Planning Commission

Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

June 7, 2022, at 6:00 P.M.

1. Call to Order
   A. Roll call and establish a quorum

2. Invocation and Pledge of Allegiance

3. Consent Agenda
   A. Approval of agenda format
   B. Approval of Minutes
      1. February 2, 2022 Work Session – Joint Meeting of Town Council and Planning Commission
      2. March 22, 2022 Joint Meeting of Town Council, Planning Commission and Harbor Area Review Board.

4. Public Hearings:
   A. Public hearing on Conditional Use Permit (CUP) 2022-003: Application from Michelle and Nathan Davidson at 211 Madison Avenue (Tax Map #83A1-1-210 & 211) in the Residential-2 Zoning District for an accessory dwelling unit pursuant to CCZO Section 4.2 (J) and for a swimming pool pursuant to CCZO Section 3.2 (C) (5)

5. Citizen Comment Period, for any item not subject to an advertised public hearing

6. Unfinished Business: Continued discussion on ZMA 2022-001: Application from Cape Charles Ventures, LLC to conditionally rezone 238 Randolph Avenue (Tax Map # 83A3-1-625A) from Residential-1 to Commercial-1 with proffers to limit the commercial activity of said proposed rezoning

7. New Business:
   A. Discussion and Possible Vote on Conditional Use Permit (CUP) 2022-003: Application from Michelle and Nathan Davidson at 211 Madison Avenue (Tax Map #83A1-1-210 & 211) in the Residential-2 Zoning District for an accessory dwelling unit pursuant to CCZO Section 4.2 (J) and for a swimming pool pursuant to CCZO Section 3.2 (C) (5)

   B. Schedule public hearing on Conditional Use Permit 2022-004: Application from Barbara O'Hare at 11 Randolph Avenue (Tax Map #83A3-2-3-1) for an accessory dwelling unit pursuant to CCZO Section 4.2 (J)

8. Report of Officers and Committees

9. Standing Staff Reports
   A. Interim Planning & Zoning Administrator Monthly Report for April 2022
      1.) Subdivision Agent Report
      2.) Report on Applications filed with Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2310 (see July agenda Folder to list the applications)
      3.) Update on Town Council action regarding Zoning Text Amendment 2022-01: Accessory Dwelling Units & Definitions
      4.) Update to revised Town Council policies re: public hearings/public comments

10. Announcements - Next Meetings:
    - Regular Session: July 5 2022 @ 6:00 pm
    - Joint Meeting of Town Council and Planning Commission with Comp Plan Consultants re: Comprehensive Plan Draft of Existing Conditions Report @ 6:30 pm

11. Adjourn

DRAFT
TOWN COUNCIL
Joint Work Session with Planning Commission
Cape Charles Civic Center
February 2, 2022
6:00 PM

At approximately 6:00 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Dize, in attendance were vice Mayor Bennett, Councilman Buchholz, and Councilwomen Holloway and O'Brien. Councilman Follmer and Grossman were out of town and unable to attendance. Also, in attendance were Town Manager John Hozey, Interim Planner & Zoning Administrator Katie Nunez, and Town Clerk Libby Hume. Representing Summit Design & Engineering Services were Anne Darby and Mike Stapor. There were no members of the public in attendance.

Planning Commission Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, in attendance were Commissioners Ken Butta, Jim Holloway, Dennis McCoy, and Michael Strub. Commissioners Diane D'Amico and Paul Grossman were not in attendance.

The purpose of the joint work session was the comprehensive plan kick-off with the consultant, Summit Design & Engineering Services.

Ms. Darby provided background information regarding Summit Design and proceeded to outline the scope of work, plans and timeline for the comprehensive plan update project. Upon completion of the comprehensive plan, work would begin on the Cape Charles Zoning Ordinance review and update. The Planning Commission began their comprehensive plan review in 2019 and a lot of work had already been completed. This work had been provided to Summit Design.

Three joint sessions with the Town Council and Planning Commission would be scheduled for planning purposes. In May, stakeholder engagement and community meetings would be held. More public meetings would be scheduled after the document had been drafted to obtain feedback from the citizens. It was hopeful that a final document could be presented to the Planning Commission this summer. After public hearings were held, the Planning Commission would make their recommendation to the Town Council around August 2022. Since the Planning Commission had done much work on the plan, the timeframe for completion could be a much quicker process.

Town Manager John Hozey added that a project team had been created consisting of Katie Nunez, Chairman Stramm, Councilman/Commissioner Grossman, and himself, and they would be involved throughout the process.

Councilwoman Holloway stated that there had been many changes in the Town over the past several years and wanted to ensure that the public remained informed and engaged during this process.

Ms. Darby responded that an existing conditions document along with the goals and objectives would be provided for the Town's website. A number of public meetings would be held. Raw data from the survey results, public meetings, etc. would be compiled and posted to show the logical progression of the plan.

Town Clerk Libby Hume would create a new subpage for the 2022 Comprehensive Plan Update so all information regarding the project could be posted for public review.

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Vice Mayor Bennett stated that the existing Harbor Area Master Plan was no longer valid with the changes over the years.

John Hozey added that another joint work session would be necessary to discuss the harbor plan. The railroad property was also in flux but needed to be addressed at some point. We needed to be prepared when Summit Design was ready to begin work on the zoning ordinance.

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

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

The meeting adjourned at 6:44 p.m.

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Mayor William "Smitty" Dize

_____

Chairman Bill Stramm

_____

Town Clerk

DRAFT

Information Provided in Writing
February 2, 2022 Joint Work Session – Town Council & Planning Commission

Summit's Team.

Anne Darby, AICP
Project Lead, Planning Manager

Michael Stapor, AICP
Planner II

Sara Rozmus
Planner I

Joel Webne
GIS / Graphics Tech

+ Other Summit staff, as needed…

The Process So Far.

Our Role.

Previous Work +
Community Strategic Plan 2021

State Code Compliance.

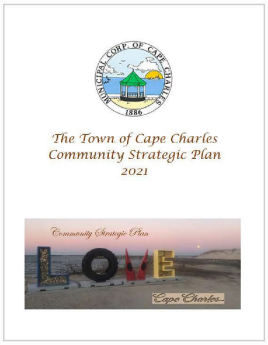
§ 15.2-2223 Comprehensive plan to be adopted; scope and purpose.

"Shall Address" Topic Areas (§ 15.2-2223 et seq):

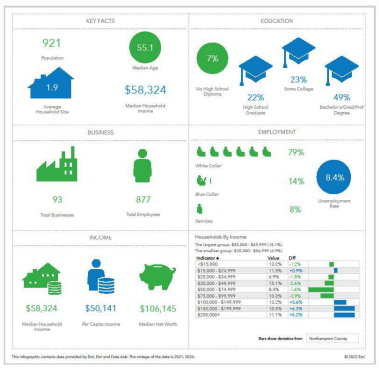
- Future Land Use
- Transportation Plan (coordinated with VDOT)
- Broadband
- Affordable Housing
- Coastal Resource Management Guidance
- Strategies to Combat Sea Level Rise
- Manufactured Housing

Our Work So Far.

Begin Mapping



Read Previous Work



Update Demographic Information

Looking Ahead.

Joint Sessions Public Hearing

Task:	Staff:	Product:		1/21/2022	24-Jan	7-Feb	21-Feb	7-Mar	21-Mar	4-Apr	18-Apr	2-May	16-May	30-May	13-Jun	27-Jun	11-Jul	15-Jul	8-Aug	22-Aug	5-Sep	19-Sep	3-Oct	17-Oct	31-Oct	14-Nov	28-Nov	12-Dec	26-Dec	9-Jan
					1			2		3			4		5		6		7		8		9			10		11		12
					2022																									2023
Kick-Off Meetings	Anne and Michael with John and Katie		1																											
Review Previous Plans and Additional Documents	Anne and Michael	Summary of reviewed documents	1																											
Joint Town Council and Planning Commission Work Session	Anne and Michael with John and Katie		1			TC/PC Joint Session																								
Data Inventory and Research: Existing Conditions and Mapping	Michael, Joel and Sara, as needed		1																											
Refine and Publish Existing Conditions Report and Community Profile	Michael, Joel, Anne as Reviewer	Existing Conditions Report and Map Book	2																											
Establishing a Town Vision and Goals	Anne, Michael, with Cape Charless staff contributing and reviewing	Draft Vision and Goals	4																											
Objectives and Strategies	Anne, Michael, with Cape Charles staff contributing and reviewing	Draft Objectives and Strategies	5																											
Public Engagement - Stakeholder and Community Meetings	All Summit team + all Cape Charless team		3											TC/PC/Stakeholder Mtgs and Public Hearings																
Prepare FLU Map and Growth and Development Policies	Anne, Michael, with Cape Charles staff contributing and reviewing	Draft Future Land Use Map and Development Policies	5																											
Compliance with Sec 15. of the VA State Code	Anne, Michael, with Cape Charles staff contributing and reviewing		6																											
Write and Compile the Comprehensive Plan	Michael as lead, Anne advising	Draft Comprehensive Plan	7																											
Complete all Edits and Present the Plan for Approval	Anne		8																		TC/PC Joint Session and Public Hearings									
Begin Zoning Ordinance Update with work sessions	All Summit team + all Cape Charles team		9																			TC/PC Joint Session (Kick Off ZO Update)								
Recreate the 2008 Zoning Map in GIS	Michael, Anne	Final Plan	9																											
Aligning the Zoning Ordinance with the Comprehensive Plan	Anne	TOC (internal)	10 and 11																											
Work Sessions and Presentations	Anne		10 and 11																							TC/PC Presentations				
Further Zoning Ordinance Review and Changes	Cape Charles staff to comment, Anne to incorporate	Draft of Zoning and Subdivision Ordinance (internal)	11																											
Complete all Edits and Present the Zoning Ordinance for Approval	Anne	Final draft of Zoning and Subdivision Ordinance	12																											Public Hearings

TOWN COUNCIL, PLANNING COMMISSION & HARBOR AREA REVIEW BOARD

Joint Work Session
Cape Charles Civic Center
March 22, 2022
6:00 PM

At approximately 6:00 p.m. Mayor William "Smitty" Dize, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilman Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Also, in attendance were Town Manager John Hozey, and Interim Planner & Zoning Administrator Katie Nunez. There were no members of the public in attendance.

Planning Commission Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, in attendance were Commissioners Ken Butta, Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub.

Harbor Area Review Board Chairman Stuart Smith, having established a quorum, called to order the work Session of the Harbor Area Review Board. In addition to Chairman Smith, in attendance were Steve Bennett, Ken Butta, Diane D'Amico, Rob Harris, Benjamin Lewis, and Herbert Thom.

The purpose of the joint work session was to discuss the harbor area focusing on the zoning district, the overlay district, and examining the land use designations from a Future Land Use Map perspective and the current Zoning Map. Guidance provided during this work session would be provided to the consultant working on the comprehensive plan update. (Please see attached for agenda packet documentation.)

Town Manager John Hozey and Interim Planning & Zoning Administrator Katie Nunez facilitated the work session discussion. There was discussion regarding i) Whether there was a need for a historic harbor overlay district; ii) If it was determined to keep a historic harbor overlay district, the areas for inclusion in the overlay district needed to be identified; iii) Whether there was a need for separate Historic District Review and Harbor Area Review Boards or if one architectural review board would suffice to review the design guidelines for both districts.

After much discussion, a general consensus was reached as follows: i) A harbor overlay district was necessary; ii) A map from the Harbor Area Designs Standard document (page 4 of the agenda packet) was reviewed. A portion of the area designated as the Mason Avenue Transition Zone (shaded in orange) would be removed from this overlay and included in the historic overlay district. This area would run along the south side of Mason Avenue and be the same standard depth as the lots on the north side of Mason Avenue. This area would run from the "hump" on the east end to the area shaded in purple to the west. All other areas (shaded in salmon and purple) would remain in the harbor overlay district, with the purple shaded area extending to the east property line of the concrete plant property; iii) Consideration should be given to creating a new architectural review board to replace both the historic district review board and the harbor area review board, with design guidelines that would have unique sections for each overlay; iv) the comprehensive plan consultant could use the guidance in the existing plan as a starting point with the exception that reference to the Harbor Conceptual Master Plan should be omitted as this plan in now obsolete.

Mayor Dize stated that we had to remember that Cape Charles had a working harbor and was a Harbor of Refuge. He went on to express his concern of the railroad property being sold in the future for development and individuals moving to Cape Charles and complaining about the watermen and their equipment in the harbor, leasing boat slips which could increase the cost to the watermen, and complaining about the noise, etc., similar to the complaints received about the concrete plant.

There was some further discussion regarding the potential land uses in the harbor area.

John Hozey thanked everyone for participating in the work session and providing their input. He felt there was enough information to provide to the consultants to develop the first draft of the comprehensive plan.

Motion made by Rob Harris, seconded by Steve Bennett, to adjourn the Harbor Area Review Board Work Session. The motion was approved by unanimous vote.

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

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

The meeting adjourned at approximately 8:00 p.m.

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Mayor William "Smitty" Dize

_____
Chairman Bill Stramm

_____
Chairman Stuart Smith

_____
Town Clerk

Information Provided in Writing
March 22, 2022 Joint Work Session – Town Council, Planning Commission & Harbor Area Review Board

Agenda Packet Documentation:

JOINT MEETING WITH TOWN COUNCIL, PLANNING COMMISSION & HARBOR AREA REVIEW BOARD STAFF REPORT

Meeting Date: March 22, 2022
Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator
Date: March 16, 2022
JOINT MEETING: Discussion of Harbor Area re: Comprehensive Plan

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As work is progressing on the Update to the Comprehensive Plan, it is essential that we focus on the Harbor as a whole district and examine the land designations that have been assigned to property around the harbor both from a Future Land Use Map perspective and current Zoning Map designation.

The questions that are posed to the members of these various boards is the following:

1) Do we need a Historic Harbor Overlay District which is governed pursuant to Cape Charles Zoning Ordinance Article IX? How is this map different from the designated parcels as Harbor Zoning and shown on the Cape Charles Zoning Map which is governed by the regulations in Cape Charles Zoning Ordinance Article 3, Section 3.9?

2) If we need an Historic Harbor Overlay District, have we identified the Harbor Overlay area as we intend and would also like reflected in the Town's Comprehensive Plan?

3) How does the Comprehensive Plan elucidate the importance of the harbor itself and the adjacent land uses as an economic driver relative to maintaining the Town's partnership with the Federal Government (Army Corps of Engineers) re: the parameters for federal investment in the ongoing maintenance & dredging of the harbor or potentially expanding the depth of the harbor dredging to meet increased business needs relative to direct harbor commerce thru dockage/wharfage, etc?

4) Does the Comprehensive Plan and the Town Zoning Ordinance reflect the latest survey data from fall 2021 collected by Town Administration regarding economic diversity in the harbor area – tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type businesses and other business associated with a working harbor?

5) The latest survey date from fall 2021 collected by Town Administrator included a question concerning the Town providing additional recreational amenities, such as a basketball court with possible locations for said amenities. The majority responses favored locating such an amenity south of Rayfield's pharmacy on a portion of the railroad property which would fall within the currently identified Historic Harbor Overlay District – does the Comprehensive Plan need to be updated to reflect this type of usage and is this compatible with the uses envisioned in the Harbor Overlay District as well as in the Zoning Ordinance?

BELOW is information to assist discussing and reaching a consensus for each of the questions listed above. It is our intention to focus on confirming the area designated as the Harbor District/Overlay and general uses envisioned there so we can forward that information to the Town's Consultants working on the update to the Comprehensive Plan.

I. MAPS OF HARBOR AREA

Since the Town adopted the Zoning Map on June 6, 2008, which shows several parcels designated as Harbor Zoning pursuant to CCZO Section 3.9, there have been several Zoning Map Amendments (ZMA) to parcels in and around the Harbor since then. Below I have included a GIS Map outlining the parcels that are around the Harbor or may have been affiliated as part of the harbor due to their connection/relation to former STIP or PD-STIP (the former Sustainable Technologies Industrial Park). I have included a note as to when the zoning map designation changed.

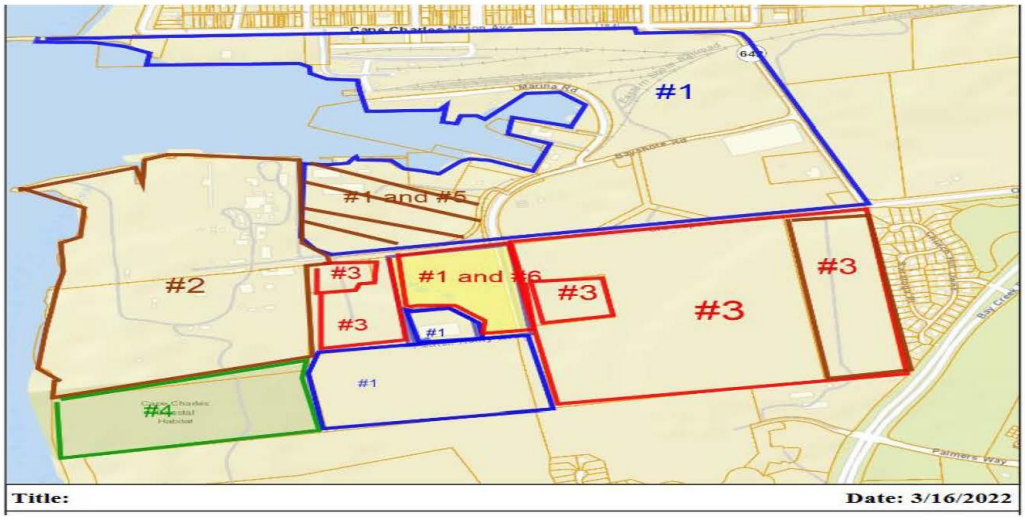
It is relevant to have this updated zoning map for this area since there is a difference in this map to what I believe is the adopted Harbor Overlay Map, which was voted by Town Council on November 19, 2019, Town Council which I have enclosed below the revised Town Zoning Map.

CURRENT ZONING MAP OF THE HARBOR AREA

LEGEND:

Blue Outline – Harbor District
Brown Outline – Industrial M-2
Red Outline – General Business Industrial -Harbor-1 (GBI-H1)
Green Outline – Open Space

NOTES – Rezoning Map Amendment Votes:
#1 – 6/2/2008 Adopted Town Zoning Map – shown as Harbor Zoning
#2 – 4/8/2010 ZMA Adopted from STIP to Industrial M-2
#3 – 4/8/2010 ZMA Adopted from PD-STIP to GBI-H1
#4 – 4/8/2010 ZMA Adopted from PD-STIP to Open Space
#5 – 8/18/2016 ZMA Adopted from Harbor to Industrial M-2
#6 – 8/19/2021 ZMA Adopted from Harbor to GBI- H1



The zoning map amendments were advanced relative to increased economic activity: 1) Coastal Pre-Cast purchasing the Bayshore Concrete property and expanded business opportunities, including the possibility of supplying & assembling and storage of components for off-shore wind turbines; and 2) Establishment of the Cape Charles Yacht Center and associated boat dockage, visitation, repairs, maintenance and storage. On the north side of the harbor, there has been a resumption of seafood unloading for commercial distribution and sale.

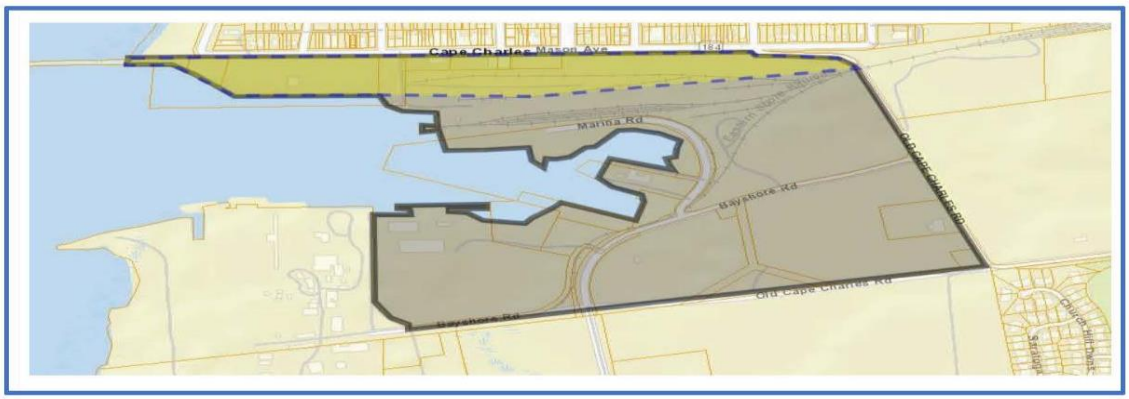
Additionally, the railroad has formerly ceased operations and ownership status of the underlying land is currently impeding the potential redevelopment of this property which we anticipate will be resolved in the near future, so it is imperative that the Town has adequately Planning and Land Use documents to ensure that this area of the town is developed within our established vision for the harbor area.

An Eastern Shore Rail to Trail Foundation has been formed through the Accomack Northampton Transportation District Commission and the Accomack-Northampton Planning District Commission is actively working with the communities of the Eastern Shore, including Cape Charles, to apply for state transportation funding to being implementation of the rails-to-trail segment components.

Other concept plans shared with the Town for possible development in the harbor area include a hotel with restaurant and outdoor pavilion as entertainment venue.

CURRENT HARBOR OVERLAY MAP

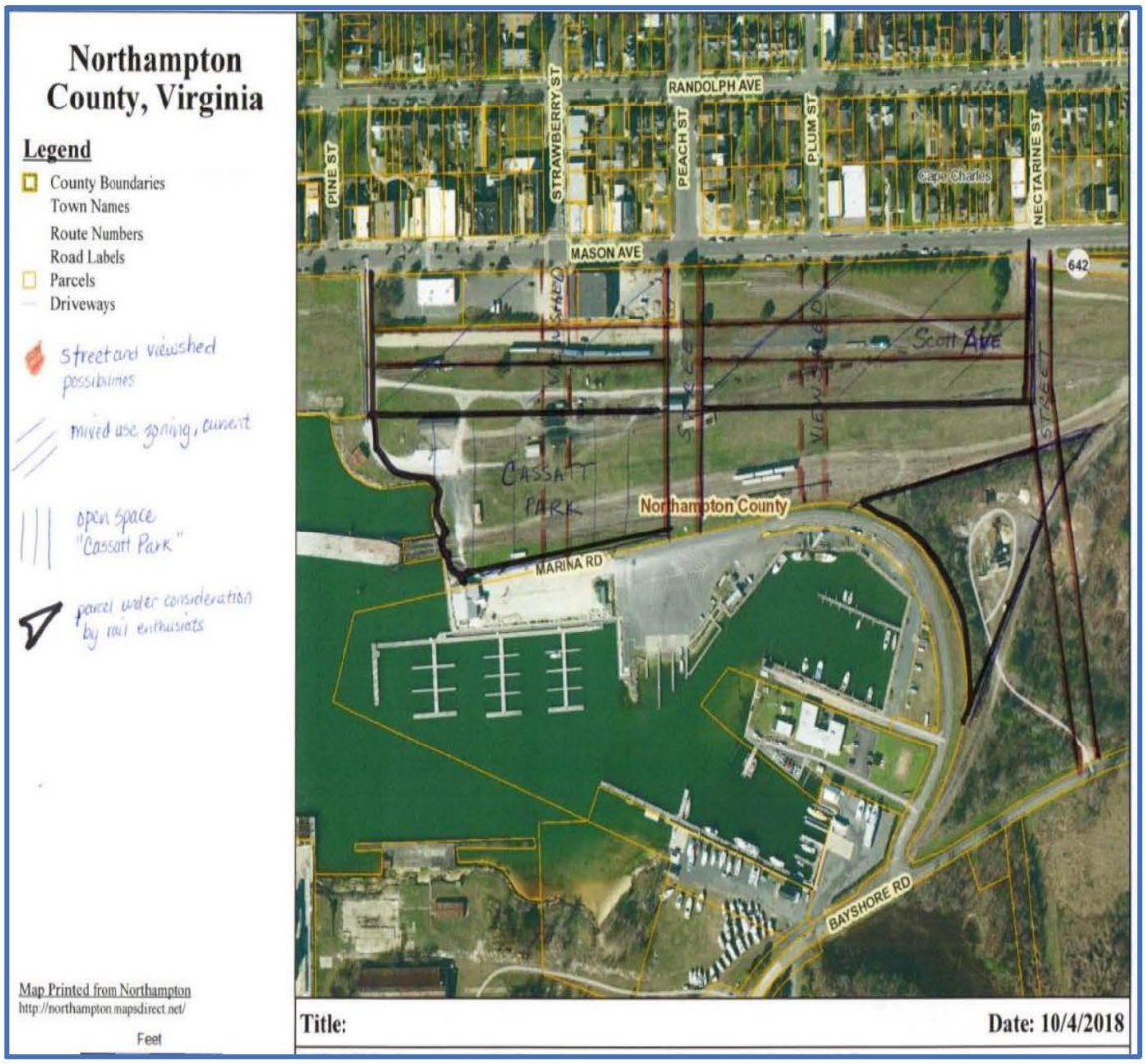
11/21/2019 Town Council Vote amending the Historic Harbor Overlay District Map included this map as part of the agenda packet – there was no legend provided



11/21/2019 Town Council Meeting – Planning Commission staff report referenced a map from page 7 of the Harbor Area Designs Standard document dated 9/9/2010 which may be of interest to the group for this discussion

OTHER MAPS OF POTENTIAL INTEREST

Councilman Paul Grossman and former Councilwoman Cela Burge developed a concept document to further illustrate some of the concepts from the various Planning documents and Design Guidelines, including community trails, re-use considerations for railroad property as part of Rails to Trails, street viewshed concepts, etc., which is provided below.



Similar conceptual layouts were also included in the Harbor Area Conceptual Master Plan & Design Guidelines on page 15 through 19 which can be accessed through this link: document1463053057090513.pdf (municipalcms.com).

II. CURRENT COMP EXCERPTS RE: HARBOR AREA

Included as an attachment to this document are the sections of the current Comprehensive Plan that concern the harbor area. As you will see, these start with the framework concepts of the document:

1) LAND USE defining Harbor Mixed Use and Planned Unit Development which is a zoning consideration that could be utilized to implement the vision for the harbor area
2) EMPLOYMENT Sector as it is considered in relation to each of the Land Use Types
3) FUTURE LAND USE CONSIDERATIONS
4) ECONOMIC VITALITY
5) AMENTITIES
6) IMPLEMENTATION STRATEGIES
7) FUTURE LAND USE MAP

III. TOWN SURVEY DATA from FALL 2021

The two questions that relate to the Harbor Area are attached to this document with the full detailed responses included from the survey respondents.

ATTACHMENTS:
1 – Current Comp Plan Excerpts re: Harbor Area
2 – TOCC Fall Survey Economic Diversity Results
3 – TOCC Fall Survey Basketball Data

CURRENT COMP PLAN EXCERPTS RE: HARBOR

LAND USE FRAMEWORK

III.2.1.2 Harbor Mixed Use (Harbor)

The Harbor Mixed Use designation was established to encourage a vibrant working waterfront area that has a strong economic benefit to the town with compatible new industry and employment, and with strong public and recreational value, public gathering places, access to the water, placed for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. This category is characterized by retail, recreational, cultural, marine-related businesses, food service and restaurants, office and institutional uses, educational, civic and entertainment uses on the street level, with residential uses on upper floors. Any new development shall provide and encourage public access to the water's edge and emphasize the pedestrian environment throughout the harbor. Pedestrian activity is of the highest priority, so buildings would be located close to the street and sidewalks are wide and feature street furnishings, lighting, and other amenities. The south side of Mason Avenue shall provide a visually inviting connection to the harbor for all modes of transportation.

