current, and inviting collection of quality print and non-print materials which support the needs of the community and schools.

Responsibility for the Collection and Its Development

The selection of materials for the Cape Charles Memorial Library is the responsibility of the library manager.

Intellectual Freedom and Censorship

The library does not accept the role of censoring the library collection on behalf of any group or individual. In seeking to develop a collection which represents many viewpoints and provides information and entertainment to a range of library users, the library does acquire books and other materials which are not acceptable to the beliefs of everyone.

Libraries are sometimes asked by parents to exercise censorship over the reading of children or young adults by restricting borrowing access or by transferring materials from the youth collection into the adult collection. The library does not accept this role because it is an authority rightly reserved to the parents, and because such a process would reduce the informational and literary content of the youth collection to the detriment of other young people. Patrons who believe that a given item does not belong in the library collection may fill out a form explaining their reasons. This form will be sent to the Board of Trustees which is empowered to take such action if they agree.

Criteria for Selecting Materials and the Selection Process

Book reviews from professional and trade publications are used by staff members for material selection. Materials are rated by staff based on general criteria (ex. literary, educational, informational, and recreational value): the author's reputation and significance as a writer; importance of subject matter for the collection; appearance of material in bibliographies or indexes; price; and availability of material through interlibrary loan. The final decision to purchase is based on the value of the material to the collection and not on the personal tastes of the selectors. The same apply to gift items.

The following selection aids are used by the Cape Charles Memorial Library: *Library Journal*, *Booklist*, *Publisher's Weekly*, *School Library Journal*, and *Voice of Youth Advocates*.

User suggestions for the addition of materials to the library's collection are given particular consideration. If their suggestions do not meet the criteria established by the library for the selection of materials, then efforts will be made to obtain the material through interlibrary loan.

Guidelines for Selection and Use of Materials

1. The Library recognizes that many materials are controversial and that any given item may offend some Library patrons. Selections will not be made on the basis of any anticipated approval or disapproval, but solely on the merits of the work or in relation to building the Library's collections and to serving the interest of all individuals and groups in the region.

Different viewpoints on controversial issues will be acquired including those that may have unpopular or unorthodox positions.

The criteria for selection of materials for the Library's collections will include the following:

- Quality of writing/production
- Importance of subject matter
- Timeliness
- Reputation of the publisher/producers

- Readability and popular appeal
 - Authoritativeness
 - Reputation and significance of the author/artist/composer/producer, etc.
 - Format and price
 - Requests from patrons
 - Recommendation of work in standard review resources or inclusion in standard bibliographies
2. Because the Library serves a public embracing a wide range of ages, educational backgrounds, and reading abilities, it will always seek to select materials of varying complexity.
 3. Library materials will not be marked or identified to show approval or disapproval of the contents, and no item will be sequestered except for the express purpose of protecting it from injury or theft. The use of rare and scarce items of great value may be controlled only to the extent required to preserve them from harm.

Gifts

The Library accepts gifts of library materials for consideration as additions to its collections. Gifts are subject to evaluation according to the same selection standards as materials considered for purchase. The Library reserves the right to use any gift as it sees fit. Upon acceptance, all gifts become the property of the Library.

Gifts of library materials of local authors are subject to the same criteria as all items reviewed for addition to the Library's collections.

Materials of local historical or genealogical interest pertaining to the Library's service area will be accepted as follows:

- Published histories of a general interest
- Deed books, birth, marriage, and death records
- Census records
- Church and cemetery records

The Library does not attempt to acknowledge acceptance of every gift it receives and will do so only at the specific **request** of the donor.

Patron Request for Reconsideration

Any patron has the right to request consideration of an item in the collection. REQUEST FOR RECONSIDERATION forms are available to patrons at the public service desk. The Library supports the American Library Association's (ALA's) Bill of Rights, Freedom to Read, Free Access to Libraries for Minors, and Freedom to View Statement.

Withdrawals/Discards

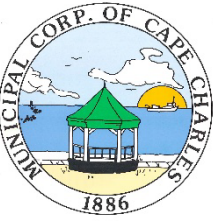
The Library uses weeding as a collection development tool. Its purpose is to maintain, throughout the system, library collections of high quality that are appropriate in size to the capacity of their locations and that are current, accessible, and appealing to users.