The **Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines** serve as an overall guide to the future development and redevelopment of this area. Any change in the zoning classification in this area should result in this area becoming Harbor Mixed Use. The town intends to pursue a connection between Mason Avenue and the Harbor and increase parking in the area as redevelopment occurs and land use shift.

III.2.1.5 Planned Unit Development

The Planned Unit Development (PUD) designation should be compatible with others in the town and immediate surroundings, with commercial uses concentrated in the areas shown as Commercial PUD on the Future Land Use Map, and with uses in general mixed to encourage walkable communities. The PUD category designates a mix of uses that can include residential, specialty commercial, commercial, and general business/industrial. The intention of this category is to promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is generally possible. It is also intended to promote more efficient use of the land while encouraging variety, convenience, the development of recreational areas and open spaces, and creates an integrated land use development with common landscaping, architectural and design elements. The Historic District's traditional grid plan for local roads is typically not found in the PUD.

EMPLOYMENT AREAS

III.3 Employment Areas

The Future Land Use Map includes a designation of several Employment Area categories:

- Harbor
- Industrial

- General Business/Light Industrial H-1
- Industrial District M-2
- Main Street Mixed Use

III.3.1 Harbor

The Harbor designation a mixed use area, was established to encourage a vibrant working waterfront area that has a strong economic benefit to the town with compatible new industry and employment, and with strong public and recreational value, public gathering places, access to the water, places for people to conduct business and to live, meet, relax, encounter nature, and lean of Cape Charles' working maritime and rail heritage and its strong historic traditions. This category is characterized by retail, recreational, cultural, marine-related businesses, food service and restaurants, office and institutional uses, educational, civic and entertainment uses on the street level, with residential uses predominantly on upper floors. Any new development shall provide and encourage public access to the water's edge and emphasize the pedestri8an environment throughout the harbor. Pedestrian activity is of the highest priority, so buildings would be located close to the street and sidewalks are wide and feature street furnishings, lighting, and other amenities. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal transportation.

III.3.2 Industrial

The industrial designation permits certain industries, which may detract from residential desirability, and will not be permitted to locate in any area adjacent to a residential area. This category should contribute to the existing maritime and industrial nature of Cape Charles and may consist of buildings used for manufacturing and warehousing. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.

III.3.3 Industrial District M-2

The Industrial District M-2 designation provides for mixed industrial and employment land uses which encourage the revitalization of the local industrial economy and the historic Port of Cape 16 Charles and Northampton County, create family-wage employment and training opportunities for local residents, serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers, and encourage cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.

III.3.4 General Business/Light Industrial H-1 District

The General Business/Light Industrial H-1 designation allows for a planned mixed industrial and employment park with a comprehensive development plan which encourages the revitalization of the local industrial economy and historic Port of Cape Charles and Northampton County; creates family-wage employment and training opportunities for local residents; serves as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers; and incorporate comprehensive, cost-

effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.

III.3.5 Main Street Mixed Use District

The purpose of this designation is to recognize the unique juxtaposition of the existing residential structures within the central business district and the future needs of Cape Charles commercial districts. See Section III.2.1.1 above for description.

III.5 Land Use Category and Uses Summary

CATEGORY	USES
Main Street Mixed Use (Commercial Residential)	Land uses in this category includes a mix of activity-generating uses on the first floor storefront space that can include commercial, retail, office, with residential uses located above the first floor.
Harbor Mixed Use (Harbor)	Land uses in this category should be mixed, including resort and tourism-related retail, waterfront industrial and employment, associated residences, and accessory uses and should support the existing harbor and railroad uses.
Traditional Residential Mixed Use (R1, R2, R3)	Land uses in these categories includes a m ix of residential single family, single family patio, and duplex dwelling units.
Low Density Residential (RE)	Land uses in this designation should consist primarily of single family dwelling in low-density residential areas intended to have a gross density of between 1-5 acres per unit, and to be clustered to protect significant areas of open space. Development proposals that seek higher density ranges in order to utilize desired clustering methods and preserve open space should also be considered.
Planned Unit Development (PUD)	Land uses in this category promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional regulations. It is intended to promote more efficient use of the land while encouraging variety and convenience for the development and/or recreational areas and open spaces within the project.
Industrial (GB, M-1)	Land uses in this category permits certain industries, which may detract from the residential desirability, and

	will not be permitted to locate in any area adjacent to a residential area.
Industrial District (M-2)	Land use in this category provides for mixed industrial and employment land uses which encourage the revitalization of the local industrial economy and historic Port of Cape Charles.
General Business/Light Industrial H-1	Land use in this category provides for a planned mixed industrial and employment park with a comprehensive development plan which encourages the revitalization of the local industrial economy and historic port of Cape Charles.
Railroad	Land use in this category is identified as railroad and future Harbor Mixed Use designation. The open space designated to handle harbor dredge spoils should only be held for that use.

III.6 Future Use Approach

III.6.3 Future Land Use Recommendations – Long Term or Strategic

In addition to the recommendations listed above, these recommendations are targeted for implementation beyond the five year time frame.

- The Railroad designation is intended to acknowledge the railroad owned properties as important historic and economic resources within the Town of Cape Charles. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation and their redevelopment should be guided by the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines.
- Bayshore Concrete Products is an important economic anchor for both the town and the county. The plant is in the process of expanding and capital improvements. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.
- The property currently owned by the government and used as a United Stated Coast Guard Station Cape Charles facility performs a necessary and important safety and security function for the entire area. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.

Section III-A – Quality and Diverse Neighborhoods

Overall Policies for development of Neighborhoods

(10.) Extend the concept of the historic grid network to new development.

Applies to Neighborhoods:	Description:
➢ Residential	

➢ Mixed Use ➢ Business & Industry Note: The historic grid network of the street system is a valuable asset for the Town and provides ample connections between residential and commercial uses for both the automobile and the pedestrian. Designing roads that serve new development in a system of interconnected blocks as a "grid" will improve overall network connectivity, promote greater accessibility for both traffic and emergency access, and foster compatibility of streetscape design for the whole town.	• The historic grid system works well in the core of the town and should be extended into new development including street width, turning radii and diagonal parking • Extend Fig Street with an at-grade crossing over the Railroad property to Old Cape Charles Road • Protect the view sheds • Maintain the "hump" as an alternate emergency vehicle route

III-A.5.2 New Developments

Maritime and Mixed-Use Developments on the Harbor

The underdeveloped land, private and public, around the Cape Charles Harbor has been approved for development. Land uses in this category should be mixed, including resort and tourism-related retail, waterfront industrial and employment, associated residences, and accessory uses should support the existing harbor and railroad. These developments are:

- Cape Charles Yacht Center
- Town Harbor

Section III-B – Economic Vitality

III-B.5.3 Goal: Facilitate Business Start-Up, Expansions and Relocations

Despite the attractiveness of Cape Charles' location in a regional context, the town must aggressively seek out partnerships with existing businesses, educational institutions, telecommunications providers, regional economic development groups, among others and pursue economic development opportunities, capitalizing to the extent possible on existing strengths. In December 2013, Bayshore Concrete Products successfully applied and was approved for the Cape Charles Technology Zone Incentive which gives a tax benefit for a maximum of five years. The plant is in the process of expanding and capital improvements of $4 million are planned.

The town has the potential to grow over the coming years and the hospitality industry, including conference and convention center facilities, should be part of that growth. This industry brings visitors to Cape Charles and requires a cadre of well-trained workers to support

that growth. These visitors will require restaurants and other businesses to support hem and the demand for quality support staff will be strong. Living accommodations within a reasonable distance area needed, making the Town Edge important in future land development.

While the town continues its focus on conducting business in a friendly efficient and effective manner, it should also continue to emphasize an "easy to do business with" attitude in dealings with both businesses and citizens alike.

Strategy:

- Capitalize on the existing and planned maritime industry cluster. 28
- Promote the dredging of the harbor from the current 18 feet to 35 feet to support economic development in the Harbor Mixed Use District.
- Pursue a study to determine markets for the Cape Charles Harbor.
- Attract new and/or additional major maritime, high technology, hospitality and small conference center business uses to Cape Charles.
- Foster small business development and home-based businesses.
- Promote tax incentives such as:
    - Enterprise Zone o Free (Foreign) Trade Zone
    - Town Commercial Rehabilitation
    - Northampton County Commercial and Residential Rehabilitation
    - Assessment/Tax Freeze
    - Technology Zone
    - Tourism Zone
    - Historical Tax Credits
    - HUB Zone
- Partner with educational institutions and appropriate organizations to research training and economic development opportunities.
- Promote Cape Charles Harbor as an ideal port of call

Section III-D Amenities

III-D.1 Cape Charles Harbor

Cape Charles Harbor is unique and vital to the future of the town. It currently serves the Bay Coast Railroad, Bay Shore Concrete, United States Coast Guard, Cape Charles Yacht Center, Mid-Atlantic Maritime Academy, industrial port and warehousing facilities, commercial fishermen and recreational boaters. The harbor has been upgraded with the installation of new docks, fuel tanks, floating docks, walkway, bathhouse and a restaurant. New development has been proposed on private parcels around the harbor as well. In response to increased usage and interest in the harbor, in 2007, Town Council approved the Harbor Historical District, the Harbor Zone, the Harbor Master Plan and Design Guidelines, and the Cape Charles Harbor Redevelopment Plan. To encourage sustainable marketability and growth of the harbor, the town will:

• Develop and implement a plan with Bay Coast Railroad for public crossings at Fig Street and at the waterfront.
• Fully implement the plan for construction of breakwaters to allow for greater protection of the harbor for use by all types of boaters.
• Support the Harbor Redevelopment Plan to increase funding for new facilities and greater dockage as well as dockside spaces for retail and recreation.
• Work with private developers to encourage employment opportunities for residents.
• Coordinate plans with the various stakeholders around the harbor to connect the proposed multi modal trail with the Historic District.
• Implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines to ensure cohesive and appropriate development around the harbor.
• Create a public recreational meeting area at the harbor for use by all fishermen, boaters, Cape Charles citizens and visitors.
• Encourage Virginia Clean Marina Standards at all marinas and maintain the Clean Marina at the harbor.

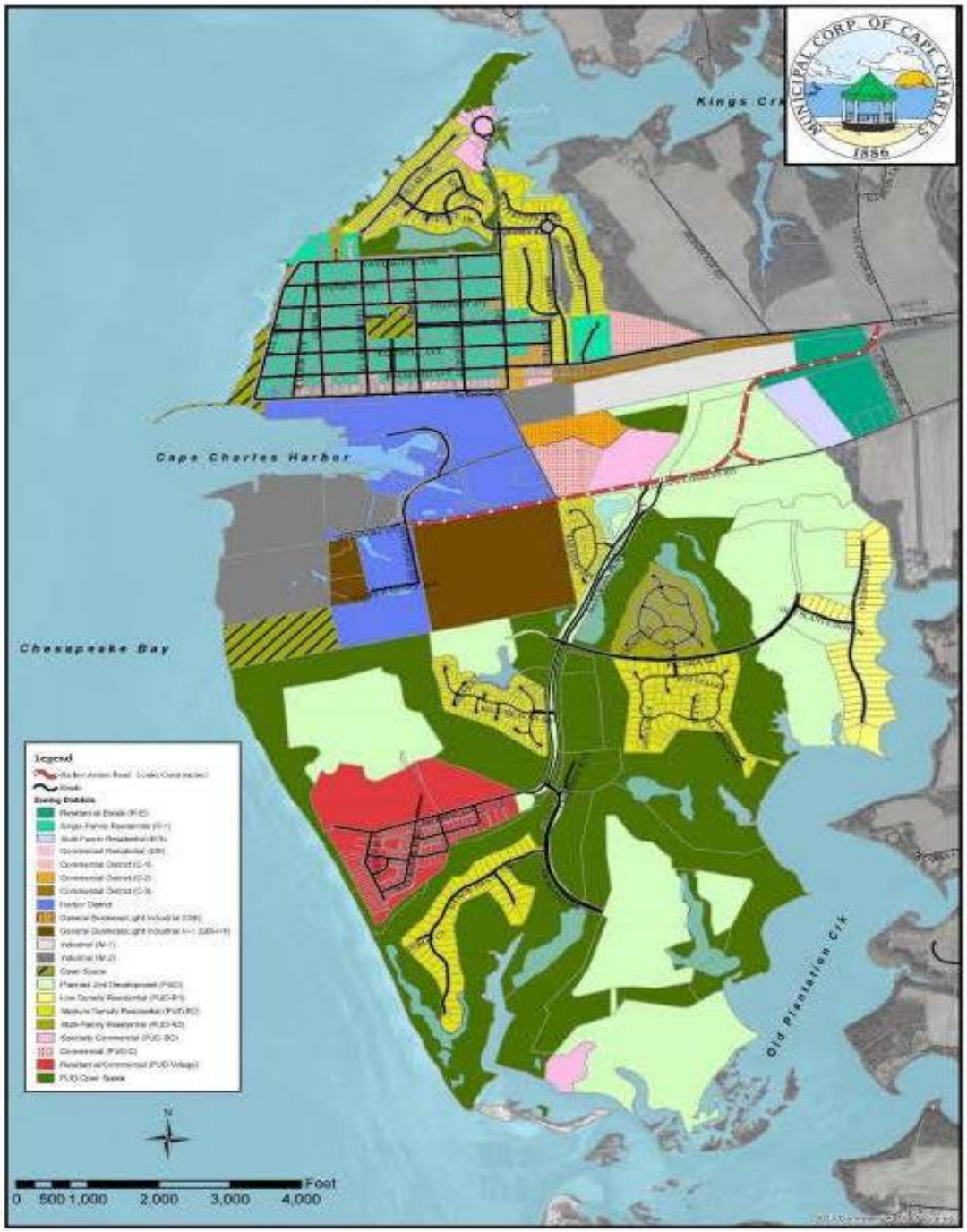
Section IV – Implementation

IV.2 Harbor Conceptual Master Plan

• Inventory historic site in the harbor area and encourage rehabilitation
• Commemorate historic sites such as the Meteor Site
• Establish an Architecture Plan for the harbor • Encourage rail development for commuter and scenic routes
• At-grade railroad crossing should be encouraged where feasible
• Integrate a pedestrian network from town to harbor
• Develop additional docking facilities at the harbor
• Keep parking areas green by using means such as pervious material
• New parking structures, if used, should be compatible with adjacent structures
• Incorporate traffic calming features to slow traffic in the Historic Core
• Maintain the harbor as a multi-modal transportation hub
• Minimize dependence on private auto transportation
• Preservation and restoration of the Rosenwald School
• Enhance jetty maintenance
• Create a public recreation meeting area
• Raise the level of the channel jetty to above mean high water

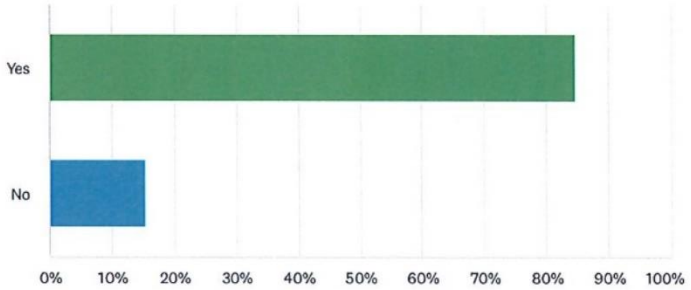
VI.2 Land Use ~~Zoning District~~ Map

Town of Cape Charles ~~Zoning~~ Map



Q9 The Town Council believes that Cape Charles should strive to have a healthy mix of economic sectors, which include tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type of businesses, and other businesses associated with a working harbor. The Council further believes that tourism and a small-town character can successfully coexist with a working harbor and manufacturing/light industrial activity as long as these activities are thoughtfully located and regulated to minimize conflicts. As such, zoning will be updated to reflect that in general, tourism/commercial activity is best suited in areas north of the harbor and manufacturing/light industrial activity is best suited in areas south of the harbor. Do you agree with the Council's view regarding economic diversity?

Answered: 441 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	84.58%	373
No	15.42%	68
TOTAL		441

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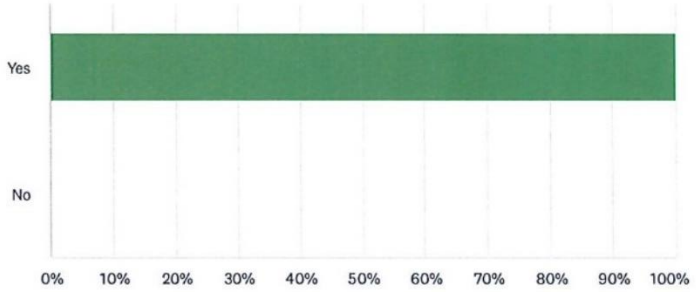
Answered: 373 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	373
No	0.00%	0
TOTAL		373

#	COMMENTS	DATE
1	If it wasn't for industry and manufacturing this town would not be here. Please continue your support.	12/30/2021 10:28 AM
2	The approach makes a lot of sense	12/30/2021 10:26 AM
3	As long as tourism doesn't take over the town. It is impossible for those of us who live here to get a dinner reservation in the summer. Many of us just hide. Not sure how it can be done, but is there a way to control the number of homes that are vacation rentals? They are now trying to market the rentals during the Winter months!!!!	12/30/2021 10:22 AM
4	--Yes, understanding that visibility/viewshed/noise impact of manufacturing/light industrial south of the harbor will always be a consideration. --As to the idea of a working harbor, we see	12/30/2021 10:20 AM

	how something like the clam operation on the north side of the harbor impacts the potential for diversity of economic sectors. A careful review of what is allowable in the Harbor Zoning is important. --Note that the beach should not be neglected as part of maintaining economic diversity. This includes adequate sand on the beach and multiple entryways along Bay Avenue.	
5	Being new, I wish a map had accompanied this question so I would have a better vision of what areas north of the harbor and south of the harbor are. I do support a healthy mix of economic sectors....provided the plans for development are transparent and allow for community input and questions.	12/30/2021 10:20 AM
6	But, please do not over tax tourism. In my view hotel or vacation rentals taxes are unfair. They are voted by locals and the taxpayers out of town can't vote. Among others this country was founded on no taxation without representation. I'm not against taxes, taxes are the price for our civilization. But I'm against tax misuse and tax benefits for special interest.	12/30/2021 10:19 AM
7	Comments made suggesting limiting the commercial component to only any business related to tourism is not realistic nor desirable from a diversity point of view. However, zoning ordinance needs to be updated to weed out those businesses that we feel are unrealistic (e.g., coal yards and heliport in M-1 district, Recycling drop-off collection centers and Utility installations in M-2 as examples).	12/30/2021 10:18 AM
8	The key being that "these activities are thoughtfully located and regulated to minimize conflicts."	12/30/2021 10:18 AM
9	However, there is major concern for the industrial area directly behind the New Quarter area of Bay Creek. Noise, odors, storage and hovering large equipment along with unattractive industrial buildings would ruin property value and would be a huge disturbance to this section of the Cape Charles community. We have major concerns about the use of this area.	12/30/2021 10:14 AM
10	Provided it doesn't take away from the appearance of the harbor	12/30/2021 10:13 AM
11	I agree that tourism and a small town character can coexist with a working harbor and manufacturing/light industrial activity. I believe there should be regulations for both parties as long as it doesn't choke the businesses to where they can't grow and provide jobs. We need both but one can't choke the growth of the other. I don't think the location of the clamming operation takes away from the character of what we want cape charles to be, actually this is part of our culture on the shore and should be out there for others to observe and be educated in this area. I have observed tourists being interested in the operation works. Probably having never encountered this type of business. It is just one more thing to add to the uniqueness of out town, plus it gives jobs.	12/29/2021 3:57 PM
12	I believe that economic diversity is essential for the town's future. But, when there is an appearance that the interests of investors rather than townspeople are being served, then resentment and opposition increase.	12/29/2021 3:55 PM
13	The town has to be very careful that the industries are compatible with the tourists and the historic character. Restaurants on the water are very compatible as is the boat maintenance business and the fishermen who use the harbor. Please let us know which businesses you are considering so the the community can have a voice. Not all industry is compatible.	12/29/2021 3:49 PM
14	Though tourism (specifically rental properties) may need to be controlled at some point (e.g. Onancock ideas).	12/29/2021 3:49 PM
15	Although I said yes, the statement "as long as these activities are thoughtfully located and regulated to minimize conflicts" makes me wonder what this really means. I agree that light industry should be located south of the harbor, but it should also be closely monitored to make sure there are no ordinances broken or negative environmental impacts resulting from irresponsible operations. BTW, I am still waiting to find out how the town is going to handle the unauthorized clear cutting done by PreCast last summer.	12/29/2021 3:48 PM
16	As long as green space , industrial related noise and pollution regulations are strictly enforced.	12/29/2021 3:31 PM
17	It would be nice to have a small market (groceries) in town that accommodated not only the residents but also the transient visitors. I imagine a market would be particularly convenient to visitors arriving by boat who may be looking to replenish supplies.	12/29/2021 3:30 PM
18	The manufacturing and light industry are critical for employment in the area, helping build the tax base, attracting more services and improving the schools. The trick is keeping the	12/29/2021 3:24 PM

	balance..... As the town hopefully expands into the old railroad property, managing that development will be critical.	
19	However, need to stop industrial scale operations, like current clam off-loading and develop guidelines to limit industrial noise. Guidelines and hours of operations on north side.	12/29/2021 3:20 PM
20	Even though tourism is a large part of our economy we need to remember that residents on the shore need year round employment.	12/29/2021 3:19 PM
21	Beware short term rentals- I know I live in Va beach	12/29/2021 2:19 PM
22	But oppose more manufacturing/industrial south of harbor	12/20/2021 11:36 AM
23	We need all the businesses we can get that pay good money. Coastal precast pays good money. We need more like that.	12/20/2021 11:29 AM
24	I agree with the councils view regarding economic diversity. I am against expansion of the concrete industrial area. The noise pollution alone is a degradation to the charm of CC. You can hear it all the way to Cherrystone on many days. We also must preserve our green areas and walkways near the industrial area and near the Baycreek neighborhoods.	12/20/2021 11:04 AM
25	As long as the light industrial is operating under normal and acceptable hours (i.e. not 3am)	12/17/2021 5:59 PM
26	But Never should have given up harbor	12/17/2021 11:48 AM
27	Light industrial on the property south of the harbor and west of Precast would be a great use of this property (wind mill propellers??)	12/17/2021 11:05 AM
28	Jobs are at the heart of a small town.	12/17/2021 9:59 AM
29	In regard to the harbor and tourism, yes. But remember that economic diversity also includes allowing families of lower socioeconomic status to enjoy what our "small town" has to offer.	12/17/2021 6:49 AM
30	Economic diversity is the best plan for the town's long range well being !	12/17/2021 1:55 AM
31	Yes, not just within Cape Charles town limits, but in general, on the southern part of the peninsula on the Eastern Shore, there is not enough affordable housing. We should work together as a community to look to expand and support economic diversity.	12/16/2021 6:25 PM
32	While I agree, if there is no affordable housing, where will the employees live and spend their paychecks.	12/16/2021 4:35 PM
33	It would be interesting to consider the rail yard property and how that would then steer purchase and development.	12/16/2021 3:23 PM
34	Seems to be working so far...	12/16/2021 2:50 PM
35	But Never should have given up harbor	12/16/2021 12:24 PM
36	I consider the clamming operation on the north side of the harbor more than light industrial.	12/16/2021 11:50 AM
37	However, I have been in Cape Charles since 1984 and there was a working harbor on the north side and it was fine, but multiple 18 wheelers idling all night, stench from the clams, noise from people clanging metal crates and people hollering at 1, 2 and 3 o'clock in the morning is unacceptable and not good for tourism.	12/16/2021 10:10 AM
38	I think that there should also include language to show an intent and purpose to expand business offerings to be year-round businesses, especially in the food-service industry.	12/16/2021 9:49 AM
39	Important to have a mix of jobs for all.	12/16/2021 9:22 AM
40	However, this is a very fine balance as one would not want the commercial endeavors to conflict with the tourism industry, especially in making the area less attractive and noisy.	12/15/2021 10:03 PM
41	I wish it had a yes and no answer, I believe in economic diversity but have little faith in the same industry that thrived while the town crawled and now we think that's going to change or it's going to threaten the industries that did actually resuscitate the town?	12/14/2021 11:00 PM
42	The deep water port is an incredible asset that in no way maximizes its potential currently. See savannah GA for what it could become...but better	12/14/2021 6:24 PM
43	In general this makes sense. However you do have housing south of the harbor so its would	12/14/2021 4:45 PM

	make sense to ensure that landscape buffers be included to help shield activities and beautify facilities.	
44	I agree to an extent. I don't agree of rezoning south of the harbor for light industrial when it interferes with nature and the wetlands. I also wonder what damage the cement plant is doing to the bay at their location. Do we have reports of their environmental impact?	12/14/2021 4:04 PM
45	My hope is that the hunger for business does not have additional negative impacts on our mom and pop businesses by drawing larger chain stores.	12/13/2021 9:38 PM
46	If these activities are thoughtfully located and regulated to minimize conflicts	12/13/2021 3:14 PM
47	More in favor of mfg/light industrial uses to draw more full time residents	12/13/2021 11:30 AM
48	We should see what the town could do to assist in the reconstruction of the Rosenwald School, should the board of the 501c3 working on this effort want assistance. The town could continue to apple pressure and increase pressure on the owners of "casually maintained properties". They need to "love it (fix it up — at least the exterior) or list it. Three that quickly come to mind are two on Randolph and one in the 600 block of Monroe.	12/13/2021 11:04 AM
49	The sight of vacant shops on Mason Ave is daunting. We seem to need more practical businesses- i.e.a bike shop, family restaurants, hardware store, garden store.	12/13/2021 10:04 AM
50	I really don't want Cape Charles to be a retirement community and I think having diversity of jobs available will attract families to live here keeping our town vibrant	12/13/2021 9:57 AM
51	I'm fine with the concrete factory, I applaud it in fact. I am NOT ok with the commercial activity in the field across from the Northampton Hotel. For God's sake, who allowed that??? The trucks spew exhaust that I can smell at my house at 109 Monroe. The noise too, I didn't mind the sound of the concrete factory but I do mind the idling of 4 or 5 or 6 gigantic trucks. Again, someone is going to get killed with those trucks coming through town. Really awful. That is prime waterfront property, ideal for anything but a truck parking lot!!! I had heard that Eyre Baldwin has a stake in the business, or something, sorry, 3rd hand info here, but do think it is high time he stop being allowed to run the table in this town. He does not have to LIVE here and SMELL the exhaust. If I were a property owner on Mason across from that mess, I would be very upset indeed.	12/12/2021 2:17 PM
52	I agree, but let's do it right, without the business interests dragging us by the nose. Coastal Precast is not being a good neighbor, and neither is Eyre Baldwin. Council needs to hold them accountable, but unfortunately has shown no inclination to do so.	12/9/2021 4:14 PM
53	Also support the concrete plant	12/9/2021 12:13 PM
54	I agree but for example, the level of noise that is being created on Mason Avenue, across from the old hotel by the new seafood business, is not acceptable. We need to be able to set a noise limit or time limit on the noise created. I have talked with people who live at that end of town who are very disturbed by the noise level this creates. So if we are going to mix commercial and residential we need to be more respectful to the residents who are needed here to make the town work. The people who are most disturbed are the full time residents. This is an example of the problem with losing more full time people to people who live away and collect the rental income. We can not afford to run off the people who are full time here.	12/8/2021 7:28 PM
55	I agree with economic diversity but not at the cost of harming the tourism or service oriented businesses- restaurants and shops. How can a industrial or working harbor exist where it is now — across the street from a boutique hotel, rental cottages, small businesses? this makes no sense as it now exists. Stick to the Community Strategic Plan and move it.	12/8/2021 3:50 PM
56	However, a strong noise ordinance should be enforced and buffers required.	12/7/2021 5:19 PM
57	Yes with a ?... AS LONG AS COUNCIL FOLLOWS THROUGH WITH THE APPROPRIATE ZONING AND THEN ENFORCEMENT, WHEN/WHERE AND WITH WHOM, WHEN NEEDED!!!	12/6/2021 4:13 PM
58	I completely agree with the economic diversity that is so important to the eastern shore, but feel that the impact of manufacturing/light industrial type of businesses on the historic district and beach should be considered. For example, while I recognize the importance of the concrete plant, it is an eyesore to the town and creates sound pollution. Both issues could be resolved or improved with some creativity.	12/3/2021 9:04 PM