Items are withdrawn from the collection when they are dated, worn, or damaged beyond repair, or if interest in a title or subject has decreased. Withdrawn items will be disposed of through book sales, recycling, or donations. Items deemed unfit for sale or donation will be discarded.

Items are withdrawn from the collection database when they are reported as lost and paid, or are missing for at least one year.

Approved by CCML Board of Trustees: 07/02/2012

Policy Revised: 12/16/2022

 TOWN OF	AGENDA TITLE: Town Council Representative to Planning Commission		AGENDA DATE: January 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Appointment of Town Council Representative to the Planning Commission		ITEM NUMBER: 9E
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Article Two of the Town of Cape Charles Planning Commission By-Laws states the following:

“This Planning Commission shall consist of seven (7) members. One (1) member shall be a representative of the Town Council. The remaining six (6) members shall be referred to as appointed members.”

DISCUSSION:

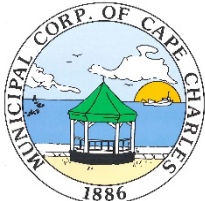
On November 8, 2022, the Town held its Town Council elections and the new Council members’ terms began January 1, 2023.

Councilman Grossman has been serving as the Town Council representative to the Planning Commission since July 2018 and was re-elected to the Council during the 2022 election.

Councilman Butta was also elected to Council during the 2022 election and had been serving as a certified Planning Commissioner since October 2020. Per the Code of Virginia § 15.2-2212, “*one member of the commission may be a member of the governing body of the locality.*”

RECOMMENDATION:

Staff recommends discussion and appointment of a representative from Council to the Planning Commission.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Town Council Representative to Library Board		AGENDA DATE January 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Appointment of Town Council Representative to the Library Board		ITEM NUMBER: 9F
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

A number of the Town's Boards and the Planning Commission include a representative from the Town Council.

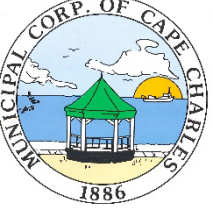
The Library Board oversees the Cape Charles Memorial Library and consists of seven members, including the Town Council representative, and meets on a monthly basis. The members serve four-year terms.

ITEM SPECIFICS:

Former Councilwoman Ellen O'Brien was the Town Council representative to the Library Board until the end of her term on December 31, 2022. Another representative from Council should be named to serve on the Library Board.

RECOMMENDATION:

Staff recommends Council discussion and selection of a Town Council representative to the Library Board.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Historic District Review Board Member Re-appointment		AGENDA DATE: January 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Reappoint member to Historic District Review Board		ITEM NUMBER: 9G
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

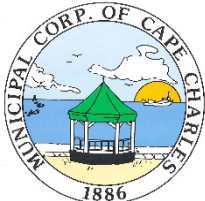
The Historic District Review Board (HDRB) reviews applications for certificates of appropriateness for exterior modifications to existing buildings, construction of new buildings and demolition of buildings in the Town's Historic District. The HDRB consists of five members – four citizen members each serving five-year terms, and one Planning Commission representative.

DISCUSSION:

Herbert Thom currently serves on the HDRB, and his term expired on January 8, 2023. He has expressed his interest in continuing his service on the Board for another term.

RECOMMENDATION:

Staff requests Council discussion, and if deemed appropriate, reappointment of Mr. Herbert Thom to the Historic District Review Board for another five-year term.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Appointment to the Cape Charles Memorial Library Board		AGENDA DATE January 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Appointment of Library Board Member		ITEM NUMBER: 9H
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Library Board oversees the Cape Charles Memorial Library and consists of seven members, including the Town Council representative, and meets on a monthly basis. The members serve four-year terms.

ITEM SPECIFICS:

Mr. Roger Moyer has served on the Library Board since January 2016. He recently submitted an email offering to step down from the Board to allow Ms. Ellen O'Brien to continue serving.

Ms. O'Brien was initially appointed to the Library Board in March 2018 and, upon her election to Council, she was named as the Town Council representative to the Board. She has expressed her desire to continue her service on the Library Board.

RECOMMENDATION:

Staff requests Council discussion and, if deemed appropriate, appointment of Ms. Ellen O'Brien to the Library Board.