59	I have no problem if businesses want to move to town, it sounds like the problems that comes with a small town with thriving tourism are being thought about. I do fear bringing in people that are not from the area and want to bring their "this is how it's done where we're from" attitude and ways. We don't need to change the town to appease people that don't appreciate what is already here. Also, I live in Charlottesville, a gentrified town. Lower income people can't afford to live here because they can't pay the high taxes and high rent that college kids parents can pay. I don't want to see Cape Charles do the same because it seems most towns only worry about affordable housing once they have displaced the ones that can't afford it. Maybe it's by design and unfortunately it seems to be already be happening.	12/3/2021 6:33 PM
60	I just hope all are thought through thoroughly and we consider all outcomes on these decisions. It would be difficult to go back if we ended up with an undesired outcome.	12/3/2021 11:34 AM
61	The town has experienced a large turnover in properties the past 5-7 years, and I doubt that many of the new owners have a good understanding or appreciation of the town's historical dependence on the harbor and industry.	12/3/2021 11:27 AM
62	Other than we would not consider the clam operation works with this vision	12/3/2021 11:26 AM
63	Yes, yes and yes!!! Diversification is key	12/3/2021 11:24 AM
64	I feel most would agree with this statement if positioned correctly. Recent council meetings have shown a lack of trust for council members and their ability to make impartial decisions. Generally, a better communication system with the population would go a long way. The council cannot expect residents to tune in to council meetings for several hours at a time to stay in the know.	12/1/2021 9:17 AM
65	Need to add health or senior care to the mix	12/1/2021 7:03 AM
66	I dunno why people hate the cement plant so much when it's been there longer than most residents of the town. lol	12/1/2021 3:38 AM
67	I beleive a mix of economic and tourism will be good for the town. I also feel the town should be selective in what businesses are allowed in town. There is a great mix of tourism shops currently but very few lifestyle type options. Trying to encourage food or market type shops would be helpful to the town and keep people in town more than having to run out to food lion all the time. Just a thought.	11/30/2021 10:19 AM
68	The Town needs to do more to ensure that the concrete plant is a good neighbor. I still hear their trucks beeping loudly, and for extended periods of time. I also read that they illegally clear-cutted trees. They should be forced to plant 3 trees for every one they felled. Also, what on earth is up with the clamming operation on the north side of the Harbor?! That operation seems to run counter to the Town's view. It is an utter eyesore and embarrassment.	11/29/2021 6:52 PM
69	If you want tourism to thrive alongside industrial, the noise pollution and ugly views of industrial must be minimized. We specifically did not purchase a home on Mason or Randolph due to the incessant beeping from the concrete plant.	11/29/2021 3:19 PM
70	Tourism is great, but housing need is real for people working in town!!! Perhaps we should address that at some point, before it is too late?	11/29/2021 11:17 AM
71	The Bay Creek people that formed the group against the concrete plant have lost their mind. (My home is in Marina Village). Tourism must co-exist with a working waterfront.	11/29/2021 11:02 AM
72	The town is to small and can not handle the number of tourist in the summer time. The beach is tiny and 2 hour waiting time for a restaurant is insane. Because of the huge number of rental properties there are not enough fulltime families...without the families the businesses do not have enough employees.	11/29/2021 10:06 AM
73	This statement belies the actions of Council to rezone based on special interests of a select few.	11/28/2021 12:01 PM
74	I am happy to have a working harbor but there should be some regulation as to the hours of work. Sometimes the cement plant and the clam ships/trucks are going early in the morning or very late t night. There is also much dust and dirt. It was also very disheartening when the cement plant expanded south stripping much natural habitat. I no longer enjoy walking the trail with the plant being so visible and loud.	11/28/2021 10:36 AM
75	Utilities may hinder the recruitment of advanced manufacturing. Need more housing to provide	11/27/2021 5:06 PM

	workforce or look into a community college/ workforce center to cater to businesses the town would like to attract. The town or county needs an economic development director to steer both county and town in recruiting business expansion.	
76	Go CAPE CHARLES CITY!	11/25/2021 8:17 PM
77	But I believe in flexibility. Not a strict adherence to a North / South divide.	11/24/2021 11:32 PM
78	The non-tourism sectors of our economy are important and should be increased.	11/24/2021 12:10 PM
79	The council might have this intention, but they have not yet convinced the key stakeholders like CC Main Street and owners of businesses that cater to tourists about the importance in serving year-round working class residents. The antagonism demonstrated during the zoning discussion for the concrete plant is a tip-off that folks don't yet understand the importance of economic diversity. If we cater to the tourists, we will continue to lack residents who are willing to serve on the town's committees and contribute to building a sustainable, year-round community.	11/24/2021 7:43 AM
80	I think the town officials do a great job considering both working vibrancy and laid back beauty.	11/23/2021 7:51 PM

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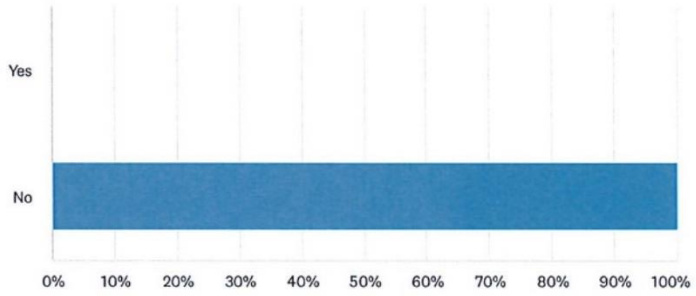
Answered: 68 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	68
TOTAL		68

#	COMMENTS	DATE
1	Updating zoning? The damage has been done	1/10/2022 11:12 AM
2	The lower income community that have lived in Cape Charles for years, can no longer afford to shop or live there. It has been taken over by those who are in a higher tax bracket so that regular folks can't afford it. I owned a home & ran a business there but sold out due to expenses. Can no longer pay a huge Cape Charles tax plus the Northampton County tax as well. It's impossible! The only reason that I go into town now is to pick up a prescription or walk on the solitude of the beach in which a place to park & solitude is non existent today, very sad .	12/30/2021 10:27 AM
3	Light industrial, yes, however they extend the word " conditional " use. This is an open end situation, they have already stepped beyond " conditional"use. The only persons who won on	12/30/2021 10:26 AM

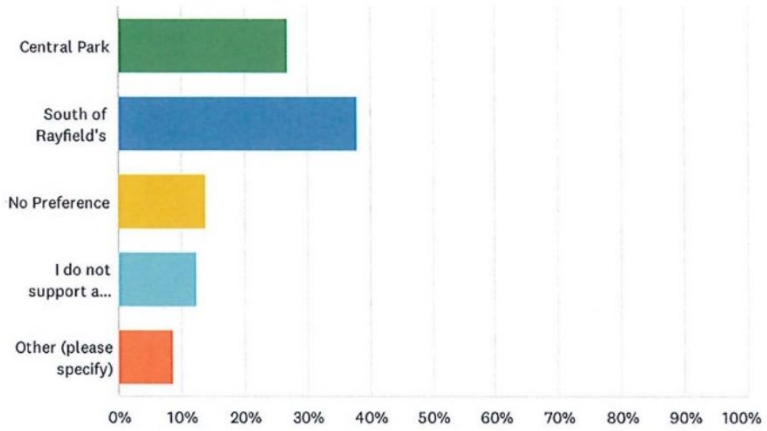
	this Ayer Baldwin and the concert plant.	
4	What Council says and reality, as far as the clamming operation, seem to be in conflict. The concrete plant seems to at least try to be a good neighbor, but the clamming seems determined to punish the town by running operations 24/7. Where is Northampton County in providing jobs and business? It seems that all of the jobs being created are the burden on Cape Charles, at the expense of the peace and quiet that drew people to the town. I cannot begin to imagine how the clamming has impacted the three houses and Northampton Inn on Mason Avenue. Does Council care about those businesses?	12/30/2021 10:24 AM
5	They approved changes to zoning without gaining any concessions (financial or general). There was no facts as to the accurate employment at the plant from Cape Charles or even Northampton County. In addition, this Clamming Operation "north" of the Harbor, defies the intent listed above to keep the Historic district protected from industrial activities.	12/30/2021 10:24 AM
6	Clam boats unloading all night long every 3 days in a commercial zone that is not in compliance. South side of harbor is not zoned industrial. I do not consider this light industrial with the noise and arc lighting.	12/30/2021 10:07 AM
7	Do not support manufacturing/light industrial type of business in Cape Charles	12/30/2021 9:52 AM
8	Manufacturing/light industrial activity	12/29/2021 3:59 PM
9	Need to consider the water usage and the small amount of space in the whole area. We don't need more traffic and the protection of the bay and its habitants/wildlife should be first.	12/29/2021 3:56 PM
10	Proposal needs to be more specific	12/29/2021 3:53 PM
11	Need more information on this matter	12/29/2021 3:48 PM
12	The town's main interest is the tourist! The town has chased away local fisherman by raisen docking fees and regulations. The town constancely battles the concrete plant. Its an eyesore and noisy for the tourist. Doesnt sound very friendly. And refuses to enforce golf cart laws. The town has lost its appeal. Who in their right mind wants to back in parking!!	12/29/2021 3:29 PM
13	Manufacturing/light industrial activity should in NO WAY effect the residential areas of Bay Creek.	12/29/2021 3:27 PM
14	You must curb tourism to maintain your base of full-time residents.	12/29/2021 3:26 PM
15	This town can be Cape May, NJ or Elizabeth, NJ but it can't be both.	12/29/2021 3:24 PM
16	The concrete plant and clam operations have ruined the area with little revenue or cape charles.	12/29/2021 3:15 PM
17	We do not agree the Councils view regarding economic diversity. To us, the definition of "light industry" would never include a huge concrete plant whose noise reaches MANY of the residential blocks day and night. The town has not effectively reached an agreement with the plant's managers about the noise or the particulate matter that drifts over the open waters of the harbor and bay, AND reaches the residential area. This is detrimental to the health of the residents and visitors. Fishing is a vital part of any working harbor but the current clamming operation with the rows of idling diesel tractor trailers causing air pollution, light pollution and noise pollution, all hours of the day and night, is NOT acceptable. It should be located on the South side of the harbor. It is detrimental to the town and our residents and visitors. Although this town was founded on the transportation industry over one hundred years ago, it is now experiencing a Renaissance due to the tourism industry. The Council needs to appreciate this and protect this trend/opportunity. A study of the history of similar towns will show that this is not uncommon to experience a change of focus. Chincoteague, for example, has historically had a poultry industry, a menhaden processing industry, a fishing industry, however it now relies predominantly on tourism…and it is a THRIVING municipal economy.	12/29/2021 3:06 PM
18	Only if is closely watched and regulated, which I don't believe is presently being done. The town council does not put the residents needs first. at times it appears the town is being run by a few wealthy people.	12/29/2021 3:05 PM
19	Depends on what commercial activity is defined as by the Council. If it includes harvesting oysters &/or clams from the harbor and loading them into trucks in the evenings and nights, then no! Evening and late night commercial businesses should not be permitted to operate in areas north of the harbor, especially if they are not "quiet and respectful of neighbors".	12/29/2021 3:04 PM

20	Too vague.	12/29/2021 3:03 PM
21	The new wording for manufacturing/light industrial type of business is not acceptable. You should reverse it to what it was, especially not to allow outdoor manufacturing. Also it would be appropriate to add some proffer in order to maintain the appearance of the manufacturing properties the way they look now from the town: 50 feet trees barrier minimum; no buildings above the tree line. The town is generating most of its revenues from tourism. This is the area that the town should privilege and facilitate in terms of services and occupations: more entertainment; stores and maybe a hotel big enough to accommodate weekenders around the year and for special events such as golf tournaments at bay creek.	12/29/2021 3:01 PM
22	The towns best growth and development prospects are clearly related to tourism, which has created many businesses and driving home values.	12/29/2021 2:48 PM
23	It is relatively well documented that creating zones for specific types of economic activity stratifies the economic basis of he community. While the "north of harbor" and "south of harbor" idea fits with recent and current uses, there should be a mix of these economic areas in future planning for them to truly thrive and provide opportunities for all of the town's citizens. For example, the Hook at Harvey places in the middle of the industrial site for the yacht building works well. I am not suggesting we place industrial right in the middle of the commercial zone or residential zone, while I am suggesting that keeping only industrial development south of the harbor will not improve the view shed not increase a mixing of the needs of the town for economic diversity.	12/28/2021 10:08 PM
24	Left a question mark between both answers so didn't have a certain response	12/28/2021 9:35 PM
25	Although the demarcation of areas makes sense on the surface I would encourage the town council to maintain flexibility in allowing for future growth of all types on both sides of the harbor by adopting a variable zoning class. An example, permitting residential or commercial (or mixed use) on the south side of the harbor.	12/17/2021 4:04 PM
26	The concrete plant is an eyesore and it's growing footprint is concerning to the surrounding environment.	12/17/2021 11:44 AM
27	If you are truly a tourist beach town, no businesses manufacturing / light industrial activity should be visible from the tourist sector of the town. The town has a large parcel of land on Mason Ave. on the water, and very few know what it is being used for. The town cuts the grass for parking on 4th of July so I am assuming the town owns it. It has no sign to designate the business name and no explanation of public access. The public has no guidance if they are allowed on the new concrete dock area. Across on the South side, in no way can you call the newly expanded Rock Quarry, "Light Industrial Activity." Town needs to do all they can to showcase areas close to the water as tourist friendly. People spending money in town through taxes, rent, etc. should not be worried about what businesses are on prime waterfront real estate blocking their view.	12/16/2021 9:41 PM
28	Manufacturing/Light industrial activity should be further outside the historical town limits... Not south of the harbor. Remember, we need to preserve history and culture... And that includes preserving land, wildlife, forestry, and coastal habitats. Tourists do not need to have access to our light manufacturing development. I strongly advise NOT to develop south of the harbor, as the town will have actions that will most certainly conflict with the intensions of the plan.	12/16/2021 7:18 PM
29	It amazes me that the town would contract out the harbor in the first place and put local persons out of work?? Also seems to me that the working waterman is no longer really wanted at the harbor and if anyone has kept things going over the past 100 years it's the working waterman. Then the complaints about the cement plant - DUST AND NOISE - who are you kidding! What about employment and feeding one's family? That should be a top priority but sense there are very few actual residence in Cape Charles and most are vacation rentals for visitors - I guess the local families don't rank as high a the money renters are making that don't even actually live in the town. Diversity?? Who are you kidding - more like reversing diversity. Cape Charles has survived so many different changes thru the years and we who are local know what diversity means but we never said that word growing up because we lived it. Get a grip on your "high society" "dollars only matter" mind sets and let us get back to actually living life on the Eastern Shore as we know it - SIMPLE AND FREE!!	12/16/2021 2:31 PM
30	Pushing any time of business to the outskirts of town is a bad idea	12/16/2021 12:50 PM
31	I disagree that "light" industrial operations have any place in the future of Cape Charles. And planned further expansion of industrial operations south of the harbor threatens open space,	12/15/2021 7:36 PM

	noise pollution, is visually unappealing, and had the potential to leave long-term scars on the landscape right in the heart of Cape Charles. There is a huge amount of under-developed land throughout Northampton County, why does this development need to take place right here? I believe the Council is being extremely short-sighted in its approach to zoning south of the harbor. The jobs and revenue being provided are time limited. Once construction of the CBBT is complete, those benefits will be shut off, leaving the town with an albatross of expanded and abandoned industrial mess.	
32	The council has not made this happen. The town decision makers are not acting appropriately and are allowing 1 individual to confront the industrial development of the town in spit of public outcry. It is shocking and needs to be stopped.	12/15/2021 8:45 AM
33	I don't honk manufacturing is beneficial to the town.	12/14/2021 4:44 PM
34	I would need to see the specific zoning changes to agree or disagree	12/14/2021 12:33 PM
35	The presence of industrial businesses within ear shot and sight of the commercial businesses is a tremendous detriment to the service oriented businesses. I can't count the amount of guests in our home who have asked, what is that eye soar across the harbor? and what is that pounding sound? It is a massive conflict and I believe all industrial businesses should be restricted that close to town.	12/14/2021 9:43 AM
36	Tractor Trailers and truck entrance on Mason are not acceptable	12/13/2021 3:05 PM
37	I was not on council at the time of this draft of the Comprehensive Plan. The town needs to work hard to identify and attract businesses that have a green footprint. 2021 has been a tough year for the harbor. The town was ripped apart as it considered re-zoning to permit the sale of a piece of property. The projected 'opportunity' did not occur, new jobs did not happen, and the towns people suffered as they battled to protect the natural resource. Many residents feel that their opinions do not matter.	12/12/2021 6:07 PM
38	I believe in and agree with a healthy mix of economic sectors, including all those listed; however, the success (and continued growth of the tourism and service sectors) depends on where and how all sectors are enabled to expand. The idea that the industrial sector can be just across the water of the harbor, let alone grow in that area, will continue to negatively impact the north side of the harbor. There's a large area of land practically unused east of the marina and coast guard; industrial growth in that direction would have minimal negative impact to the further growth and success of the town. Even keeping a small buffer south of the harbor and enabling growth only beyond that buffer would greatly impact the appeal of the harbor itself.	12/9/2021 9:30 AM
39	The industrial area south of the bay should not have been voted to expand.	12/8/2021 2:14 PM
40	No response	12/3/2021 1:10 PM
41	The small town feel and beach community are what makes Cape Charles special, makes people want to live here, and keeps visitors coming back. Manufacturing or harbor activity that produces too much pollution (dust, odors, noise, etc.) can make the beach and town inhospitable and impact the quality of life of in the Town. While having diversification of business types is a good thing, forcing them together when they are not complementary can lead to very negative results.	11/29/2021 12:52 PM
42	another missed opportunity for the town. develop the waterfront in a way that does not impact the environment and quality of life for all. A working harbor is much different than what has happened and the direction the town is going in.	11/26/2021 10:33 AM
43	I am not sure. Please provide a visual of this like a map to help us understand how and where activities would take place. Please do something to screen the concrete plant and to get rid of tractor trailers disrupting residents enjoyment of their homes and life in Cape Charles. On the flip side I heard the harbor is no longer friendly to watermen trying to fuel their vehicles. Where is the balance?	11/25/2021 5:52 PM

Q14 The town is exploring new recreational amenities including a basketball court. There is room for a half court in the southeast corner of Central Park. There is also potentially space available on property just south of Rayfield's Pharmacy that could be part of a multi-use recreation area. Of these locations, where would you prefer to see a basketball court?

Answered: 442 Skipped: 0



ANSWER CHOICES	RESPONSES	
Central Park	26.92%	119
South of Rayfield's	38.01%	168
No Preference	13.80%	61
I do not support a basketball court	12.44%	55
Other (please specify)	8.82%	39
TOTAL		442

#	OTHER (PLEASE SPECIFY)	DATE
1	Please don't ruin the look of our park with a basketball court. History in this town has proven nothing good happens on a basketball court.	12/30/2021 10:28 AM
2	South of Rayfield's would also be an option. I think it would be a great addition for the youth in the town	12/30/2021 10:26 AM
3	Not in Central Park. Think about it. Council members already referenced problems with the basketball court when it was by the old School: cursing, gun shots, trash, police having to be called. Do you really think that people who want to play basketball are going to respect a concert going on Central Park, or some other private event going on in Central Park? Do you	12/30/2021 10:24 AM

	think that families will want to use the proposed benches/tables/checkers/etc if right next to them, people are playing basketball? The basketball court by the old school went away for a reason, and there is good reason to believe that the same problems will return, if a basketball court is located in Central Park. If you are going to relocate the police/fire station, put the basketball courts there. It would provide something for the officers/volunteers to do when on duty, allowing them to build relationships with whoever else wants to play basketball. It also might go a long way towards keeping the behaviors under control. As a teacher, you can manage behaviors by walking around the classroom and positioning yourself close to kids who might otherwise be tempted to misbehave. The Town is working on walking trails within the town. Make this accessible by running sidewalks/golf cart path/etc to it. TM Hozey indicated the police force is already stretched thin. Having to answer calls to basketball misconduct in Central Park will stress out the police force. Cape Charles Baptist Church has already graciously made available a half court basketball court. The fact that some folks don't think this is good enough speaks to the behavior that they want to engage in on the court. Just asking for trouble if you put a basketball court in Central Park. The summer tournaments that some folks referenced were before our time, but seriously? In Central Park? If people want something like that, it would definitely have to go somewhere else. Having basketball tournaments in Central Park would mean no one else would be able to use the park during that time. And where would these people park? There's only one restroom in the park, and porta-potties don't smell that great in the summer.	
4	--I do not support adding a half court at Central Park. There will be conflict with concerts, weddings and other Park activities. --Suggest co-locating a court with Town office relocation.	12/30/2021 10:20 AM
5	A basketball court SHOULD NOT be placed in a residential area such as the park location.	12/30/2021 10:18 AM
6	I have no preference of location, only that it is monitored for appropriate behavior of the players (no bullying...)	12/30/2021 10:15 AM
7	Who comes to Cape Charles to play basketball	12/30/2021 10:14 AM
8	Remove tennis courts and replace with basketball courts. Tennis courts get little to no use.	12/30/2021 9:52 AM
9	While a "sports complex south of Rayfield's might be the eventual location for a basketball court, until that comes to fruition, then I think Central Park is the appropriate place. However, I don't think that the basketball half-court should be located in the southeast corner of the park. I think it should be located near the tennis/pickle ball courts (even if it means relocating part of all of the children's playground). The lighting requirements and noise concerns of these activities suggest that they should be located together.	12/29/2021 3:55 PM
10	Not sure how the town will care for a recreation area, when they presently can't keep up with the park, playground and tennis courts we have now. the town is very understaffed.	12/29/2021 3:05 PM
11	Cape Charles does not have sufficient population, or the demand, to support a multi use recreation area or a basketball court. I do support those activities but we should not spend the town's money for construction, leases or maintenance on this. Northampton County should do it. On basketball specifically, those who play basketball tend to be late teen to adults in their 20's and they tend to play an aggressive and loud game. If there were to be a court built, it should not be in Central Park.	12/29/2021 3:03 PM
12	At residence or private property	12/20/2021 11:31 AM
13	I support the addition of a basketball court within town limits-location is not a factor	12/20/2021 11:26 AM
14	Both Locations	12/20/2021 10:30 AM
15	The town basketball court should be in an area where residents with "sensitive ears" won't be offended. Central Park is ideally situated but I could see the basketball court interfering with other events that are held in the park. The area near rayfields is probably the better choice for a multi-use recreation area. Glad to hear that the town is reconsidering a basketball court.	12/17/2021 4:04 PM
16	Joint venture with churches and Christian school etc , since we had$200k deficit.	12/17/2021 11:48 AM
17	The Central Park location would be ideal... it does not need to be a "half court" however... it could be a 2/3 or 1/2 size.. NOT half court please... full court, only smaller than a regulation size.	12/17/2021 11:05 AM
18	Either place is good. What I don't support is a zip-line. That just seems of limited interest and counter-intuitive for our town.	12/17/2021 10:53 AM

19	Both	12/17/2021 9:59 AM
20	I like the idea of a multi use recreation area, so that'd be my first choice. But the park would be fine, too. We need this!	12/17/2021 8:04 AM
21	If a court is implemented it should be part of a multi-use area south of Rayfields and not at the Park.	12/17/2021 1:55 AM
22	Both areas would give access to many more games!	12/16/2021 11:40 PM
23	Multi-use recreation area near Rayfield's would be amazing! I support that, as my first and as an alternative, at central park	12/16/2021 6:25 PM
24	Either as long as it gets done, it's long overdue, seems the Rayfield property may have more room for multi use and larger crowds to enjoy at the same time.	12/16/2021 3:23 PM
25	Either would be nice but I would think residents surrounding the park would prefer the noise elsewhere and south of Rayfields sounds like a nice alternative	12/16/2021 2:50 PM
26	Use the two lots behind the fire department, seems the the safest environment there	12/16/2021 12:50 PM
27	Joint venture with churches and Christian school etc , since we had$200k deficit.	12/16/2021 12:24 PM
28	where ever it is, I think there should be security cameras on it.	12/16/2021 12:19 PM
29	If the rec facility was for local or residents then Would support however if it brought people from out of the area to use the facility then not a great use but that would be difficult to enforce	12/16/2021 8:35 AM
30	We support a court and believe it's a must have. We take our son to the church in town often to use their basketball hoop.	12/15/2021 10:07 PM
31	Depends on how far south. Needs lighting and easy accessibility. I also have it problems with it in the park if rules are set for timing, language etc…	12/15/2021 3:19 PM
32	Hard to say without knowing pros/cons and cost difference	12/14/2021 12:33 PM
33	Central Park or South or Rayfields would be great. I would love to have a basketball court in town!	12/14/2021 9:43 AM
34	use central park for a half court basket ball court, people play tennis and pickle ball there already, why not consider a satellite parking lot just south of rayfields?	12/12/2021 6:07 PM
35	I support the Central Park location. It's close to where the kids can walk to it safely. Having kids from Seabreeze walk to Rayfields is unreasonable.	12/9/2021 4:14 PM
36	I think a full basketball court would be better, and I really like the idea of a multi-use recreation area.	12/5/2021 12:35 PM
37	I don't care as long as there are funds available. If there is a deficit, which it sounds like it is according to the report, then not until the town is out of the red.	12/3/2021 6:33 PM
38	I just want to say I don't think it makes sense to pour a slab of concrete In the communities main green space. Isn't the church basketball court open to the public most days?	12/3/2021 11:34 AM
39	I think south of rayfields is the best option. there are less homes there and things like basketball games get loud and the general nature of the sport is loud (ball hitting pavement) which would be unfair to the houses immediately surrounding the park	11/29/2021 10:18 AM

TOWN OF CAPE CHARLES
Planning Commission – Public Hearing

The Cape Charles Planning Commission will hold a public hearing on Tuesday, June 7, 2022, at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following:

A. A Conditional Use Permit (CUP) 2022-003 application from Michelle and Nathan Davidson at 211 Madison Avenue (Tax Map #83A1-1-210 & 211) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) and for a swimming pool pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (5)

The application is available for public review on our website at www.capecharles.org. Please contact the Planning Department at 331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post – Tuesday, May 17, 2022
AD TO RUN: Friday, May 20, 2022 and Friday, May 27, 2022

PLANNING COMMISSION
STAFF REPORT

Meeting Date: June 7, 2022
Item #: 4A & 7A– CUP 2022-003
Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator
Date: June 1, 2022

APPLICANT: Michelle & Nathan Davidson

SITE ADDRESS: 211 Madison Avenue

TAX MAP: 83A1-1-211 & 210

LOT SIZE: 10,320 sq ft

TYPE OF APPLICATION: Conditional Use Permit 2022-03

SPECIFIC REQUEST: An Accessory Dwelling Unit & Inground Pool

ZONING ORDINANCE: Section 4.2 (J) & Section 3.2 (C) (5)

CURRENT ZONING: Residential (R-1)

DATE RECEIVED: March 26,2022
DATE DEEMED COMPLETE: May 19, 2022
LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): August 19, 2022

NARRATIVE OF PROPOSAL

The applicant is seeking to obtain a Conditional Use Permit for a 648 sq ft accessory dwelling unit and an inground pool. When this application was initially submitted and provided to the Planning Commission last month, staff had not had an opportunity to discuss the application with the applicant in order to bring it into zoning compliance. Since then, we have corrected/addressed the following items from last month's submission: 1) using the wrong survey - reminded the applicant and their designer that the survey they were utilizing in their initial submission to the Town was not correct and did not match the Vacation of Lot Line Survey and Plat that was reviewed and approved by the Town on 3/15/2022 and recorded in the Clerk's Office in Eastville which shows a lot frontage of 80 ft and lot depth of 140 ft. with a total lot square footage of 11,200; 2) the proposed, new accessory structure was too large (755 sq ft) and exceeded the allowance of 660 square feet for all accessory structures; and 3) the retention of the existing shed at 80 sq ft in conjunction with the new accessory structure increases the overage of the allowed accessory structure square footage.

To correct, the approved survey is now being used and shows the placement of all structures (current and proposed for their site plan submission and the size of the proposed new accessory structure has been rescaled to come into compliance with the zoning ordinance and the existing shed will not be retained by the property owner. All building heights have been provided to the office and are within the zoning ordinance requirements.

AERIAL MAP: ***Property outlined in blue***

ORDINANCE REQUIREMENTS

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

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

1. Physical characteristics.

a. Accessory dwellings shall be located in an accessory building.

b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.

c. Accessory dwellings shall have one kitchen and one bathroom.

d. Accessory buildings and shall not have the appearance of a single-family dwelling.

2. Occupancy characteristics.

a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and\or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.

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

3. Other requirements.

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

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

c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.
d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

In addition, Section 3.2 (C) requires a conditional use permit for an inground pool in the Residential-1 Zoning District.

STAFF RECOMMENDATION:
The applicant has provided the Accessory Dwelling Unit Affidavit and has indicated that her mother will be residing in the ADU and stated that the pool would be utilized as part of the health and care regimen for their son.

Staff finds the application and site plan to be in zoning compliance and would only seek to remind the applicant of the Zoning Ordinance requirements in Section 4.7 - Swimming Pool Regulations needs to be adhered to including any Building Code requirements.

Staff recommends that the Planning Commission hold the public hearing on this application and would recommend the Planning Commission favorably recommend CUP2022-003 at 211 Madison Avenue on an application filed by Michelle & Nathan Davidson, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J), for an Accessory Dwelling Unit above a garage and also for an inground pool pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (5).

Attachments:
Attachment 1 – CUP Application Packet
Site Plan Survey as amended by Katie Nunez
E-mail from Applicant dated 5-18-2022

CONDITIONAL USE PERMIT APPLICATION

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

CONDITIONAL USE PERMIT CHECKLIST - all documents can be emailed to the above email

- [x] Completed application (if applicable, attach accessory dwelling checklist and documents)
- [x] Letter of intent clearly explaining project
- [x] Existing site plan or survey
- [x] Proposed site plan or survey (if applicable)
- [x] Names and addresses of adjacent property owners
- [x] Payment of Fees (single-family detached residential $600; all other $800)

PROJECT INFORMATION

Name of Project: Davidson Family Apartment / Garage

Property Address: 211 Madison Ave.

Brief Description of Project: 2 story garage-apt for mother, Geri Lewis

Zoning District: _____ Current Use: land Proposed Use: apartment/garage with pool (ing ground).

OWNER INFORMATION

Name and Company: Michelle & Nathan Davidson

Mailing Address: 416 Brougham Ct. Chesapeake, VA 23322

Phone Number: 703-298-3247 Email: michele@chesapeakebayPsych.com

APPLICANT INFORMATION

[x] check here if applicant is owner

Name: _____

Mailing Address: _____

Phone Number: _____ Email: _____

****

CERTIFICATION OF APPLICANT

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

Signature of Applicant: Michelle R. Davidson Date: 3/10/2022

Conditional Use Permit - Accessory Dwelling Unit Checklist

Date: 3/10/2022 Address: 211 Madison Ave.

The following criteria are required for one accessory dwelling to be maintained on a property in the R-E, R-1, R-2, and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3:

1. Is the accessory dwelling unit located in an accessory building? YES ☒ NO ☐
2. Does the accessory dwelling floor area exceed of forty-five (45) percent of the floor area of the main building? YES ☐ NO ☐ Accessory Dwelling Unit square footage 1438
3. Does the accessory dwelling have one kitchen and one bathroom? YES ☒ NO ☐
4. Does the accessory building/dwelling differentiate from the single-family dwelling? YES ☒ NO ☐

The following conditions must be maintained for an accessory dwelling unit on a property in the R-E, R-1, R-2, and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3:

1. Occupancy characteristics.
   a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and\or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.
   b. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.
2. Other requirements.
   a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
   b. The lot on which an accessory dwelling is located shall have the required minimum lot area for *the district in which it is located.*
   c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.
   d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

****

CERTIFICATION OF APPLICANT

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

Signature of Owner: Michelle R. Davidson

Signature of Applicant: Michelle R. Davidson

Michele & Nathan Davidson
416 Brougham Court
Chesapeake, VA 23322
703-298-3247
michele@chesapeakebaypsych.com

February 23, 2022

To Whom It May Concern.

We are requesting a certificate of appropriateness for an addition into our home at 211 Madison Avenue along with a garage with an apartment. The addition will enable our 14 year-old son to access and live full-time in the home. Presently, there is no accessible bedroom or space for someone in a wheelchair. We are proposing adding a wheelchair accessible half bath, master bedroom for him with a wheelchair accessible bathroom, and a den for his own use and equipment needs. The addition is 755 square feet and also includes a wheelchair ramp to access the home which will be constructed on the side. We purchased the adjoining lot next to our home for this purpose.

We are also requesting to add a garage apartment onto our property to enable us to build a apartment for my elderly mother who will also be moving to Cape Charles with us full-time. The apartment will enable her to live as independently as possible while still allowing her to be in close proximity to us. The proposed garage is 24 x 32 feet in size and will also be located on the current and adjacent lot which we have applied to be joined.

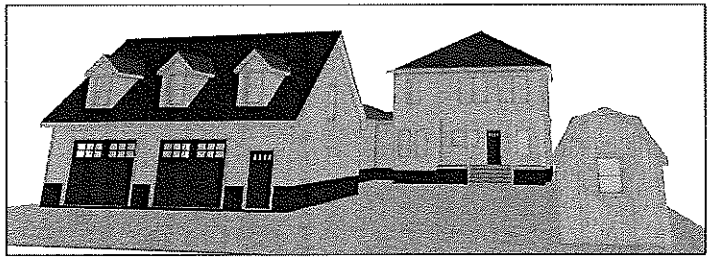
We are also hoping to add a salt water pool for our son as well behind our home that is 12.5 feet x 30 feet to provide aquatic therapy for him. We would like to include a picket 4 foot vinyl fence in accordance to building codes for safety purposes.

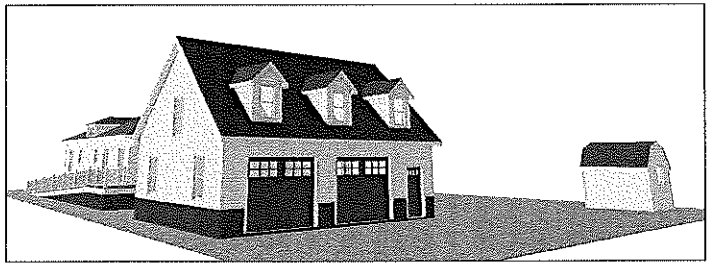
The addition of the rooms and garage will enable our family to relocate to Cape Charles on a full-time basis and become permanent residents here. Please let us know if you have questions or need additional information about this exciting project.

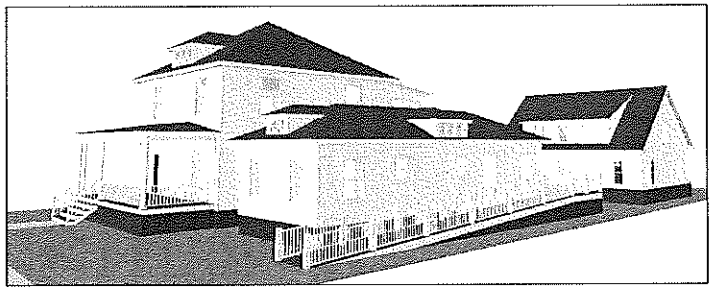
Kind regards,

Michele Davidson

Michele Davidson







N

PLAN REFERENCE NORTH

GRAPHIC SCALE

1/4" = 1'-0"

DESIGN DEVELOPMENT
DRAFTING & DESIGN SERVICES LLC
PO BOX 159
ONANCOCK VA 23417
757-304-8101
ddevelopmentdrive.com
www.ddevelopment.net

DAVIDSON RESIDENCE
ADDITIONS & ALTERATIONS
211 MADISON AVENUE
CAPE CHARLES VIRGINIA 23310

SHEET 5 OF 5

PREPARED BY KAM
DATE APRIL 11 2022

REAR ELEVATION

SCALE: 1/4" = 1'-0"

REAR ELEVATION W/ PROPOSED GARAGE

SCALE: 1/4" = 1'-0"

N

PLAN REFERENCE NORTH

DRAWING SCALE

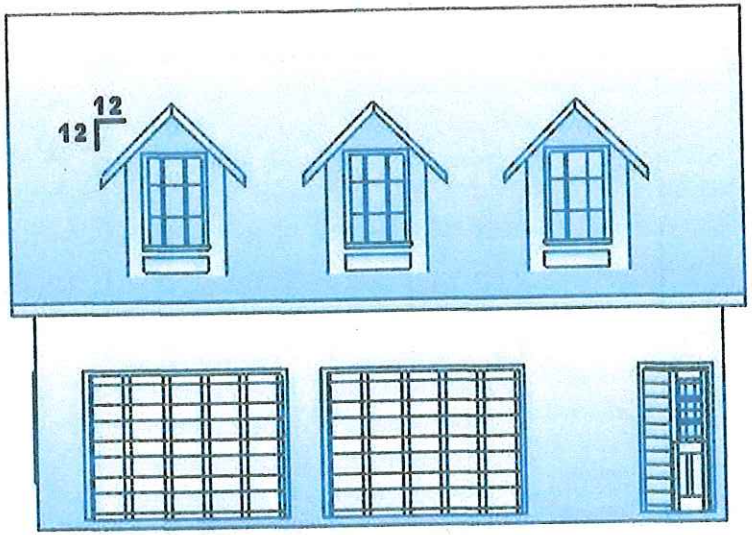
1/4" = 1'-0"

DESIGN DEVELOPMENT
DRAFTING & DESIGN SERVICES LLC
PO BOX 199
ONANCOCK, VA 23417
757-304-5701
dasdevelopment@live.com
www.dasdevelopment.net

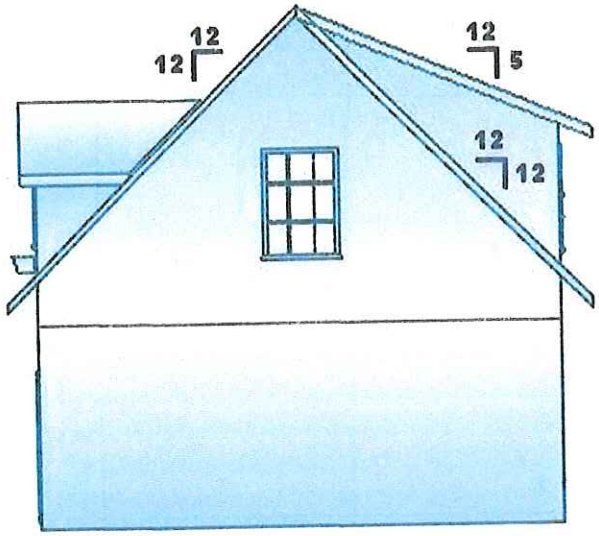
DAVIDSON RESIDENCE
ADDITIONS & ALTERATIONS
211 MADISON AVENUE
CAPE CHARLES VIRGINIA 23310

SHEET 4 OF 5

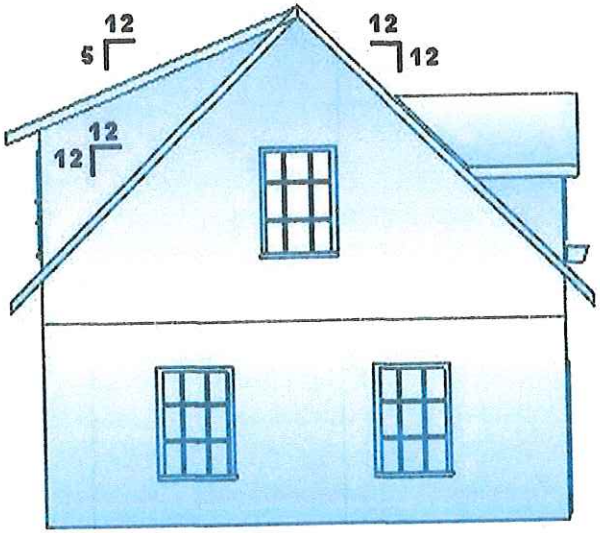
PREPARED BY KAM
DATE: APRIL 11 2022



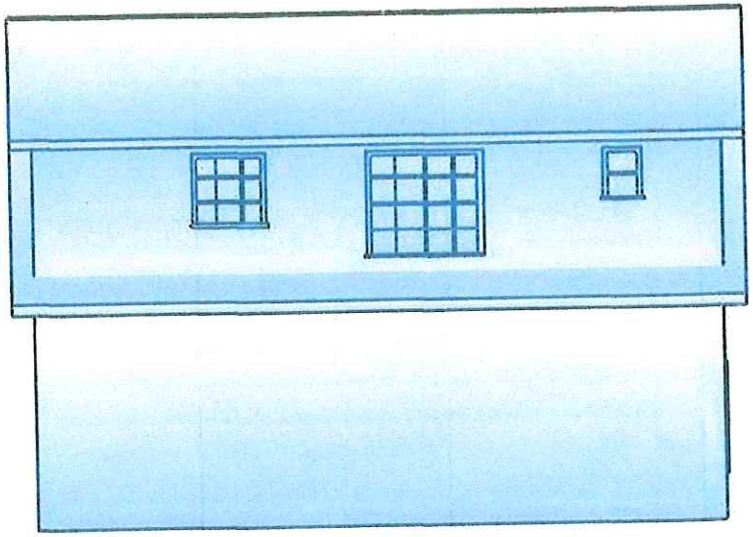
Front Elevation



Right Elevation



Left Elevation



Rear Elevation

ALTERNATIVE HOUSING SOLUTIONS	
24'x 32' Garage Apartment	
Page 2 of 12	03/10/2010
DESIGNER Terry L Cardwell	

Elevations

Copyrighted Material
DO NOT COPY

Michele & Nathan Davidson
211 Madison Avenue
Cape Charles, VA 23310

Names & Addresses of Adjacent Property Owners

Jim & Jody Outland
213 Madison Avenue
Cape Charles, VA 23310

David O'Kelly
209 Madison Avenue
Cape Charles, VA 23310

SURVEYORS CERTIFICATION

I, CRAIG P. CROCKETT, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.

COMMONWEALTH OF VIRGINIA
Craig P. Crockett
No. 2568
LAND SURVEYOR

GENERAL NOTES:

1. OWNERS: NATHAN S. DAVIDSON, II & MICHELE R. DAVIDSON

2. SOURCES OF TITLE: INST. 190000519 (83A1-1-210)
INST. 170001600 (83A1-1-211)

3. TAX PARCELS: 83A1-1-210 & 211

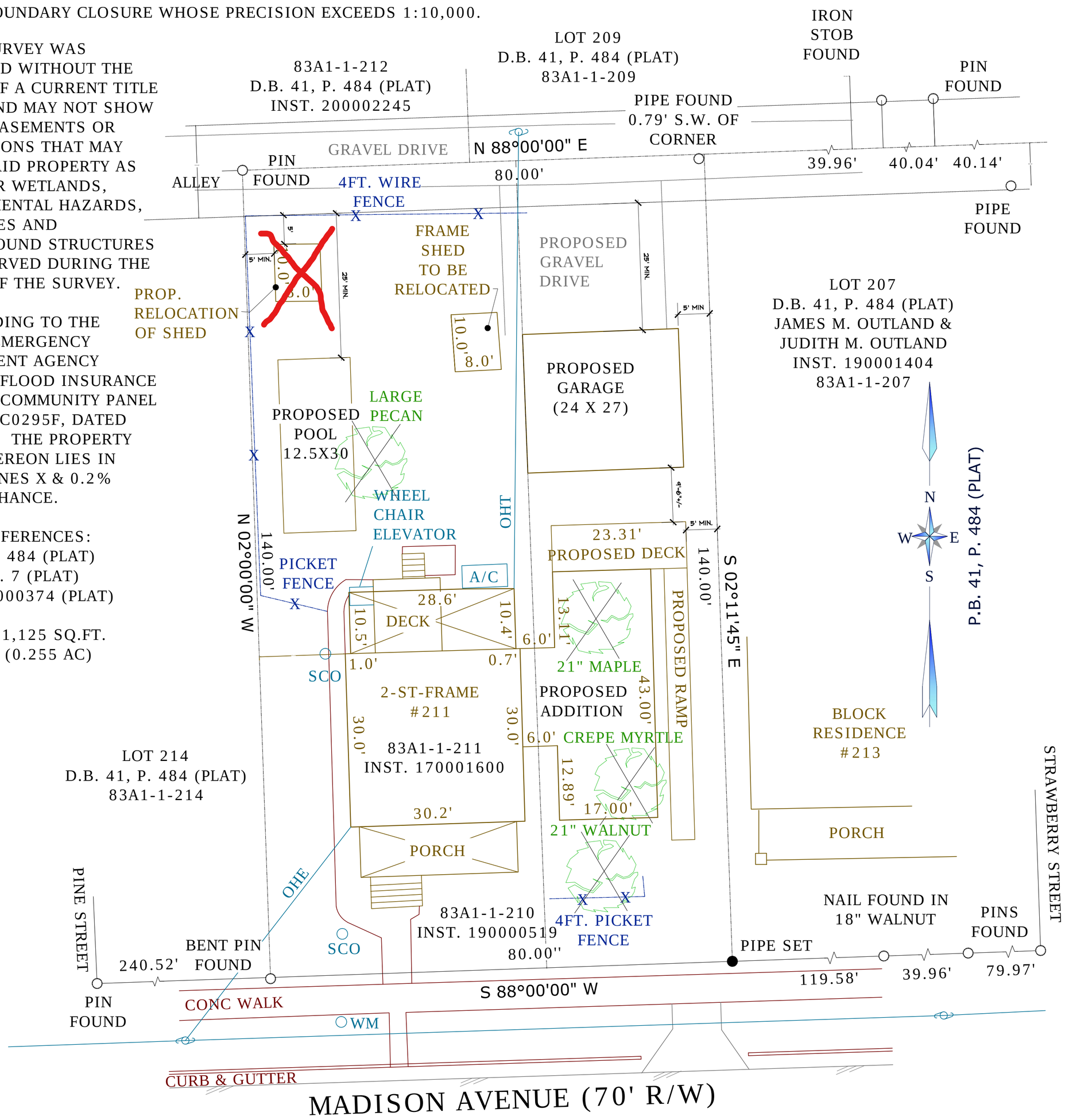
4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN MARCH 2022 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.

5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.

6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C0295F, DATED 03-02-15 , THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONES X & 0.2% ANNUAL CHANCE.

7. PLAT REFERENCES:
D.B. 41, P. 484 (PLAT)
D.B. 291 P. 7 (PLAT)
INST. 190000374 (PLAT)

8. AREA: 11,125 SQ.FT.
(0.255 AC)



SITE PLAN

LOT 211 & THE WESTERN 32' OF LOT 210

MAP OF THE TOWN OF

CAPE CHARLES

CAPEVILLE DISTRICT

NORTHAMPTON COUNTY, VIRGINIA

SCALE: 1" = 20' MARCH 11, 2022

MADE FOR NATHAN S. DAVIDSON & MICHELE R. DAVIDSON

GRAPHIC SCALE 3/32" = 1'-0"

PLAN REFERENCE NORTH

POINT NORTH SURVEYING LLC

POINT NORTH

P.O. Box 701,
Onley, VA. 23418

(757) 709-3008
pointnorthsurveying@gmail.com

DRAWN BY: PARKER	FIELD BOOK: FILE COPY
BACK TRAV: CROCKETT	PROJ. NO: 22028

Tracy Outten

From: Katie Nunez
Sent: Thursday, May 19, 2022 11:35 AM
To: Tracy Outten
Subject: FW: Message Received

From: Michele Davidson <michelerdavidson@gmail.com>
Sent: Wednesday, May 18, 2022 8:54 AM
To: Katie Nunez <knunez@capecharles.org>
Subject: Message Received

Hi Katie,
I received your message about the shed and understand. Let me know if I still need to call you or if the application is complete. Can you also let me know the date of meeting I need to attend and if Kevin who did the plans needs to attend as well for clarification purposes.

Thanks,
Michele Davidson

PLANNING COMMISSION & TOWN COUNCIL
JOINT PUBLIC HEARING
STAFF REPORT – SUPPLEMENTAL REPORT

Meeting Date: June 7, 2022
Item #: 6 – ZMA 2022-001
Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator
Date: June 1, 2022

APPLICANT : Cape Charles Ventures, LLC

SITE ADDRESS: 238 Randolph Avenue

TAX MAP: 83A3-1-625A
LOT SIZE: 5,600 sq ft

TYPE OF APPLICATION: Zoning Map Amendment (ZMA) 2022-01
SPECIFIC REQUEST: Conditionally rezone parcel from Residential-1 to Commercial-1
ZONING ORDINANCE: Section 2.7
CURRENT ZONING: Residential (R-1)
PROPOSED ZONING: Commercial-1 (C-1)

DATE RECEIVED: March 4, 2022
DATE DEEMED COMPLETE: March 16, 2022
LEGAL DEADLINE: 100 days from 1st Receiving Application: July 14, 2022

SUPPLEMENTAL UPDATE - BACKGROUND

A joint public hearing was held on May 3, 2022 at which the applicant submitted a revised Proffer Statement prior to the start of said public hearing and also submitted a revised Site Plan with Images.

A staff report was provided at this meeting which also conducted a full analysis of the Zoning Map Amendment application relative to the Comprehensive Plan, the Zoning Ordinance and Impacts to Adjacent Property. Dave Gammino, the property owner & applicant, provided an overview of his request and the elements of the site plan and proffer statement seeking to address the concerns raised by staff and to minimize the impacts to adjacent properties as well as how this area is assisting in servicing not only his property (Hotel Cape Charles) but also the commercial tenants that reside in his building or are adjacent to his building. He also provided some history about this lot and the 8-ft easement.

The following public comments were received:

- Steve Loomis – opposed to application and stated that the 8 ft easement has been in existence since the 1920's as reflected on the Sanborn Maps.
- Chica Golibart – supportive of Judy Loomis, adjacent residential property owner, and her desire that this property remain residential
- Jawn Dolph, Hotel Manager – supportive of this application and stated that 5 businesses are supported through the hotel.
- Judy Loomis – opposed to application (she also supplied a written comment)
- Sherri Landon (written comment) – in support of application
- Laurie Klingel (written comment) – in support of application

- Eddie Compo (written comment) – in support of application
- Amy Townsend & Reverend Clark Cundifl (written comment) – opposed to application
- Karen Duer Potts (written comment) – opposed to application
- Margaret van Clief (written comment) – opposed to application
- Patsy Harris (written comment) – in support of application
- Alana Smith – in support of application

With no further comments, the public hearing was closed.

After discussion by you, you requested clarification about the businesses and/or properties that are referenced in the Proffer Statement as to which would be allowed propane delivery/access vs. trash collection/servicing which the applicant provided. Members of the Commission indicated that some resolution is needed to continue to allow the essential services to be provided and serviced for these businesses, particularly to see if there is a way to leave the lot as Residentially Zoned but provide a narrow and limited allowance for trash collection and servicing as well as propane delivery but nothing further and requested staff to conduct research to see if there is a possibility to do this, such as a legal non-conforming consideration.

STAFF INFORMATION

Cape Charles Zoning Ordinance defines "legal, non-conforming" as ***Any legal use, building, or structure existing at the time of adoption of this ordinance or any amendment thereto may be continued even though such use, building, or structure may not conform with the provisions of this ordinance for the district in which it is located. Such use, building, or structure shall be deemed a "Non-Conforming Use.".*** The Town Zoning Ordinance was adopted July 14, 1992.

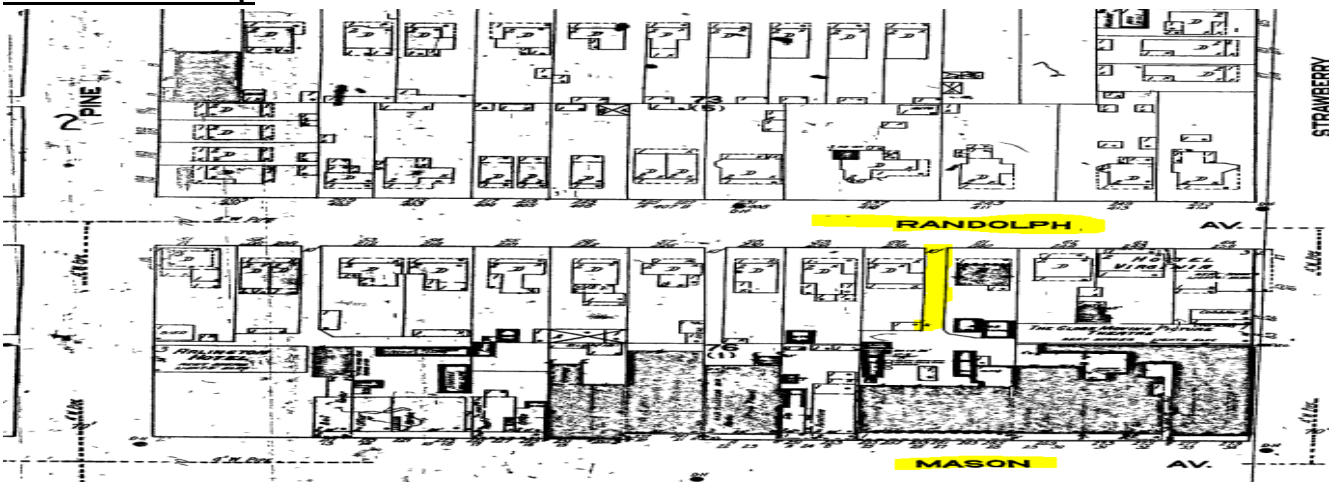
If a determination is made to classify either a use and/or lot/parcel as legal, non-conforming, the Cape Charles Zoning Ordinance further stipulates in Section 2.5.1 thru 2.5.5 that the legal, non-conforming use may continue under certain conditions:

1. ***No such non-conforming use, building, or structure shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the adoption of this ordinance, unless said enlargement does not result in an increase in nonconformity or result in a change to a use permitted in the district.***
2. ***No such non-conforming use, building, or structure shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use, building, or structure at the effective date of adoption of this ordinance or amendment of this chapter, unless such move results in decreasing the degree of nonconformity with the requirements of this district.***
3. ***No additional structures which do not conform to the requirements of this ordinance shall be erected in connection with such non-conforming use of land. No additional uses of a nature which would be prohibited generally in the district involved shall be permitted.***
4. ***Any non-conforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance.***

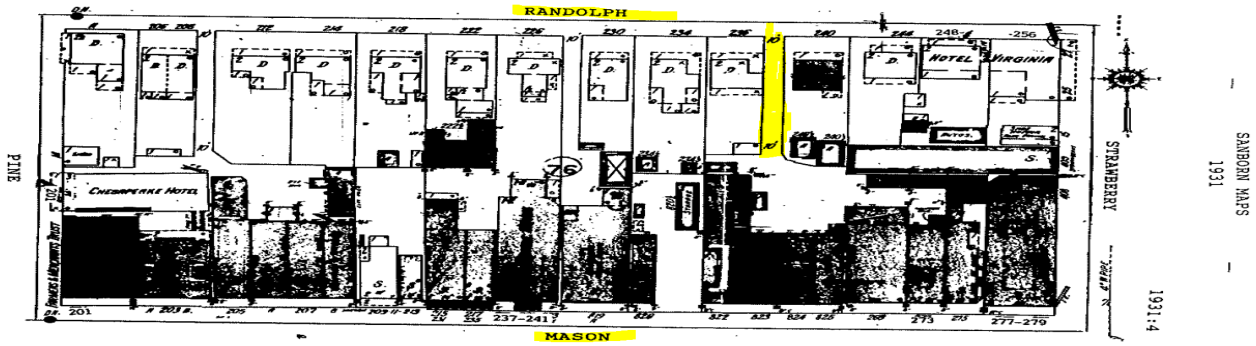
5. ***When any non-conforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for the district, and no non-conforming use shall thereafter be resumed with the exception of existing duplexes specifically designed as such.***
6. ***If any such non-conforming use or structure ceases for any reason for a period of more than two years, except when government action impedes access to the premises, any subsequent use of such land or structure shall conform to the regulations specified by this chapter for the district in which such land or structure is located with the exception of existing duplexes specifically designed as such.***

Regarding the history of the lot at 238 Randolph Street, the earliest some form of easement or alley is found on this lot is in the 1921 Sanborn Map and shown subsequently on later iterations of the Sanborn Maps (which are the fire insurance maps from the turn of the century through most of the 1900's and a great historical resource for property information). On those maps, it is marked as a 10 ft. alley and only traverses the length of the residential lot and stops at the rear lot line.

1921 Sanborn Map



1931 Sanborn Map



So, regarding Lot 625, or as we now identify it by the Street Address of 238 Randolph Avenue, there are two components to examine: (A) the 10 ft alley; and (B) the full residential lot:

(A) I found reference to the alley in a deed from Margaret Dickinson to Mustang Agreements on 12/29/1983 and it was indicated that it was ingress and egress across this alley to access the building that is located on Mason Avenue; the size of the alley is now stated as 8 ft. (not the 10 ft as shown on the Sanborn Maps).

Of note and significance is looking at the ownership chain for the hotel property at 235 Mason Avenue itself:
12/29/1983: Sold from Margaret Dickinson to Mustang Agreements
3/24/1999: Sold from Mustang Agreements to Wayne & Deborah Smith Hall
8/1/2003: Sold from Wayne & Deborah Smith Hall to Richard G. & Amy D. Wagner
10/19/2005: Sold from Richard G. & Amy D. Wagner to Cape Charles Hotel, LLC

(B) Up to this point, there is also corresponding deed transactions involving the same parties for the residential lot 625 located at 238 Randolph Avenue and deeds for the residential lot and the hotel commercial lots all made reference to what is now an 8 ft. easement.

In 7/30/2010, through bank default, the hotel property was sold by the bank to Cape Charles Ventures, LLC but the residential lot did not get sold at that time. The hotel property deed continued to include the 8 ft easement from Randolph Avenue to the rear property line. The full residential lot was not sold until 12/18/2014 to Cape Charles Ventures, LLC.

The over 4-year time frame difference between 2010 and 2014 when the real estate parcel was not owned by the same entity that owned the commercial hotel property on Mason Avenue negates any classification of the uses occurring on the residential lot as "Legal, Non-Conforming" since CCZO Section 2.5.1 (6) states that ***"If any such non-conforming use or structure ceases for any reason for a period of more than two years, ….. any subsequent use of such land or structure shall conform to the regulations specified by this chapter for the district in which such land or structure is located…."***

As a note of clarification regarding the alley/easement on the Residential Lot, Cape Charles Ventures II, LLC did grant a sanitary sewer perpetual easement to the Town of Cape Charles on 4/25/2014 (Instrument #140001422) for the installation, maintenance, operation, repair and replacement of an underground sewer line and related sewer facilities; said Sewer Easement is nonexclusive in nature and Cape Charles Ventures II, LLC as fee simple owner and any of its tenants, guests and invitees shall be entitled to use the Easement for any and all purposes that are not inconsistent with the easement itself and further, Cape Charles Ventures II, LLC shall not use the easement in any way that will impair the rights of the Town to provide and maintain municipal sewer services.

Based upon my research, I am not able to classify the uses occurring on the residential lot (trash receptacles & golf carts being maintained there) as legal, non-conforming. The alley is a legal alley which is privately owned by the current owner of the property, Cape Charles Ventures, LLC for the use and traversing on and off the alley in order to gain access to the commercial structure(s) that abut the rear property line of 238 Randolph Avenue. One of the uses identified is the delivery of propane which requires a propane truck to utilize the easement and fill the propane tank which has been located

on the rear of the residential lot by the Town through a building permit when renovations were done on the hotel - since a building permit was issued and Certificate of Occupancy was also issued for the hotel, then affirmative government approval was given by the Town regarding the placement of the propane tank on the residential lot for this utility placement which services a commercial property.

STAFF RECOMMENDATION

Staff is requesting the Planning Commission to review and discuss thoroughly the Proffer Statement and revised Site Plan and determine if these proffers sufficiently address the concerns raised through the prior staff reports on this application as well as the public comments that were provided during the public hearing. As part of this discussion, does the Planning Commission believe that if additional conditions or refinements to the offered Proffers are needed to help alleviate any of the concerns raised which could then lead to a favorable recommendation from the Planning Commission, I would request that this be placed on the table for a full discussion to ensure compliance with the state requirements for handling Proffer Statements as part of a conditional map rezoning application.

Staff is still not recommending approval of this rezoning since the Comprehensive Plan does not support the expansion of the Commerical-1 Zoning District into the Residential -1 Zoning District but states very clearly the need to retain the historic development pattern of the Town and the proffers and site plan, as presented, does not fully address and mitigate the impact to the adjacent residential properties.

However, if the Planning Commission finds merit in the application, especially addressing the issue of servicing these commercial entities away from the "front entrances on Mason Avenue" when full alleys or easements may be insufficient behind the buildings on Mason Avenue in meeting our needs of the Historic District commercial areas, then I would only request the Planning Commission to incorporate as part of their motion that this issue be added to the scope of work within the Comprehensive Plan Update and potential Zoning Ordinance and Map revisions that will be considered later this fall

Staff is prepared to work with the Planning Commission on a motion regarding a recommendation on ZMA 2022-01 from Cape Charles Ventures, LLC to conditionally rezone Tax Map #83A3-1-625A, located at 238 Randolph Avenue, from Residential-1 to Commercial-1, including the proffer statement as currently submitted and which may be further amended by the applicant up to the start of the public hearing. Any motion should include a Statement of Facts supporting the recommendation from the Planning Commission, which staff is prepared to assist.

Attachments:

Attachment 1 – Staff Report -ZMA 2022-001: R-1 to C-1 238 Randolph Avenue 2022-04-26
Attachment 2 - ZMA Application Packet
Attachment 3 - Revised Site Plan and Material Images
Attachment 4 – Amended Proffer Statement submitted 05-03-2022
Attachment 5 – Cape Charles Zoning Ordinance Sections

PLANNING COMMISSION & TOWN COUNCIL
JOINT PUBLIC HEARING
STAFF REPORT

Meeting Date: May 3, 2022
Item #: 4B – ZMA 2022-001
Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator
Date: April 26, 2022

APPLICANT : Cape Charles Ventures, LLC

SITE ADDRESS: 238 Randolph Avenue

TAX MAP: 83A3-1-625A
LOT SIZE: 5,600 sq ft

TYPE OF APPLICATION: Zoning Map Amendment (ZMA) 2022-01
SPECIFIC REQUEST: Conditionally rezone parcel from Residential-1 to Commercial-1
ZONING ORDINANCE: Section 2.7
CURRENT ZONING: Residential (R-1)
PROPOSED ZONING: Commercial-1 (C-1)

DATE RECEIVED: March 4, 2022
DATE DEEMED COMPLETE: March 16, 2022
LEGAL DEADLINE: 100 days from 1st Receiving Application: July 14, 2022

NARRATIVE OF PROPOSAL

Cape Charles Ventures, LLC, on March 4, 2022, filed a conditional rezoning map amendment application to rezone 238 Randolph Avenue (Tax Map # 83A3-1-625A) from Residential-1 to Commercial-1 with proffers to limit the commercial activity of said proposed rezoning but to legally allow for the support services to be located on this lot and continue as the applicant has been utilizing this lot for the last few years and has expanded some services, such as golf carts for guest usage which are parked and charged on this lot. Additionally, the trash receptacles serving Hotel Cape Charles are stored on this lot and this lot is the entry point for limited utility deliveries, including propane for the Hotel as well as adjacent commercial properties which have been specifically listed in the Proffer Statement from the applicant.

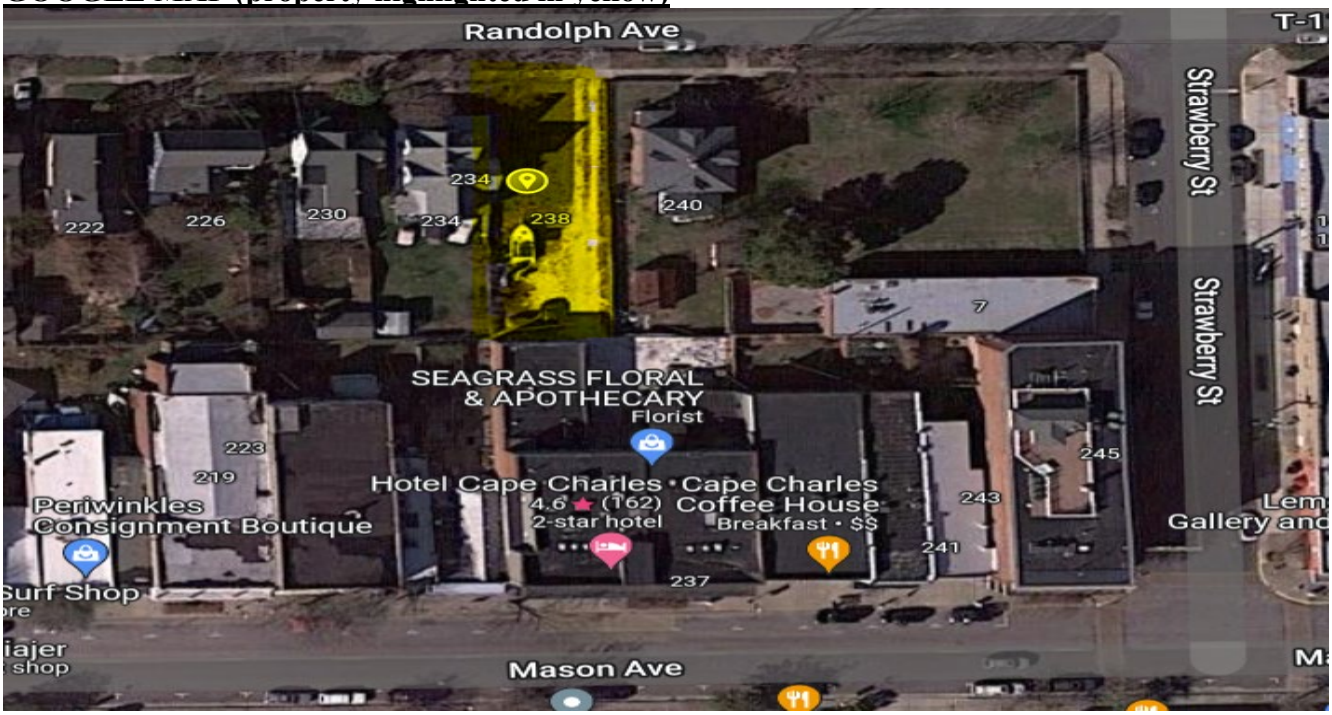
This application was forwarded to the Town Council and on March 17, 2022, the Town Council adopted Resolution of Intent 20220317B to accept the application and forwarded to the Planning Commission who then scheduled this matter for joint public hearing with Town Council on May 3, 2022.

Staff has continued to work with the applicant regarding his site plan and proffers to the Town and has included an updated proffer statement and site plan, but it is possible that there may be additional adjustments to these two documents submitted prior to the 6:00 p.m. start time of the 5/3/2022 meeting, based upon my conversations with the applicant and his agent.

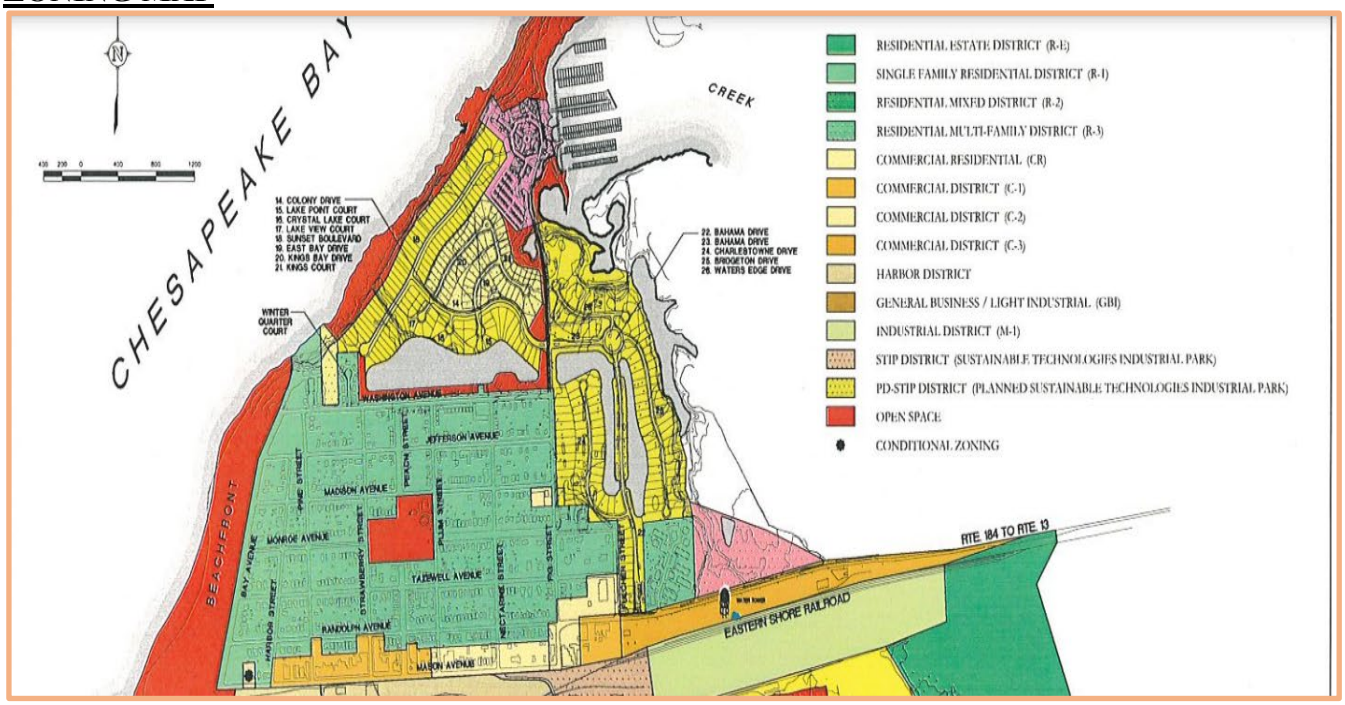
AERIAL MAP: ***Property outlined in blue - & Surrounding Land Use***

On Mason Avenue, the adjacent lots to the east and east are zoned Commercial-1. The lots located behind this row of Commercially zoned lots to the north are zoned Residential-1. It is important to note that the side streets of Pine Street and Strawberry Street between Mason Avenue and Randolph Avenue are zoned Commercial-1for the first row of lots.

GOOGLE MAP (property highlighted in yellow)



ZONING MAP



BACKGROUND

I met with the property owner in late summer/early fall 2021 to discuss his desire and intent to submit an expansion plan for the Hotel Cape Charles on the subject property itself. At that time, I informed the property owner that my office had received a complaint about activities occurring on the residential lot located directly behind the hotel, which is owned by Cape Charles Ventures, LLC, that are not in keeping with allowable residential uses pursuant to the zoning district. It was clear that the lot was being utilized by the hotel to handle the support functions for the hotel (locating the multiple trash collection containers there, using the lot as parking for the hotel golf carts which are utilized by staff and guests as a hotel amenity, and the lot was being used for employee parking). All of these uses are clearly supportive and incidental to the hotel operations and the Residential-1 Zoning District does not include, either by right or by conditional use permit, the ability to have this type of commercial activity on the lot.

I indicated to him that these violations (which were not being actively enforced by the department due to staffing shortage) would need to be resolved as part of any expansion concept.

In February, Cape Charles Ventures, Inc. submitted an application for a variance to the height requirements of the C-1 zoning district regarding 7 Strawberry Street (aka The Betis Building), indicating that they were under a purchase agreement to acquire this lot and would seek their expansion of hotel rooms by renovating and adding floors to this building. As part of the staff review of this application, I again noted that he had not sufficiently addressed the use of the residential lot at 238 Randolph Avenue and to move all of these activities onto commercially zoned property under his control. The applicant did withdraw this application before the public hearing could be held by the

Board of Zoning Appeals and subsequently filed the Conditional Zoning Map Amendment application to rezone the residential lot from Residential-1 to Commercial-1 and included a proffer statement limiting the type of commercial activity that would occur on this property.

I have continued to speak with the applicant to review the proffers provided and he has submitted a revised proffer statement in a format recommended by staff. I continue to discuss the proposed proffers with the applicant and his representative and believe that an additional revision to the proffer statement will be submitted prior to the start of the public hearing.

PLEASE NOTE that my discussions with the applicant regarding operational issues re: trash, landscaping, golf cart charging area, etc are intended to provide a complete and comprehensive application package with site plan and proffers, if the Town is favorably inclined toward approving the rezoning application; this assistance does not convey staff support for the rezoning application.

I indicated that he may wish to consider some other items to incorporate as proffers to address compatibility of this lot within the residential neighborhood it is located within, such as (1) language committing to the submitted landscaping plan on the proposed site plan, including a replacement commitment if the trees/shrubs should not survive, and (2) consideration of a seasonal commitment to increasing the frequency of trash collection at his expense to reduce the collection of a high volume of trash on the lot; and (3) if an expansion of the hotel is still under consideration, possibly through acquiring the commercial property at 7 Strawberry Street, then this would need to be reflected in the lots have been identified in the proffers to date, but making it conditional for inclusion only if he acquires 7 Strawberry Street as part of the hotel. I indicated that the Planning Commission may also raise issues or concerns with this rezoning application that I have not considered which may be able to be resolved, potentially through a proffer. He did indicate that he would be pursuing his hotel expansion plan through the acquisition of 7 Strawberry Street in the near future but wanted to first address a full resolution of the violations that the Town had indicated concerning his business. It is important to note that the Town has delayed the full pursuit of enforcement action of the violations at 238 Randolph Avenue while the property owner has been pursuing these applications (both the variance application and now zoning map amendment application) since Town action on these applications could resolve or alleviate the violations at this lot.

I did stress to him that the Town fully understands that proffers can not be required by the Town from the applicant and that proffers are extended by the property owner to modify the regulations for the zoning district or to establish additional conditions for the uses sought based upon the zoning district regulations. Specifically, the law is as follows:

> *Conditional Rezoning is authorized by Virginia Code §15.2-2296 and more specifically authorized for the Town of Cape Charles thru §15.2-2303 and allows the ability of the petitioner to submit reasonable conditions (referred to as proffers) governing the use of the property, where the conditions are in addition to, or the modification of, the regulations provided for in a particular zoning district. Proffers are more specifically defined as an offer by a landowner during the rezoning process to perform an act or donate money, a product, or services to justify the proprietary of a proposed rezoning. If the rezoning and proffers are accepted and approved by the Town, said proffers become part of the Zoning Ordinance.*

REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

The Cape Charles Comprehensive Plan notes and stresses the Town's historic layout pattern and the primary intent to preserve the Town's historic character as noted in Section II.9 below.

Section II (Settings): II.9 Land Use and Community Character

Cape Charles is distinguished by its historical residential and commercial areas, access to the Chesapeake Bay, the railroad, new planned communities, and a great deal of natural beauty and shoreline scenery. The most desirable future development will respond conscientiously to the town's established character and natural setting. The Historic District's late nineteenth and early twentieth century character is a key element in the town's interest and attractiveness to residents and tourists. It is important that the town's historic character be protected, not only for its intrinsic value, but also to continue to attract and expand tourism in Cape Charles.

The Future Land Use Map maintains the Residentially Zoned Districts as mapped on the Zoning Map and also retains the Commercial-1 (C-1) Zoning District as mapped on the Zoning Map.

This application is not consistent with the Comprehensive Plan relative to land use designations. The Comprehensive Plan does emphasize the role of tourism and tourism supported businesses as a key component of its Economic Component which the Hotel Cape Charles clearly embodies.

REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

CCZO Section 3.2 Single Family Residential District R-1

A. Statement of intent. The intent of this basic zoning district is to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.6-A of this ordinance, known as Commercial District C-1, which states "These commercial activities are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments," and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwelling currently exist on lots of 5,600 square feet and where the characteristics of the neighborhood include both permanent as well as seasonal residents.

CCZO Section 3.6 Commercial District C-1

A. Statement of Intent. The intent of this zoning district is to preserve and enhance the traditional mixed use urban nature of Cape Charles commercial districts, to encourage the location of regional and local business and professional activities, to facilitate the development of buildings in keeping with its largely National Historic District character, and to protect against destruction of or undesirable encroachment on these areas.

ANAYLSIS

Impacts to Adjacent Property

The support services that typically occur "behind the scenes" are needed for this establishment which has been successful and providing a needed service in our community. However, I think there was an inadequate analysis of what site planning and requirements are needed to host and operate a full-scale hotel operation.

Clearly, there has been an impact on the adjacent residential properties where there is a row of trash receptacles that is appropriate for a commercial establishment but out of scale for a residential use. The same can be said for the # of golf carts and the staging and charging of said golf carts as well as the frequency of propane deliveries and utilizing this residential lot as a "quasi-alley" to service not only the hotel but adjacent other commercial businesses.

There are visual and noise impacts that have fully intruded into the residential neighborhood on Randolph Avenue of a commercial nature and are noticeable and impactful to the two existing residences on either side of the lot in question. The proffers offered by the applicant are attempting to respond and mitigate some of this impact, including addressing and installing appropriate landscaping to shield and screen visually this lot from the rest of the neighborhood, to propose screening for the golf cart parking/staging/charging area and the proposed trash receptacle areas. But the amount of space proposed to dedicate for these services is substantial and will be evident to the adjacent residential landowners and will be constant during the summer season and possibly throughout the entire year as more people choose to visit and/or vacation in Cape Charles and have need of hotel lodging. There has been insufficient exploration of alterative ways to reduce some of this "behind the scenes" support services, such as increased trash collection, thus reducing the # of trash receptacles; discrepancy from the original application narrative/property to the latest revised site plan which has already increased the # of golf carts being indicated for placement on the property.

STAFF RECOMMENDATION

Staff is requesting the Planning Commission and Town Council to convene and hold the public hearing 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 not recommending approval of this rezoning since the Comprehensive Plan does not support the expansion of the Commerical-1 Zoning District into the Residential -1 Zoning District but states very clearly the need to retain the historic development pattern of the Town and the proffers and site plan, as presented, does not fully address and mitigate the impact to the adjacent residential properties.

The continued growth of the Town's commercial corridor must be studied further by the Town and the Planning Commission and we may wish to create a new zoning district that can be applied to address this type of situation in a uniform and comprehensive manner relative to trash, deliveries, utilities, enhanced guest services (such as golf cart rentals), lighting, hours of operations, landscaping as a restricted, lower-level type commercial zoning for support activities only. However, such a concept would need to be fully discussed and debated through public input sessions and public hearings with the Town citizens and the Comprehensive Plan should be amended to reflect this type of zoning district creation and applicability on identified land parcels.

Staff is prepared to work with the Planning Commission on a motion regarding a recommendation on ZMA 2022-01 from Cape Charles Ventures, LLC to conditionally rezone Tax Map #83A3-1-625A, located at 238 Randolph Avenue, from Residential-1 to Commercial-1, including the proffer statement as currently submitted and which may be further amended by the applicant up to the start of the public hearing.

Just as a point of information, the Code of Virginia (Sections 15.2-2297 & 2303) does state that the governing body may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. Therefore, if the public hearing process and input identifies additional items or concerns that the staff or the Planning Commission have not considered, then those items can be considered and included in the Planning Commission recommendation on the application, which may result in the applicant choosing to amend the proffer statement, in compliance with the requirements of the Code of Virginia.

Attachments:
Attachment 1 – ZMA Application Packet
Attachment 2 - Amended Site Plan
Attachment 3 – Amended Proffer Statement
Attachment 4 – Cape Charles Zoning Ordinance Sections

ZONING MAP AMENDMENT APPLICATION

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

PERMIT CHECKLIST - all documents can be emailed to the above email

- [x] Completed application
- [x] Letter of intent
- [x] Existing site plan or survey
- [x] Proposed site plan or survey (if applicable)
- [x] Names and addresses of adjacent property owners
- [ ] Payment of fees ($1,000)

PROJECT INFORMATION

Name of Project: Hotel Cape Charles Commercial Services

Property Address: 238 Randolph

Brief Description of Project: reclassify zoning w/ conditions limiting development

Current Zoning District: R-1 Proposed Zoning District: C-1

Current Use: vacant lot hotel Proposed Use: same - on going services / access

OWNER INFORMATION

Name and Company: Cape Charles Ventures LLC

Mailing Address: 212 E Leigh St Suite 1 Richmond 23219

Phone Number: 8045395960 Email: david@hotelcapecharles.com

APPLICANT INFORMATION

[x] check here if applicant is owner

Name: Same as above David Gemmino

Mailing Address:

Phone Number: Email:

****

CERTIFICATION OF APPLICANT

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

Signature of Applicant: Date: 3/4/22

March 3, 2022

Katie H. Nunez

Interim Planning/Zoning Administrator at Town of Cape Charles.

2 Plum Street, Cape Charles, VA 23310

Re: 238 Randolph Conditional Rezoning

Dear Ms. Nunez attached please find application and requisite documents for above captioned property/project.

As you are aware, the Hotel Cape Charles (and 6 other businesses on Mason Ave) currently utilize 238 Randolph Ave in apparent violation of the underlying R-1 Zoning Ordinance.

We seek a conditional rezoning to C-1 in order ensure that the ongoing operations of the Hotel Cape Charles is no longer in violation of the Town Zoning Ordinance. We would proffer to limit the commercial activity to the following **current uses**:

1. Deliveries-propane and other service-related deliveries for the benefit of:
    a. 217, 219, 223, 235, 237, 239, and 241 Mason Ave
2. Waste Management-Town of Cape Charles receptacles and storage and conveyance to street for benefit of:
    a. 235, 237, 239 Mason Avenue
3. Golf cart parking/charging as currently configured (6 carts/chargers)

In support of this request, we would note the following:

1. This lot has been utilized as detailed above by the Hotel Cape Charles (and others) since 2012, without complaint (until 2021 purchase of 234 Randolph Avenue). The Town of Cape has knowingly permitted commercial activity on 238 Randolph Avenue for at least the past 10 years and the businesses on Mason have come to rely upon that usage as essential to their operations.
2. The Hotel Cape Charles was granted a Certificate of Occupancy to open in 2012 by the Town of Cape Charles with the knowledge and consent that commercial trash storage and removal services were accessed on 238 Randolph Avenue.
3. The Town of Cape Charles permitted the installation of the electrical transformer which services the Hotel Cape Charles on 238 Randolph Ave.
4. The Town of Cape Charles permitted the installation of the propane tank which services the Hotel Cape Charles on 238 Randolph Avenue.

5. The current and long-time occupant of 240 Randolph (Judy Ann Loomis) does not oppose this reclassification.
6. Until recently consolidated as one lot, 238 Randolph was historically comprised of two separate parcels-one 32' wide parcel and one 8' strip of land which for decades served as an alley/easement to the rear of these Mason Ave commercial properties.
7. In 2014, the Town of Cape Charles sought the right to install a sewer lateral across applicant's property at 238 Randolph Ave to connect the Cape Charles Coffee House to the Town wastewater system. This applicant voluntarily granted this easement, to the detriment of his future development rights. This easement precludes applicant or any subsequent owners from building a residence which encroaches on eastern 8' of the vacant lot. With other zoning mandated setbacks, the buildable width is at a maximum 27'.
8. This rezoning will allow the Hotel guests to continue to use the rear lot for golf-cart parking, rather than adding 6 more carts on Mason Avenue.

Best Regards

David M Gammino

Hotel Cape Charles Operating LLC

Cape Charles Ventures LLC

Existing Site Plan

T.M. 83A3-1-628
D.B. 318, PG. 325

FENCE 1.9' OVER

ADJOINER BUILDING

ADJOINER PORCH

ADJOINER FENCE ON LINE

ROD(F)

N02°41'18"W 140.00'

WOOD FENCE

32.00'

CONC. WALK

40.00'

FENCE 0.5' OVER

RANDOLPH AVENUE (70' R/W)

OVERALL TOTAL
5,600 SQ.FT.
0.129 ACRE

GRAVEL PARKING AREA

TAX MAP: 83A3-1-625A

32.00'

SPIKE(S)

S02°41'18"E 140.00'

* PARCEL LINE TO BE VACATED

ROD(S)

N87°18'42"E

E/P

8.00'

TAX MAP: 83A3-1-625B

8.00'

S02°41'18"E 140.00'

ADJOINER FENCE

SANITARY SEWER EASEMENT
INSTR. 140001422

8' INGRESS/EGRESS EASEMENT
D.B. 306, PG. 838
D.B. 322, PG. 891
INSTR. No.: 060000510

SPIKE IN CONC.(F)
S:0.09', E:0.32'

40.00'

8' INGRESS/EGRESS EASEMENT
D.B. 306, PG. 838
D.B. 322, PG. 891

JEROME C. LOOMIS
& JUDY W. LOOMIS
T.M. 83A3-1-624
D.B. 169, PG. 523

160.00' TO THE W/L OF STRAWBERRY STREET

N87°18'42"E

PK NAIL(F)

BETIS GROUP, INC.
T.M. 83A3-1-621B
INSTR. No.: 040004601

JUDY ANN LOOMIS
T.M. 83A3-1-621A
D.B. 242, PG. 166

ADJOINER GARAGE

BETIS GROUP, INC.
T.M.: 83A3-1-620B
INSTR. No.: 040004601

JUDY ANN LOOMIS
T.M. 83A3-1-620A
D.B. 242, PG. 166

BETIS GROUP, INC.
T.M. 83A3-1-617B
INSTR. No.: 040004601

JUDY ANN LOOMIS
T.M.: 83A3-1-617A
D.B. 242, PG. 166

HVAC	
PM	POWER METER
P	POWER TRANSFORMER
	SIAMESE "FDC" CONNECTION
	SIGN POST
	STORM INLET (GRATE)
T	TELEPHONE PEDESTAL
	UTILITY POLE
	WALL/GROUND LIGHT
WM	WATER METER

TEXT LEGEND

(SQ.FT.)	SQUARE FEET
(CONC.)	CONCRETE
(R/W)	RIGHT OF WAY
(℄)	CENTERLINE
(P.B.)	PLAT BOOK
(D.B.)	DEED BOOK
(PG.)	PAGE
(O/H)	OVERHANG
(E/P)	EDGE OF PAVEMENT

LINETYPE LEGEND

OHP	OVERHEAD POWER
OHT	OVERHEAD TELEPHO
X	FENCE

(A) 10' RIGHT OF WAY
INSTR. No.: 090001950

CURRENT OWNER

CAPE CHARLES VENTURES, L.L.C.
INSTRUMENT No.: 180001858

TAX MAP: 83A3-1-625A
INSTRUMENT No.: 150000062

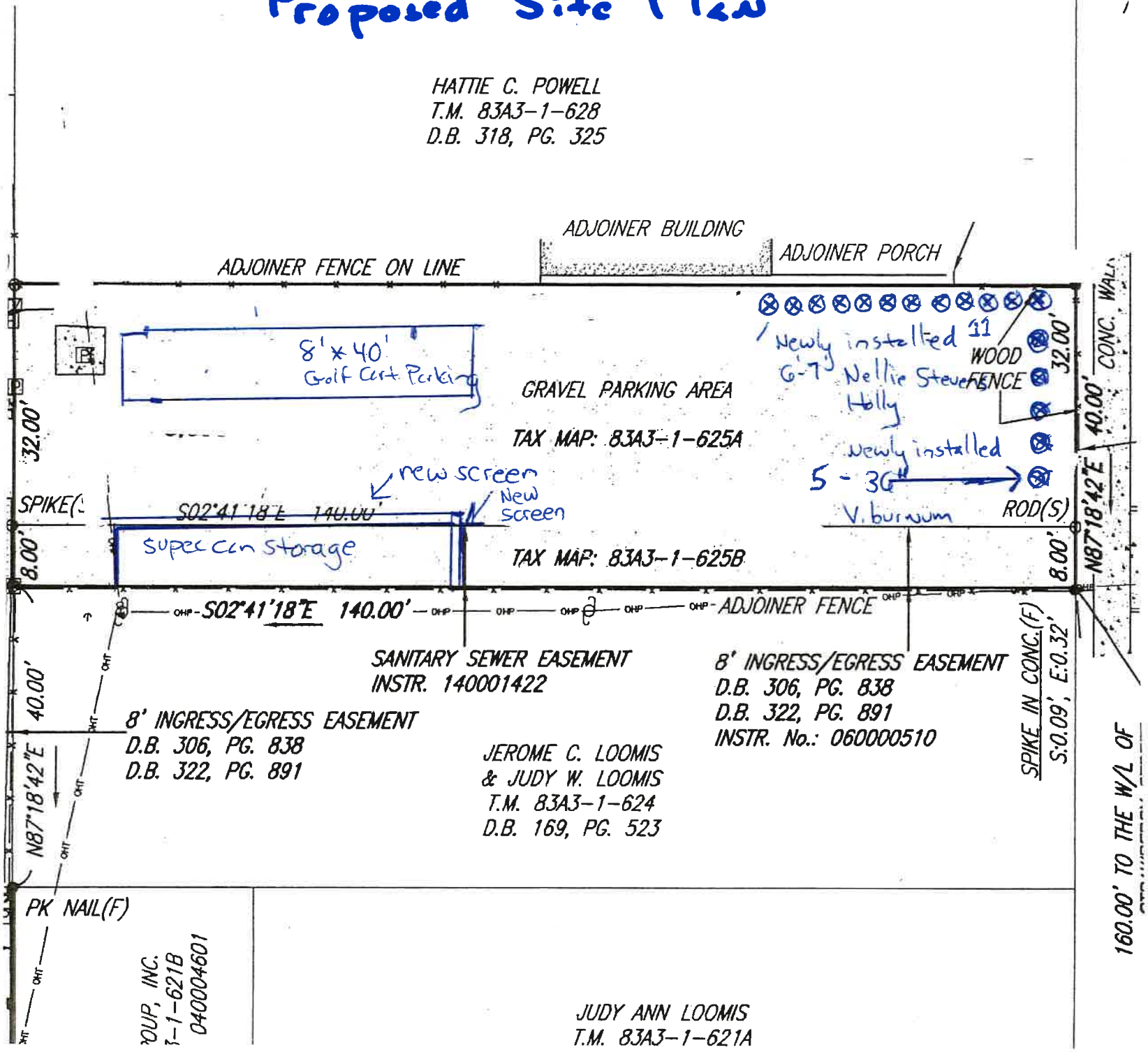
TAX MAP: 83A3-1-625B
INSTRUMENT No.: 100001310

THIS CONSOLIDATION PLAT WAS PREPARED FROM DEEDS/PLATS OF RECORD AND ACTUAL FIELD SURVEY ON SEPTEMBER 24, 2018 WITH THE BENEFIT OF A TITLE REPORT DATED OCTOBER 24, 2018 PROVIDED BY AMERICAN LAND TITLE ASSOCIATION, COMMITMENT NUMBER OR18-50.

THE PURPOSE OF THIS PLAT IS TO CONSOLIDATE THE INTERIOR PARCEL LINES OF TAX MAPS: 83A3-1-625A & 83A3-1-625B. THE PARCEL LINE TO BE VACATED IS NOTED AS SUCH (* PARCEL LINE TO BE VACATED).

COMMONWEALTH OF VIRGINIA
Christopher M. Finley
Lic. No. 3375
03-13-2019
LAND SURVEYOR

Proposed Site Plan



ADJACENT PROPERTY OWNER INFORMATION

240 Mason Ave

Judy Ann Loomis

240 Mason Ave

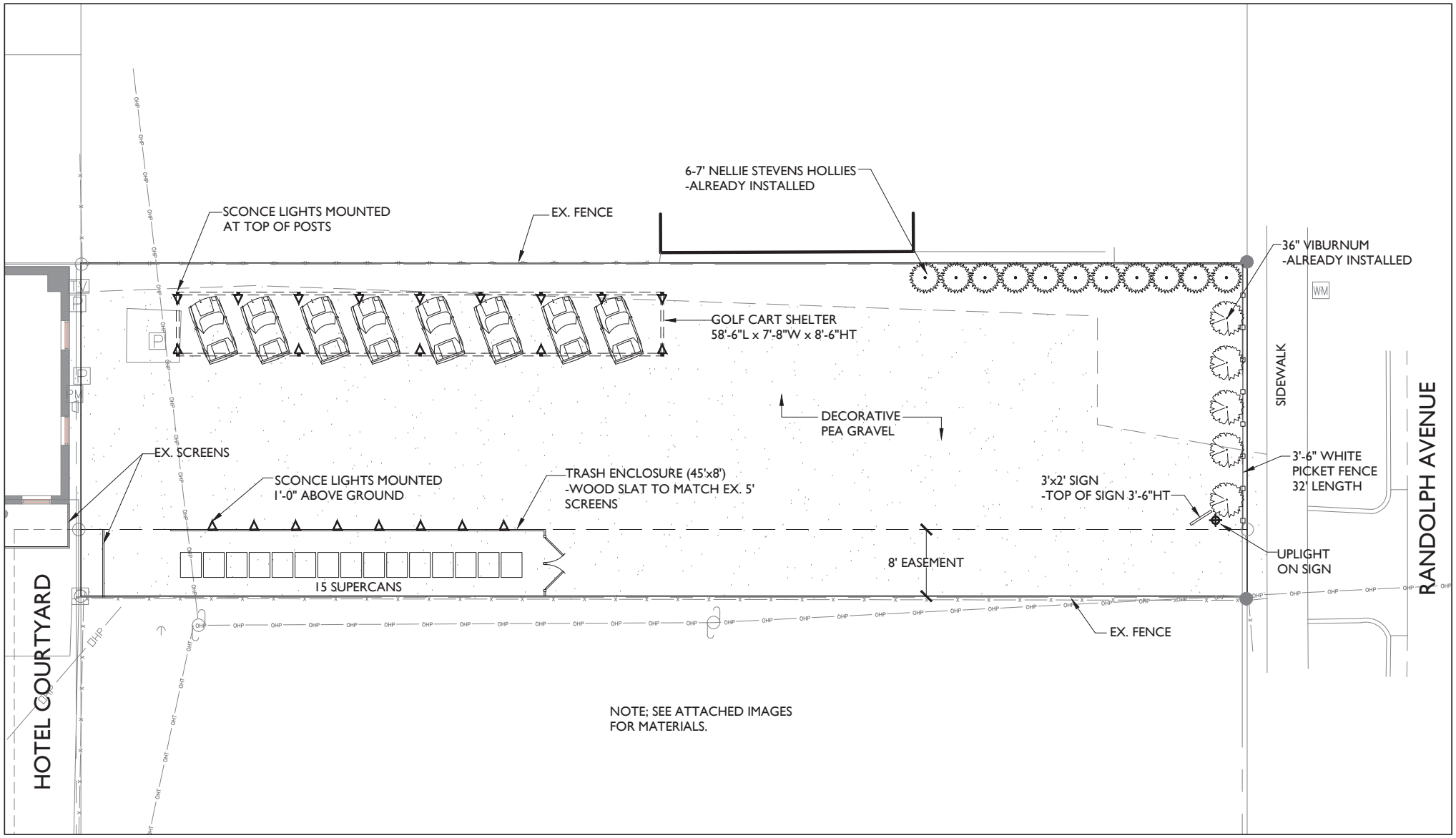
Cape Charles Va 23310

234 Mason Ave

234 Mason Ave LLC

492 Hope Springs Lane

Manakin Sabot Va 23103



SITE PLAN - 238 RANDOLPH

KENDRA TAYLOR LANDSCAPE ARCHITECTURE, LLC

NORTH

SCALE: 3/32" = 1'-0"

HOTEL CAPE CHARLES
CAPE CHARLES, VIRGINIA
APRIL 20, 2022

GOLF CART SHELTER

Newport | Bike Shelter

SPECIFICATIONS

Newport is a flexible and economical bike shelter that offers a variety of parking options. Small enough to be installed in a parking spot, Newport is accessible from all sides and can easily provide coverage for existing bike racks. High density bike parking is achieved by using the models designed for our 2-sided MaxRack System. Newport is also modular and can be made to any length.
Class 2 Bike Shelter: Canopy style

- *Can fit in 1 parking space*
- *Gable, Barrel or Flat roof styles*
- *Covers new or existing bike racks*
- *Accessible from all sides*

Newport (Barrel Roof)

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GENERAL INFORMATION

Frame: 6063-T52 Alloy Aluminum fabricated with Integrated Water Drainage

Finish: Anodized Dark Bronze or Clear (Silver)

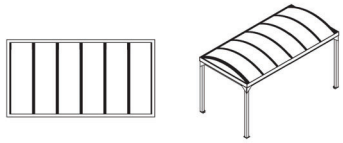
Posts: 4" x 4" Tubing

Roof Styles/Materials: **GABLE ROOF | BARREL ROOF:** 6 mm Twinwall Polycarbonate, UV Coated **FLAT ROOF:** 1/4' Endurax 300

Installation: Prefabricated roof for quick assembly. Anchor securely to level, concrete pad

Bike Racks: Not included

VIEWS



DIMENSIONS/CAPACITY*

Newport 7/8	Length	Width	Roof Height			Bikes (Max.)
Newport 7- Clear height 7' *Newport 8- Clear height 8'* = Fits in 1 parking space			GABLE ROOF	BARREL ROOF	FLAT ROOF	
Newport 7-10	14' 11"	7' 8"	9' 4"	8' 10"	7' 6"	10
Newport 7-20	29' 5"	7' 8"	9' 4"	8' 10"	7' 6"	20
Newport 7-30	44'	7' 8"	9' 4"	8' 10"	7' 6"	30
Newport 8-16	14' 11"	7' 8"	10' 4"	9' 10"	8' 6"	16
Newport 8-40	29' 5"	7' 8"	10' 4"	9' 10"	8' 6"	40
Newport 8-60	44'	7' 8"	10' 4"	9' 10"	8' 6"	60

Bike capacity varies with rack style

Newport for Parking Lots
1 Space = 10 to 16 Bikes
Newport 7-10 and Newport 8-16 fit in one standard parking space.

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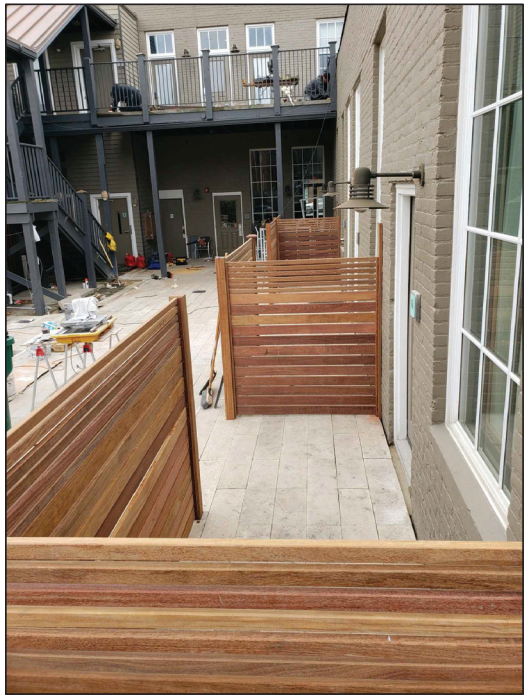
BIKE PARKING SOLUTIONS Bike Shelters | Bike Racks | Bike Storage Systems

973-264-9100
32 Ann Street Clifton, NJ 07013
info@velodomeshelters.com
www.velodomeshelters.com

TRASH ENCLOSURE SCREEN



PICKET FENCE ALONG RANDOLPH

MATERIALS - 238 RANDOLPH

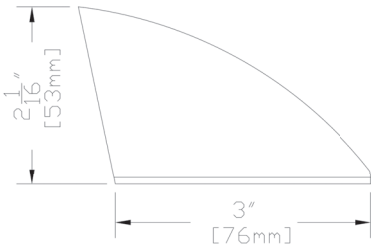
KENDRA TAYLOR LANDSCAPE ARCHITECTURE, LLC

NORTH

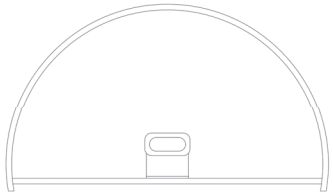
SCALE: 3/32" = 1'-0"

HOTEL CAPE CHARLES
CAPE CHARLES, VIRGINIA
APRIL 06, 2022

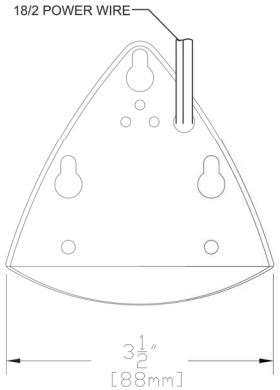
SCONCE LIGHT



SIDE VIEW WITH DIMENSIONS



FRONT VIEW



BOTTOM VIEW

FEATURES:
-SOLID COPPER CONSTRUCTION
-PORCELAIN BI-PIN OR MINI WEDGE SOCKET WITH 6ft 18/2 POWER LEAD

FINISHES:
-NATURAL COPPER
-ANTIQUE COPPER
-VERDE
-ANTIQUE RUST

LAMPS:
-12v 10 & 20 WATT BI-PIN, 20 WATT MAXIMUM
-7,11 &18 WATT MINI WEDGE BASE,18 WATT MAXIMUM

STANDARD MOUNTING:
-FLUSH MOUNT WITH 3 SCREWS & ANCHORS

ACCESSORIES:
-25ft & 50ft 16/2 LEADS AVAILABLE

SHOWN IN ANTIQUE FINISH

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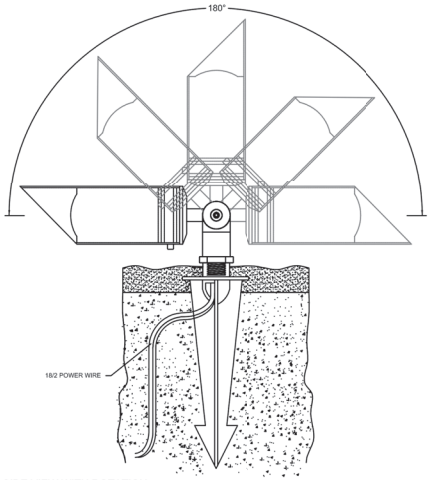
901 3rd AVE.
WEST POINT, GA. 31833
1.800.727.5483
www.coppermoon.com

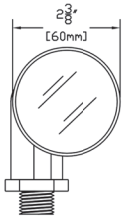
CopperMoon DECK, SURFACE & STEP
CM.820

SIZE	DRAWN BY:	CLASSIFICATION	DATE:
A	CRAIG SANDERS	DECK, SURFACE & STEP	JAN 11, 2011

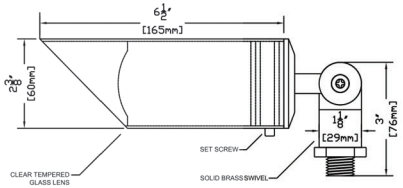
UPLIGHT ON SIGN



SIDE VIEW WITH ROTATION



FRONT VIEW



SIDE VIEW WITH DIMENSIONS

FEATURES:
-Solid Copper and Brass Construction
-Solid Copper 45 Degree Shroud for Glare Minimization
-High Heat Silicone O-Rings
-Beryllium Socket with 3ft 18/2 Power Lead

FINISHES:
-Natural Copper
-Antique
-Dark Antique
-Black
-Verde
-Rust

LAMPS:
-12 Volt MR-16 in 10, 20, 35 & 50 Watts with a 12, 24, 36 & 60 Degree Spread (EXCEPTION: 10 watt only available in 32 degree spread)
-LED MR-16's
-50 Watt Maximum

LENS:
-3mm CLEAR FORGED BOROSILICATE GLASS

MOUNTING:
-Black ABS Ground Stake 8 ½" Long with Female 1/2" NPT (STANDARD)
-Brass Threaded (Female ½" NPT) or Non-Threaded Ground Stake 9 1/2 " Long
-Brass Threaded (Female ½" NPT) or Non-Threaded Flush Mount (Deep or Shallow Housing)
-Aluminum Tree Mount (Female ½" NPT) with Brown Powder Coat Finish
-Copper Stem Risers-1" Diameter (Female ½" NPT) or ¾' Diameter (Female ½" NPT)
-Available in custom heights

ACCESSORIES:
-MR-16 Honeycomb Louver
-MR-16 Lamp Clip
-MR-16 Clear Spread Lens
-MR-16 Prismatic Lens
-MR-16 Colored Lens (Ice Blue, Lavender, Amber, MV Green, Red & Rose)
-25ft. & 50 ft. 16/2 Leads Available

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CM.115

SIZE	DRAWN BY:	CLASSIFICATION:	REV 1
A	CRAIG SANDERS	BULLET & ACCENT	DATE: 06/15/2010

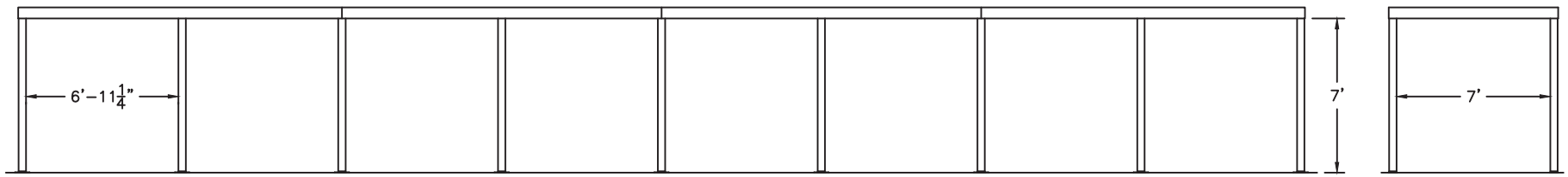
MATERIALS - 238 RANDOLPH

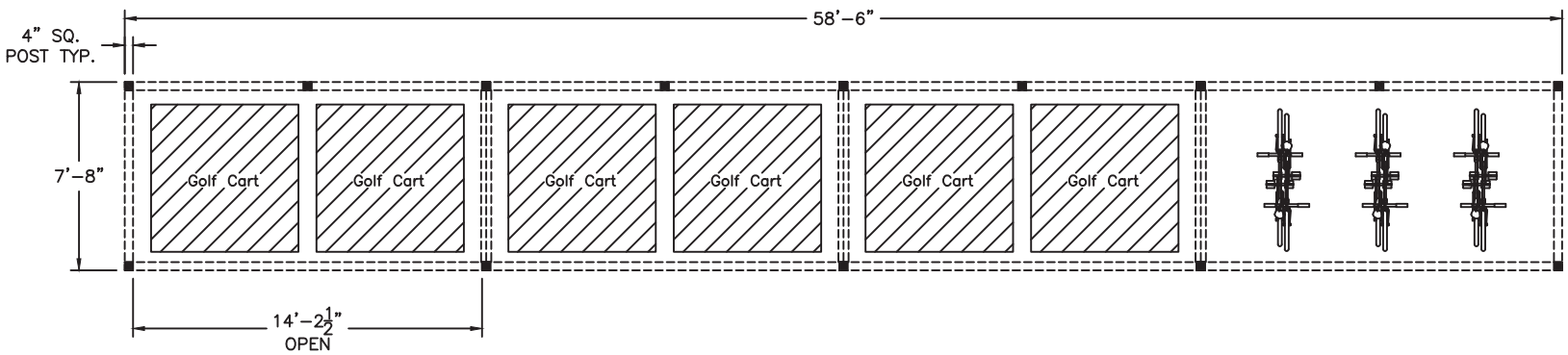
KENDRA TAYLOR LANDSCAPE ARCHITECTURE, LLC

NORTH

SCALE: 3/32" = 1'-0"

HOTEL CAPE CHARLES
CAPE CHARLES, VIRGINIA
APRIL 06, 2022





NEWPORT 7–40

ALUMINUM: 6063–T52
AVAILABLE FINISHES: DARK BRONZE ANODIZE
CLEAR ANODIZE
CUSTOM COLOR POWDER–COAT
GLAZING: 1/4" CLEAR TEMPERED GLASS
ROOF PANELS: 1/4" ENDUREX 300 PANELS
BLACK OR SILVER
BENCH/BACKREST: EXTRUDED ALUMINUM

Handi-Hut®
PHONE: 973–614–1800

Prepared by:

Christopher M. Mackenzie, Esquire (VSB# 84141)
Sands Anderson PC
2400 Bank of America Center
1111 East Main Street (23219), P.O. Box 1998
Richmond, Virginia 23218-1998

After recording return to:
Town of Cape Charles
Department of Planning & Zoning
2 Plum Street
Cape Charles, VA 23310

Tax Map #: 83A3-1-625A

VOLUNTARY PROFFER STATEMENT

Applicant & Owner:	Cape Charles Ventures LLC (the "**Applicant**")
Representative:	Christopher M. Mackenzie, Esquire (VSB# 84141) Sands Anderson PC 2400 Bank of America Center 1111 East Main Street (23219), P.O. Box 1998 Richmond, Virginia 23218-1998 Phone: 804-783-7280 Email: CMackenzie@SandsAnderson.com
Subject Property:	Northampton County Tax Parcel 83A3-1-625A, with a street address of 238 Randolph Avenue, Cape Charles, Virginia, consisting of approximately 1 acre (the "**Property**")
Benefited Properties:	Northampton County Tax Parcel 83A3-1-623, with a street address of 235 Mason Avenue, Cape Charles, Virginia (the "**Hotel Parcel**"); 227, 231, 237, 239, and 241 Mason Avenue, Cape Charles, Virginia; and 7 Strawberry Street, Cape Charles, Virginia if acquired by Applicant
Date:	May 3, 2022
Site Plan:	Entitled "Site Plan – 238 Randolph", prepared by Kendra Taylor Landscape Architecture, LLC, dated April 6, 2022, as revised, attached hereto as **Exhibit A** (the "**Site Plan**")
Rezoning Request:	From R-1 to C-1
Rezoning File No.:	ZMA 2022-001

RECITALS

A. Applicant is the owner of the Property and has initiated the conditional amendment to the zoning map of the Town of Cape Charles, Virginia, by petition addressed to the Town of Cape Charles, a municipal corporation of the Commonwealth of Virginia (the "**Town**").

B. The purpose of this Voluntary Proffer Statement (the "**Proffers**") is to rezone the Property from the R-1 Zoning District to C-1 Zoning District.

C. The Town's policy is to provide for the orderly development of land for various purposes, including commercial purposes, through zoning and other land development legislation.

D. Applicant desires to offer the Town the following conditions for the enhancement of the community and to provide for the highest quality and orderly development of the Property.

E. The conditions outlined in this Agreement have been proffered by Applicant and allowed and accepted by Town as a part of the amendment of the Town Zoning Ordinance and the Zoning Map. These conditions shall continue in full force and effect until a subsequent amendment changes the zoning of the Property; provided, however, that such conditions shall continue if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance of the Town.

CONDITIONS

I. General Information.

The Applicant, and its successors and assigns, hereby agrees that the use and development of the Property, subsequent to the Town's approval of the rezoning application to which these Proffers are attached, will be in conformance with the Site Plan and the below proffered conditions pursuant to §§ 15.2-2303 and 15.2-2303.4, et al. of the *Code of Virginia* (1950, as amended), and Section 2.7 of the Zoning Ordinance of the Town, as amended. The Proffers are the only conditions offered in this rezoning application, and any prior proffers affecting the Property are hereby superseded by these Proffers, and thus are void and of no further force and effect upon said approval. The Proffers will be effective only upon the Town's full and final approval of rezoning application # ZMA 2022-001, submitted by the Applicant to reclassify the Property from R-1 to C-1.

These Proffers are made voluntarily and without any requirement by or exaction from the Town or its governing body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, and covenants and agrees that these Proffers shall constitute covenants running with the Property, which shall be binding upon the Property, and upon all persons and entities claiming under or through the Applicant, its heirs successors and assigns, grantees and other successors in interest or title to the Property.

II. Land Use.

A. General Development. The Property will be developed in general conformance with the Site Plan. Notwithstanding the foregoing, all parcel lines, parcel sizes, improvement sizes and locations, private driveway and travelway locations, landscaping and lighting locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the Site Plan may be reasonably adjusted for purposes of the final site plans to allow the Applicant to address final development, engineering and design requirements, fulfill compliance with state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps., etc., and compliance with the requirements of the Town's development regulations and design standards manual.

B. Permitted Uses. The use of the Property shall be limited to uses in support of and in association with the permitted uses for which the Hotel Parcel is utilized, and namely the following:

1. **Deliveries.** Propane and other service related deliveries for the Hotel Parcel and the properties located at 227, 231, 237, 239, and 241 Mason Avenue, Cape Charles, Virginia.

2. **Waste Management**. Storage and use of Town waste management receptacles for the Hotel Parcel and the properties located at 237, 239 Mason Avenue, Cape Charles, Virginia and 7 Strawberry Street, Cape Charles, Virginia, if acquired by the Applicant or an entity associated with the Applicant.

3. **Golf Cart and Bicycle Storage**. Parking, storage, charging, and use of golf carts, bicycles, and similar recreation equipment owned and operated by the Applicant in association with the Hotel Parcel.

III. Landscaping & Screening.

The Applicant agrees to install, maintain, and, if necessary, replace, the landscaping and screening improvements shown on the Site Plan in conformance with the following:

A. The landscaped buffer areas shown on the Site Plan shall be maintained in good, healthy state by the owner of the Property. Fallen, diseased, and dead plant growth shall be removed and replaced with comparable (at maturity) healthy plant materials.

B. The Property may include additional plantings, signage, and/or fencing, as otherwise permitted under the Town's Zoning Ordinance.

C. Dumpsters and/or trash cans, not including convenience containers, shall be reasonably screened from public view at ground level.

D. Golf carts and bicycles shall be stored overnight in the locations designated on the Site Plan, with a maximum of six (6) golf carts stored therein and with the bicycles stored at the end of the shelter closer to Randolph Avenue, as shown on the diagram entitled "Newport 7-40" included in Exhibit A.

III. **Lighting**. Any lighting of the Property shall be directed in a way to minimize glare on public roads and adjacent structures.

[*Signature pages follow*]

The Applicant makes these proffers voluntarily, in support of its rezoning application.

WITNESS the following signatures:

APPLICANT & OWNER:

Cape Charles Ventures LLC,
a Virginia limited liability company

By: _____

Name: David M Gammino
Title: Manager
Date: 5/3/22

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Richmond

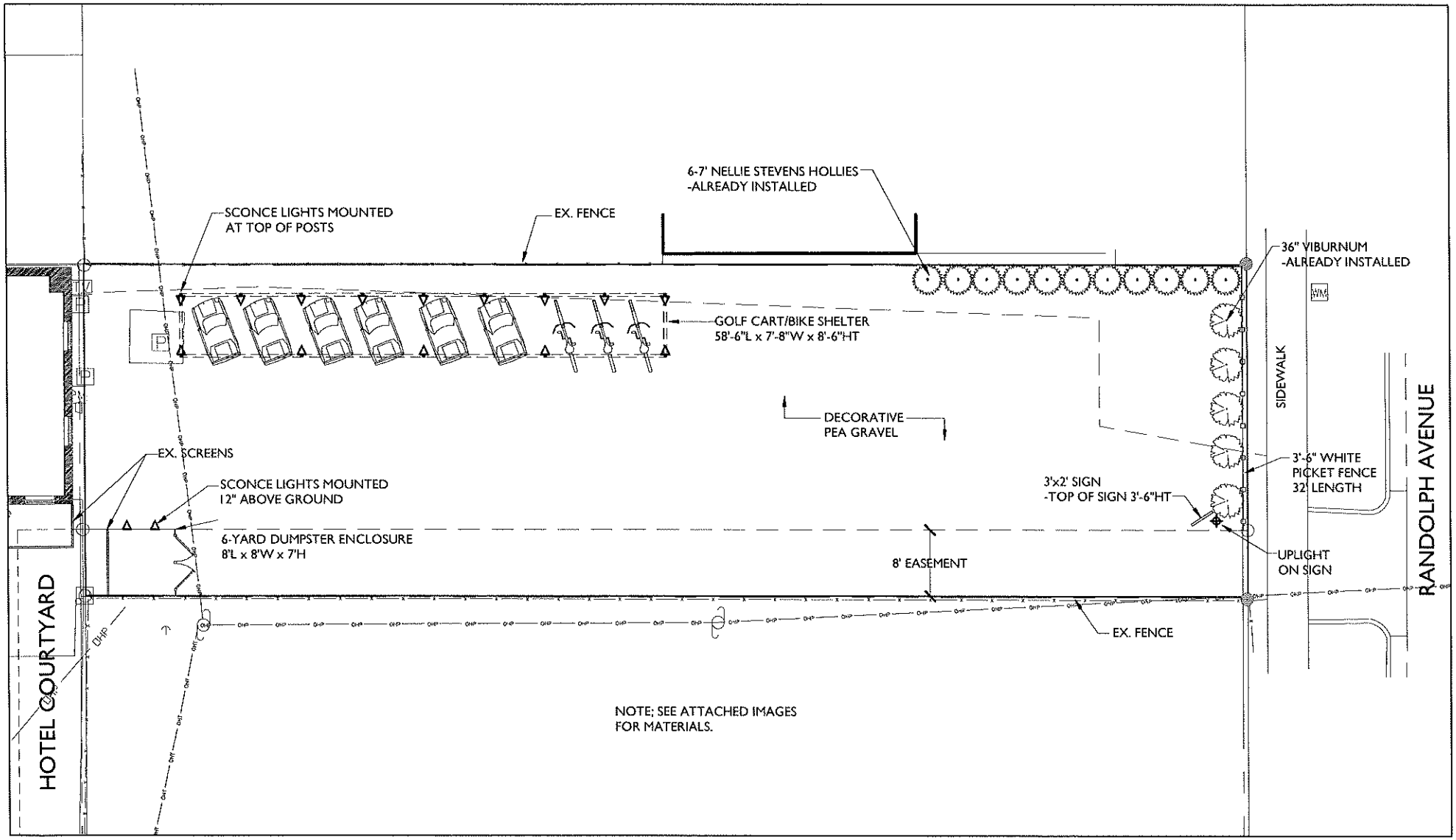
The foregoing was subscribed, sworn to and acknowledged before me this 3rd day of May, 2022 by that David M. Gammino, whose name is signed to the foregoing instrument as (title) owner of Cape Charles Ventures LLC, a Virginia limited liability company, on behalf of said company. He/she ☒ is personally known to me or ☐ has produced N/A as identification.

CHRISTINA SHAWN SADOWSKI
NOTARY PUBLIC
MY COMMISSION NUMBER 344346
COMMONWEALTH OF VIRGINIA

Christina Sadowski
Notary Public

My commission expires: 6/30/2024
Registration No. 344346

Exhibit A
Site Plan



SITE PLAN - 238 RANDOLPH

KENDRA TAYLOR LANDSCAPE ARCHITECTURE, LLC

NORTH

SCALE: 3/32" = 1'-0"

HOTEL CAPE CHARLES
CAPE CHARLES, VIRGINIA
MAY 03, 2022

ORDINANCE REQUIREMENTS

Section 2.7 Amendments of Chapter and Zoning Map; Conditional Zoning

Section 2.7.1 Amendments Permitted; How Initiated

In accordance with Virginia Code Section 15.2-2286.A.7, whenever public necessity, convenience, general welfare or good zoning practice require, the Town Council may amend, supplement, or change the regulations, district boundaries or classifications of property contained in this Chapter. Any such amendment may be initiated by (a) resolution of the Town Council, (b) motion of the Town's Planning Commission, or (c) the petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed zoning map amendment, addressed to the Town Council or the Town's Planning Commission, which shall forward such petition to the Town Council.

Section 2.7.2 Procedures for Amending Chapter or Zoning Map

A. All proposed amendments or reenactments of this Chapter, and all proposed amendments to the zoning map, shall be referred by the Town Council to the Town's Planning Commission for its recommendations. Failure of the Planning Commission to report within 100 days after the first meeting of the Planning Commission after the proposed amendment or reenactment has been referred to it shall be deemed approval of the proposal by the Planning Commission, unless the proposal has been withdrawn by the applicant prior to the expiration of said time period. In the event of such withdrawal, processing of the proposal shall cease without further action.

B. Prior to issuing its recommendations, the Planning Commission shall hold at least one public hearing after notice of same has been published once a week for two successive weeks in some newspaper having general circulation in the Town. Such public hearing shall be held not less than six nor more than 21 days after the second advertisement appears. Such additional and further notice shall be given as required by Virginia Code Section 15.2-2204. The Planning Commission may make appropriate changes in the proposed amendments as a result of the public hearing. Upon the completion of its work, the Planning Commission shall present the proposed amendments, including revised district maps, to the Town Council together with its recommendations and appropriate explanatory materials.

C. Prior to approving and adopting any amendment to this Chapter or the zoning map, the Town Council shall hold at least one public hearing after giving such public notice as may be required by Virginia Code Section 15.2-2204, after which the Council may make appropriate changes or corrections in the proposed amendment. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the Town's then effective comprehensive plan. No land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after such notice as is required by Virginia Code Section 15.2- 2204. Following the required public hearing(s), the Town

Council shall act on the proposed amendment in the same manner as adopting any other ordinance.

Section 2.7.3 Appeals
Every action contesting a decision of the Town Council adopting or failing to adopt a proposed amendment to this Chapter or the zoning map shall be filed within thirty days of the Town Council's decision with the Circuit Court of Northampton County.

Section 2.7.4 Conditional Zoning - Statement of Intent
In accordance with Virginia Code Sections 15.2-2296 et seq., it is the general policy of the Town of Cape Charles to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time recognize effects of change. It is the purpose of Sections 2.7.4 through 2.7.10 to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning. Conditional zoning allows a zoning reclassification subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned. The provisions of Sections 2.7.4 through 2.7.10 shall not be used for the purpose of discrimination in housing.

Section 2.7.5 Conditional Zoning - Conditions as Part of a Rezoning or Amendment to the Zoning Map
As part of a rezoning or amendment to the zoning map, the owner of the parcel for which the rezoning or amendment is sought may voluntarily proffer, in writing made prior to the Town Council's public hearing on same, reasonable conditions in connection with the proposed rezoning or amendment. Applications for conditional zoning shall be handled in the same manner and following the same procedures as provided in Section 2.7.2 with respect to amendments generally. Once proffered and accepted as part of an amendment to this Chapter or the zoning map, such conditions shall continue in effect until a subsequent amendment changes the zoning of the property covered by such conditions. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Section 2.7.6 Conditional Zoning - Enforcement and Guarantees
The Zoning Administrator is hereby vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning or amendment to the zoning map, including (a) the ordering in writing of the remedy of any noncompliance with the proffered and accepted conditions; (b) the bringing of legal action to ensure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and (c) requiring a guarantee satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any

physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Town upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

Section 2.7.7 Conditional Zoning - Records
The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Zoning Administrator shall keep in his or her office and shall make available for public inspection a Conditional Zoning Index. The Index shall provide ready access to the ordinance creating the conditions in addition to the regulations provided for in a particular zoning district or zone.

Section 2.7.8 Conditional Zoning - Petition for Review of Decision
Any zoning applicant or other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of Section 2.7.6 may petition the Town Council for review of the decision of the Zoning Administrator. All petitions for such review shall be filed with the Zoning Administrator and the Town Clerk within thirty days from the date of the decision for which review is sought and shall specify the ground upon which the petitioner is aggrieved.

Section 2.7.9 Conditional Zoning - Amendments and Variations of Conditions
There shall be no amendment or variation of conditions created pursuant to the provisions of Section 2.7.5 until after the Town Council holds a public hearing which hearing is advertised as required by Virginia Code Section 15.2-2204.

Section 2.7.10 Limitation on Reconsideration of Request for Amendment
No application for an amendment to this Chapter or the zoning map, including an application for conditional zoning, shall be considered by the Town Council within one year from the Council's last consideration of same. This limitation shall not apply to amendments proposed by either the Planning Commission or the Town Council on its own motion where that body finds it to be in the public interest to reconsider same.

PLANNING COMMISSION
PRELIMINARY STAFF REPORT

Meeting Date: June 7, 2022
Item #: 7B – CUP 2022-004
Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator
Date: April 26, 2022

APPLICANT: Bill & Barbara O'Hare

SITE ADDRESS: 11 Randolph Avenue

TAX MAP: 83A3-2-3-1
LOT SIZE: 8,960 sq ft

TYPE OF APPLICATION: Conditional Use Permit 2022-04
SPECIFIC REQUEST: An Accessory Dwelling Unit within an Existing Accessory Structure
ZONING ORDINANCE: Section 4.2 (J)
CURRENT ZONING: Residential (R-1)

DATE RECEIVED: March 26,2022
DATE DEEMED COMPLETE:
LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory):

NARRATIVE OF PROPOSAL

The applicant is seeking to obtain a Conditional Use Permit to convert 50% of an existing, 720 square foot Garage Accessory Structure for an Accessory Dwelling Unit. The applicant has provided a signed Accessory Dwelling Unit Affidavit and is aware of the requirements regarding Length of Stay but has indicated in her narrative that she is primarily looking to utilize as personal office space for herself.

The property is in zoning compliance, and she is not seeking to add square footage but to convert a portion of an existing accessory structure for this purpose and currently provides one on-lot parking space which would comply with our ordinance requirements, since no on-lot parking spaces are required for the principal residence in the R-1 District

AERIAL MAP: ***Property outlined in blue***

ORDINANCE REQUIREMENTS

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

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

1. Physical characteristics.

a. Accessory dwellings shall be located in an accessory building.

b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.

c. Accessory dwellings shall have one kitchen and one bathroom.

d. Accessory buildings and shall not have the appearance of a single-family dwelling.

2. Occupancy characteristics.

a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and\or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.

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

3. Other requirements.

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

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

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

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

Staff is requesting the Planning Commission to review the application submitted and authorize staff to schedule a public hearing on this application for your July 5, 2022 meeting.

Staff will prepare a comprehensive staff report for that public hearing which evaluates the application in compliance with the requirements of the Cape Charles Zoning Ordinance and any other matters identified by the Planning Commission.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission authorize staff to schedule a public hearing on this application for the July 7, 2022 meeting for CUP2022-004: Conditional Use Permit for an Accessory Dwelling Unit at 11 Randolph Avenue on an application filed by Barbara & Bill O'Hare, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J),

Attachments:

Attachment 1 – CUP Application Packet

CONDITIONAL USE PERMIT APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planningtech@capecharles.org

CONDITIONAL USE PERMIT CHECKLIST - all documents can be emailed to the above email

- [x] Completed application (if applicable, attach accessory dwelling checklist and documents)
- [x] Letter of intent clearly explaining project
- [x] Existing site plan or survey
- [x] NA Proposed site plan or survey (if applicable)
- [x] Names and addresses of adjacent property owners
- [x] Payment of Fees (single-family detached residential $600; all other $800)

PROJECT INFORMATION

Name of Project: Living Area in Garage

Property Address: 11 Randolph Ave. Cape Charles

Brief Description of Project: Garage Renovation

Zoning District: R1 Current Use: garage Proposed Use: garage & living area

OWNER INFORMATION

Name and Company: Barbara & Bill O'Hare

Mailing Address: 11 Randolph Ave, Cape Charles

Phone Number: 410-707-1610 Email: barboh5@gmail.com
443-472-7434 billohare1@gmail.com

APPLICANT INFORMATION

[x] check here if applicant is owner

Name:

Mailing Address:

Phone Number: Email:

****

CERTIFICATION OF APPLICANT

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

Signature of Applicant: Barbara C O'Hare Date: 4/29/2022

Conditional Use Permit - Accessory Dwelling Unit Checklist

Date: 4/29/2022 Address: 11 Randolph Ave.

The following criteria are required for one accessory dwelling to be maintained on a property in the R-E, R-1, R-2, and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3:

1. Is the accessory dwelling unit located in an accessory building? YES ☒ NO ☐
2. Does the accessory dwelling floor area exceed of forty-five (45) percent of the floor area of the main building? YES ☐ NO ☒ Accessory Dwelling Unit square footage 720 ft
3. Does the accessory dwelling have one kitchenette and one bathroom? YES ☒ NO ☐
   microwave & fridge
4. Does the accessory building/dwelling differentiate from the single-family dwelling? YES ☒ NO ☐

The following conditions must be maintained for an accessory dwelling unit on a property in the R-E, R-1, R-2, and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3:

1. Occupancy characteristics.
   a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and\or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.
   b. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.
2. Other requirements.
   a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
   b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
   c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.
   d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

****

CERTIFICATION OF APPLICANT

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

Signature of Owner: Barbara O'Hare

~~Signature of Applicant~~ & Applicant: B O'Hare

April 29, 2022

Ms. Katie Nunez
Town of Cape Charles
Planning and Zoning Department
2 Plum Street
Cape Charles, VA 23310

Dear Ms. Nunez:

We are asking for approval to expand our living area at our home by building a room in our existing garage at 11 Randolph Ave. The garage currently has room for one car, as well as a tool bench, open storage, and storage room. Half of the building will remain a garage.

Currently, our house has three rooms upstairs, one of which my husband uses as an office, and an open living room area and kitchen on the main floor. We would finish the room in the garage as additional living space. We would also add a small bathroom and a kitchenette area with a mini-fridge and a microwave. This room will give us space for Barbara to move her desk and computer out of the kitchen!

Thank you for your consideration.

Barbara C. O'Hare

Barbara and Bill O'Hare
11 Randolph Ave.

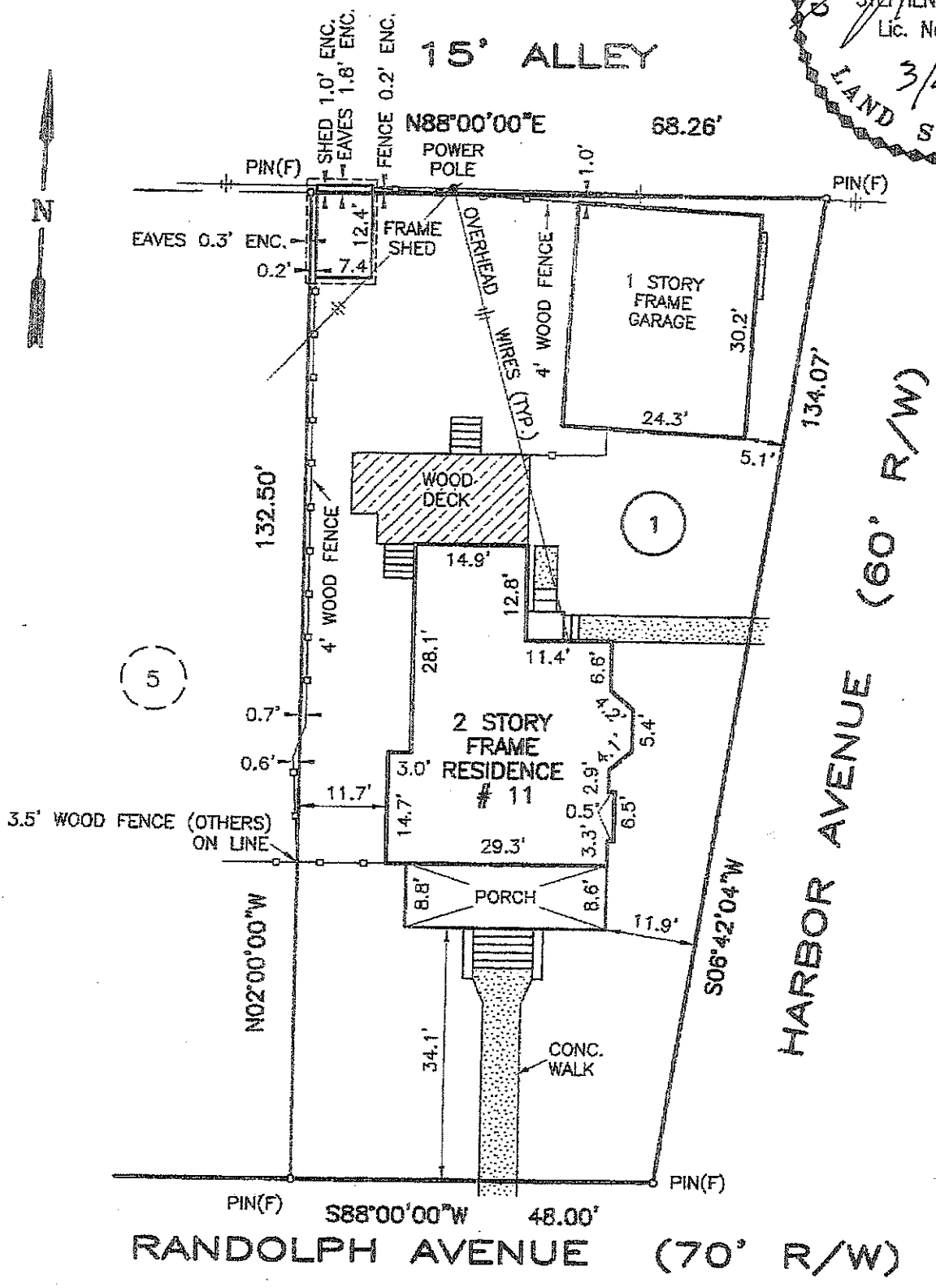
Neighbors:
Steve and Claudine Pierce 10 Tazewell Ave.
Nick and Elaine Alpern 9 Randolph Ave.

THIS IS TO CERTIFY THAT ON MARCH 11, 2011, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE RESIDENCE SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "AE"
FIRM MAP TOWN OF CAPE CHARLES COMMUNITY NO. 510106
MAP REVISION: AUG. 28, 2008 MAP/PANEL NO. 51131C0295E

THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.

COMMONWEALTH OF VIRGINIA
STEPHEN I. BOONE
Lic. No. 1333
3/16/11
LAND SURVEYOR



unicipal Corp. of

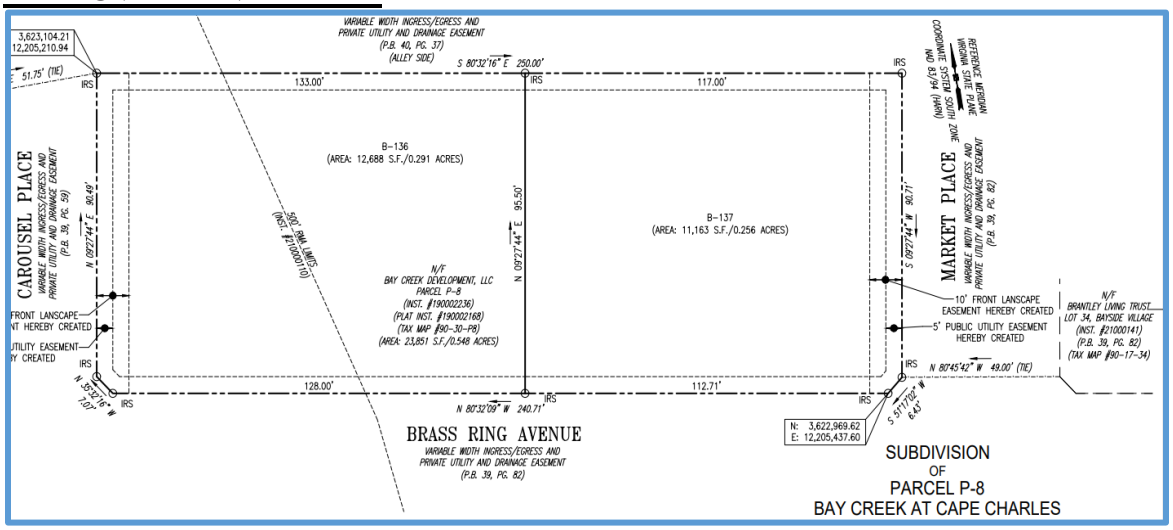
Cape Charles

JUNE 2022
MONTHLY REPORT
Katie H. Nunez, Interim Planning/Zoning Administrator

1. **Subdivision Agent:**
   A. Final Plats: the following in-fill lot plats were approved in the Bay Creek PUD
   1) Bayside Parcel 90-30-P8 – creation of two lots

Aerial Map View

APPROVED FINAL PLAT

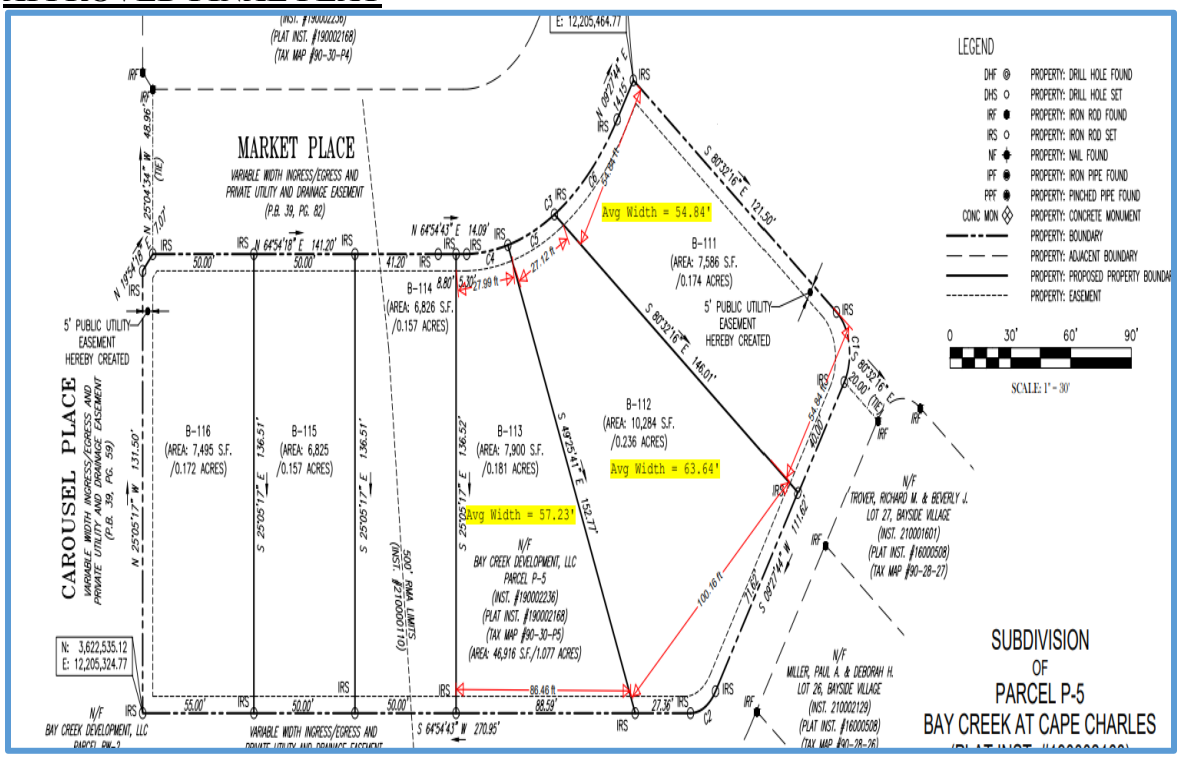


Municipal Building · 2 Plum Street · Cape Charles, Virginia 23310
(757) 331-3259 Fax (757) 331-4820

2) Bayside Parcel 90-30-P5 – creation of 6 lots (originally was going to be a parking lot for the parcel to the north (90-30-P4) which was going to serve as a Recreation/Amusement/Commercial Lot .

Aerial Map View

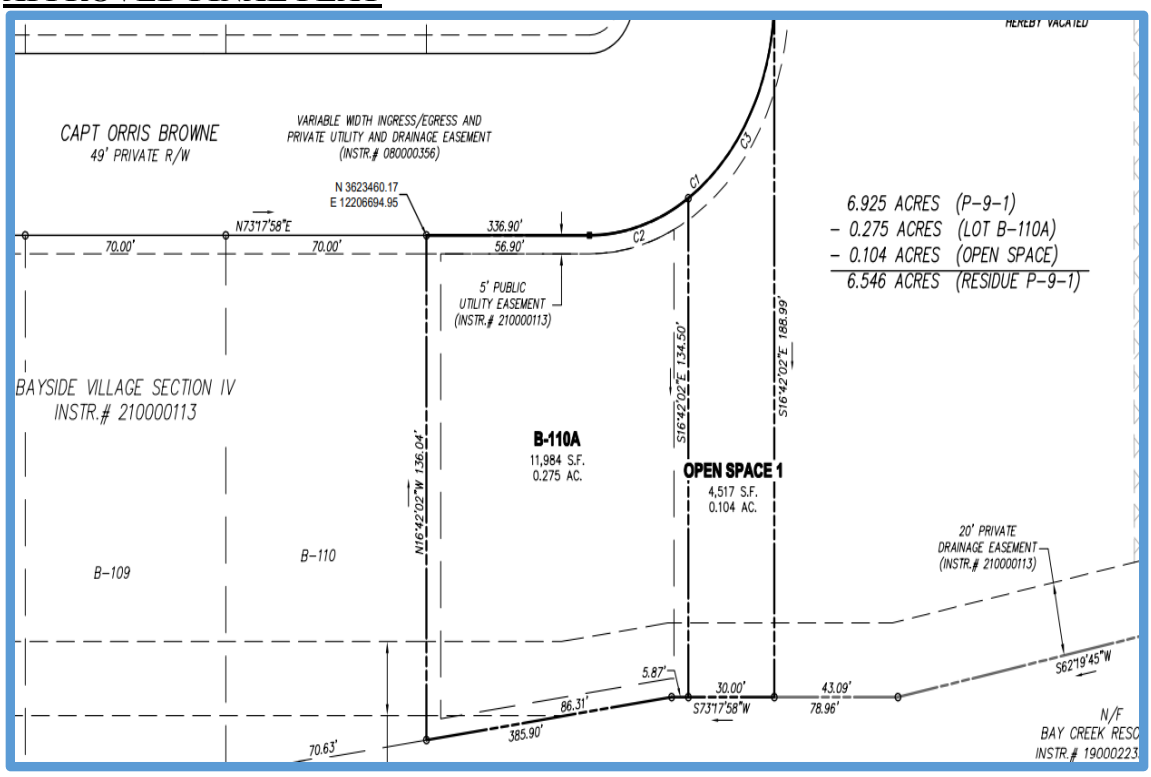
APPROVED FINAL PLAT



3) Bayside Section XIII – portion of 90-32-P91: creation of one lot and .104 acres of open space

AERIAL MAP

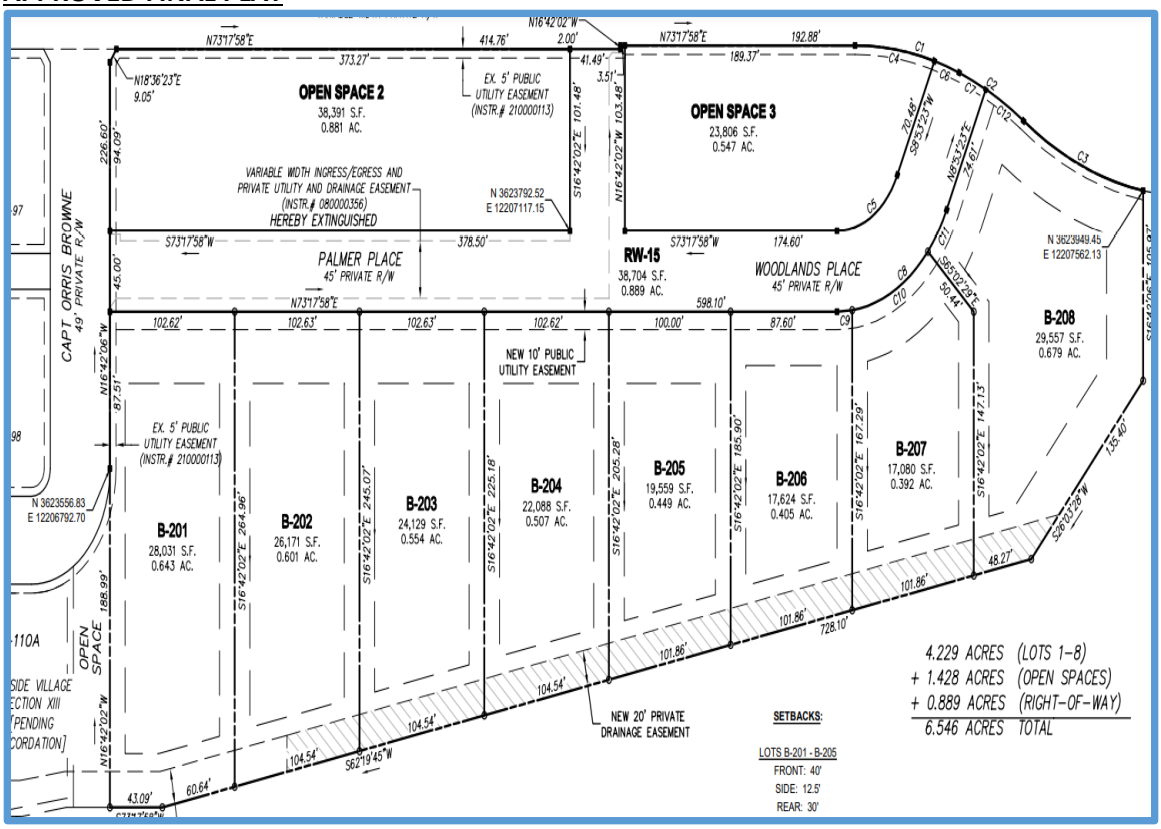
APPROVED FINAL PLAT



4) The Forest at Bayside – remaining portion of 90-32-P91: creation of 8 lots and 2 open space lots

Aerial Map

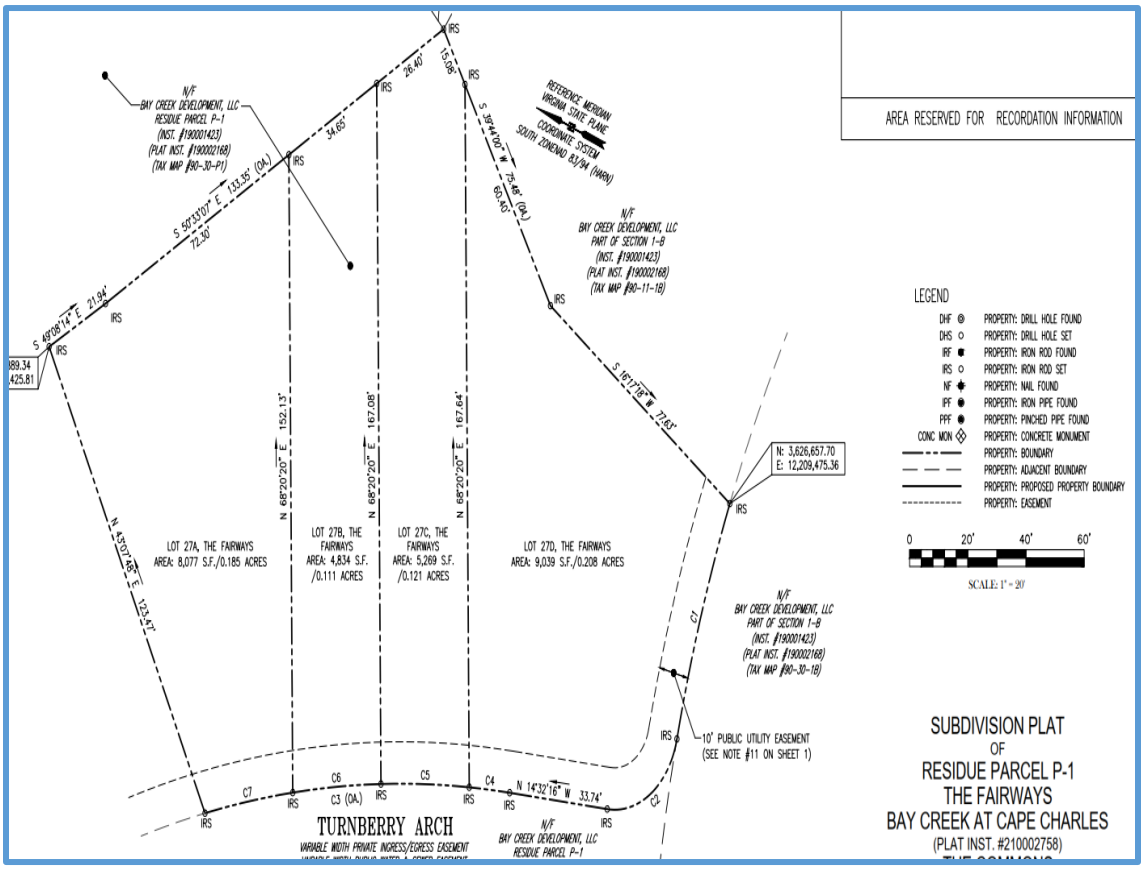
APPROVED FINAL PLAT



5) Fairways – The Commons –

Aerial Map

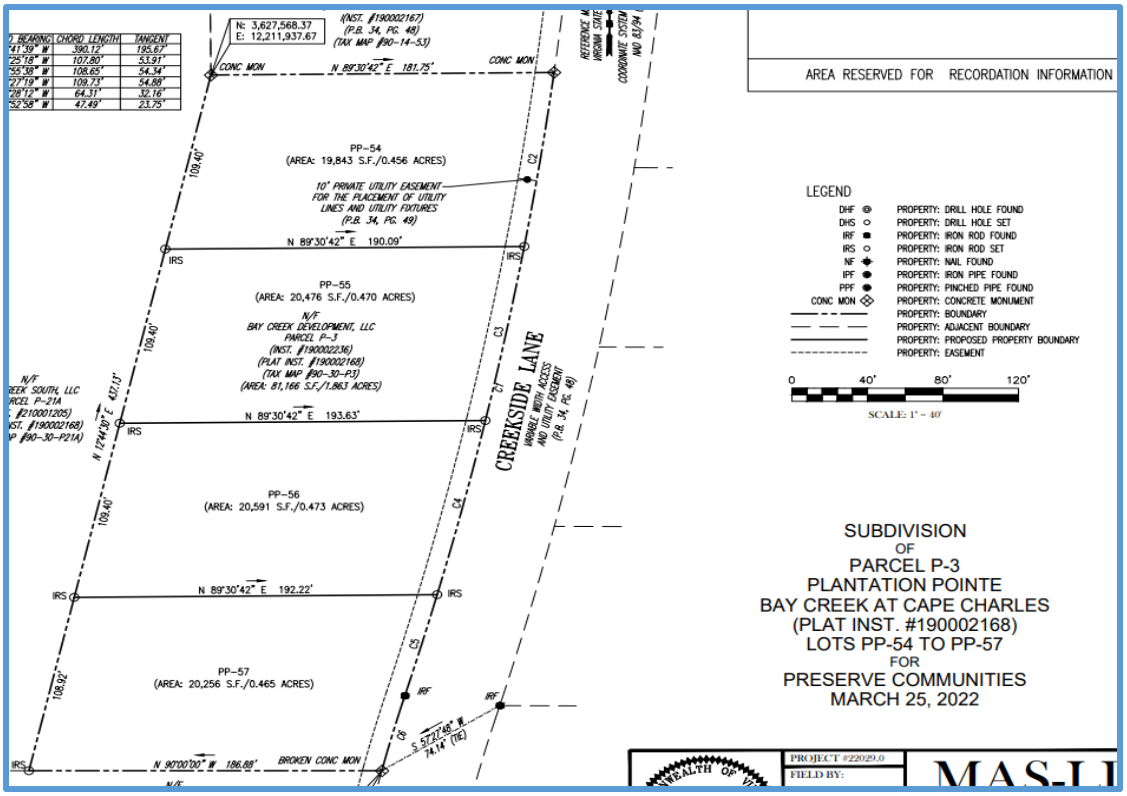
APPROVED FINAL PLAT



6) Plantation Pointe – 90-30-P3: creation of 4 lots

Aerial Map

APPROVED FINAL PLAT



2. **Board of Zoning Appeals - Code of Virginia Section 15.2-2310**
   [Planning Commission shall be provided any applications filed with the Board of Zoning Appeals.]
   July Applications filed:
   A.) Variance Application from Spen Custis at Lot 100 Washington Avenue (Tax Map #83A1-1-100) to allow an existing shed to remain on premise without a principal use of a main dwelling unit in the Residential-1 Zoning District, pursuant to Cape Charles Zoning Ordinance Section 3.2 (B)
   B.) Variance Application from Nancy Rooney at 107 Mason Avenue (Tax Map #83A3-2-1-74) to allow 1st floor residential in the rear of an existing building in the Commercial-1 Zoning District, pursuant to Cape Charles Zoning Ordinance 3.6 (C)
   C.) I am working with the intended purchaser of the lots at the corner of Washington Avenue and Bay Avenue (the former Old Ferry lots) for 2 variance applications relative to the Chesapeake Bay Act and allowing 2 lots & a dwelling unit on each lot which encroach into the Resource Protection Act (RPA) which I believe will be submitted by the deadline of June 7, 2022 in order to get on the July 2022 BZA Agenda.

3. **Update on Town Council action regarding Zoning Text Amendment 2022-01: Accessory Dwelling Units & Definitions**
   At their meeting on May 19, 2022, Town Council voted to not approve Zoning Text Amendment 2022-01: Accessory Dwelling Units & Definitions. Town Manager John Hozey has requested further direction and clarification from the Town Council (as part of the June 16, 2022 Town Council Meeting) on this matter and I will provide that to the full Commission once I have received it.

4. **Revised Town Council policies re: Public Hearings/Public Comments**
   Please find enclosed a Revised Code of Ethics & Meeting Rules of Order Policy that was amended by Town Council on May 19, 2022. The specific change is found on Page 8 under a section called "Addendum 1: Public Hearing Procedures". The manner in which we recently changed our public hearing process will have to be changed in our Bylaws which I will have incorporated and will add to the July agenda for your consideration and adoption, in order to bring our bylaws into consistency with this revised Town Policy.

   For our July meeting and the scheduled public hearing, you will see that we have altered the agenda and public meeting format to comply with this amended policy.

Town of Cape Charles
Code of Ethics & Meeting Rules of Order

Adopted July 22, 2021, amended May 19, 2022

Preamble

The citizens and businesses of the Town of Cape Charles, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of representative government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Cape Charles Town Council has adopted this Code of Ethics and Rules of Order for members of the Town Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operations.

Code of Ethics

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Cape Charles and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Town of Cape Charles Town Council, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the Town of Cape Charles in the performance of their public duties. These laws include but are not limited to the United States and Virginia Constitutions; the Charter of the Town of Cape Charles; laws pertaining to conflicts of interest, election campaigns, employer responsibilities, open processes of government; and Town ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or language, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, committees, the staff, or the public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and Rules of Order established by the Town Council; they shall respect the deliberation of public policy issues of other bodies, the meaningful involvement of the public, and the Town staff's implementation of policy decisions of the Town Council.

5. Conduct of Public Meetings

Members shall prepare themselves for public business; listen courteously and attentively to all public discussions before the body; and focus on the issues at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

8. Gifts and Favors

A member should never accept for himself or herself or for family members, gifts, favors, or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies, or facilities, for private gain or personal purposes.

11. Advocacy

Members shall represent the official polices or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions in any venue, members shall explicitly state they do not represent their body of Town of Cape Charles, nor will they allow the inference that they do.

12. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information, and analysis provided by the public boards, commissions, committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members, therefore, shall not interfere with the administrative functions of the Town or the professional duties of Town staff, nor shall they impair the ability of staff to implement Town Council policy decisions. Inquiries to staff shall be made through the Town Manager or the appropriate department manager or director as authorized by the Town Manager.

13. Independence of Town Council and Commissions

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

14. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for Town employees, citizens, and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff. All requests for staff resources must be approved by the Town Manager.

15. Implementation

Ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Cape Charles Code of Ethics and Rules of Order. In addition, the Town Council, boards, committees, and commissions, shall annually review the Code of Ethics and Rules of Order, and the Town Council shall consider recommendations from boards, committees, and commissions to update it as necessary.

16. Compliance and Enforcement

The Town of Cape Charles Code of Ethics expresses standards of ethical conduct expected of Members of the Town of Cape Charles Town Council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor of the Town of Cape Charles have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics are brought to their attention.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, committee, or commission decision. However, it may be considered when the Town Council is determining the suitability of any person to serve in any appointed position.

Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal business relationship to the parties in any matter coming before them. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts are determined to exist. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matter comes before them.

1. Abstention

As elected or appointed officials, members have a duty/obligation to represent their constituents in all public matters coming before their body. It is not appropriate for individual members to decide in which matters they should abstain. If a member believes they have a conflict of interest on any matter before their body, they are REQUIRED to disclose it before deliberations on that business begins. However, it shall be up to the remaining members of that body to determine if an actual conflict exists and if the member disclosing the potential conflict can be excused from participating in the business. If the body votes to allow the member to recuse him/herself, that member will not participate in any of the discussions or vote related to that business. Failing a vote to allow recusal, the member shall participate as normal.

2. Representation of Third-Party Interests

In keeping with their role as stewards of the public interest, members of the Town Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission, or proceeding of the Town; nor shall members of boards, committees, or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies. This provision should not unduly restrict a member's participation who is associated with, but not representing, community or non-profit organizations serving the Town, whose matter comes before them.

Meeting Rules of Order

The following rules of order are to serve as a non-binding guide to the conduct of business. It is the duty of the Mayor or other presiding officer to conduct meetings in accordance with the Code of Virginia, the Town Charter, applicable Bylaws, and in a manner intended to promote open, civil, and fair discussion of all issues.

1. Meeting Types

All meetings of the Town of Cape Charles fall under the provisions of the Virginia Freedom of Information Act (FOIA). All members will receive training on VA FOIA requirements upon initial appointment, as well as periodic refreshers. The Town Clerk will ensure FOIA training is completed, and that all records of the training are maintained. This document is not to be considered a substitute for FOIA training and offered only as a summary overview.

The public must be provided notice and access to all Town meetings.

- Regular Meeting: Meetings required by Charter or Bylaws to occur on a regular interval to conduct the primary business of the body. These meetings are conducted more formally, with established procedure. The Mayor or presiding officer will enforce these procedures to ensure proper decorum and efficient flow of business. Agendas will include a public comment period on any topic in accordance with public comment procedures established by the Town Council.

- Special Meeting: Meetings to conduct official business of the body that are deemed necessary in addition to Regular Meetings. Special Meetings are also conducted formally but may not include all Regular Meeting agenda items. Public comments will be permitted but limited to only business items on the agenda. Special meetings may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.

- Work Session: Informal meetings of the body that allow for relaxed procedure enabling freer flowing discussion. No official action may be taken during a work session, however determining consensus on items to be brought forward to a Regular or Special meeting is appropriate. Work Sessions are generally used for (but not limited to) brainstorming, information gathering, planning efforts, budget review, or when more time is needed on a particular item than is typically afforded during formal meetings. The public must be permitted the opportunity to observe work sessions but are not typically permitted an opportunity to provide comments. The Mayor or presiding officer may on special circumstance, allow public comment. Work sessions may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.

- Closed Session: Closed Sessions (Executive Sessions) are authorized by FOIA to discuss certain confidential matters limited to specific purposes, while using very specific procedures. Though a portion of this meeting is closed to the public, other portions are open. The public must be permitted to be observe the motion to go into Closed Session as well as the certification upon leaving the Closed Session.

- Public Hearing: Public Hearings are intended to solicit public feedback on specific topics. These topics will be advertised in advance. Input may be made in person or in writing. All comments will adhere to the Town Council approved guidelines. Comments will be directed to the body and not to any individual. Members shall not respond to questions posed nor address or rebut speaker's statements made during the Public Hearing. See Public Hearing Procedures at Addendum 1.

- Town Hall Meeting: An informal meeting where no official action is taken. A Town Hall Meeting is essentially a Work Session that involves the public. These meetings are typically focused on one or two topics and encourages dialog between members and the public. A primary goal of a Town Hall meeting is to provide decision makers with in-depth public perspectives prior to taking an official action.

- Social or Community Events: These are gatherings where no official business is conducted, but where Town issues may be informally discussed. If more than two members will be present in their capacity as a Town official, the gathering should be posted. There are no agendas or minutes associated with these functions.

2. Motions

- Unanimous Consent: Routine business is typically conducted by unanimous consent. This is an informal process that allows business to be conducted expeditiously. The procedure is for the presiding officer to ask whether anyone objects to a particular action and then to state, "Hearing no objection the action will be taken by unanimous consent." Note that even when a member is not in favor of a particular action the member may chose not to object in the interest of moving the agenda forward. In other words, unanimous consent does not mean that everyone was actually in favor of the action. If anyone objects, then the action must be addressed with a formal motion and vote.

- Main Motion: This is the motion that brings business before the council or other body. Such motions should be stated in a concise form and should generally be in writing to avoid misunderstandings. It must be seconded and when voted upon will ordinarily require a simple majority vote. There are circumstances where a super majority may be required. such as in the disposition of real estate. Before voting on the motion the presiding officer should call for discussion. The presiding officer should allow for discussion until it terminates by *unanimous consent* or is formally terminated by a subsidiary motion (discussed below).

  When the motion is ripe for a vote the presiding officer should call for "all in favor" and then "all opposed." The presiding officer should then clearly state either the "motion passes" or the "motion fails." Generally, in the event of a tie the presiding officer may cast the deciding vote. The Town Charter expressly allows the Mayor to vote in the event of a tie. Any member may request a roll call vote.

- Subsidiary Motions:

  - Motion to Postpone Indefinitely (sometimes incorrectly called a motion to table): Normally used to putaside business that is not ripe for consideration. such as when further study is required. It requires a second. is debatable and is not amendable.

  - Motion to Amend: This is a motion to amend the wording and sometimes the meaning of the main motion. It requires a second and is debatable. It is also amendable *one time.* Note that a vole to adopt theamendment is not a vote on the main motion. Once the motion to amend is adopted the amended main motion must then be voted on as well. Often. simple motions to amend are adopted by unanimous consent. Also. note that whether the member that offered the original motion is willing to accept the proposed amendment or not is irrelevant. It must still be seconded and voted upon or adopted by unanimous consent.

- Motion to Refer: This is a motion to refer a matter to a committee or other body for action. In effect. when the motion is to refer the matter to a "workshop. it is a motion to refer the matter to a committee comprised of the entire council or other body (a committee of the whole). It requires a second and is debatable.

- Postpone to a Certain Time: Used when a matter is best considered at a different time to allow for the orderly conduct of business. It requires a second and is debatable.

- Motion to Limit Debate: Used to put a limit on the time permitted for debate of a motion. It requires a second. is not debatable and traditionally requires a two-thirds vote. Since the Town Charter allows forbusiness to be conducted based on a majority vote. if a motion to limit debate does not pass by a two- thirds vote. then after further debate for a reasonable time the motion shall require only a majority vote.

- Motion of the Previous Question (often referred to as “a motion to call the question" or “motion to bring the matter to a vote"): Used to end debate and bring the pending motion to a vote. It requires a second. is not debatable. and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote. if a motion of the previous question does not pass by a two-thirds vote. then after further debate for a reasonable time the motion shall require only a majority vote.

- Motion to Lay on the Table (often confused with a motion to postpone indefinitely): Used to temporary interrupt pending business so that another matter can be considered first. It requires a second and is notdebatable. This is often done by unanimous consent to move business forward.

- Motion to Recess: This is a motion to take a short break in the proceeding. It requires a second and is notdebatable.

- Motion to Adjourn: This motion closes the meeting. It requires a second and is not debatable.

3. Agenda

The presiding officer should make a reasonable effort to conduct business in accordance with a consent agenda. The agenda should be organized to promote the orderly conduct of business. If the members cannot agree on the agenda, it should be presented by motion and subject to a vote. Keep in mind that even after an agenda is approved it can be amended. Often that is done by unanimous consent at the suggestion of the presiding officer to expedite the meeting. The procedure is for the presiding officer to state. '"Is there any objection to amending the agenda [explain]. Hearing no objection, the agenda is so amended by unanimous consent."

4. Other Issues

- Mayor's Veto: The Town Charter provides the Mayor with "the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and meeting." With a six-member council the override requires a vote of four members if all are present and voting.

- Quorum: The Town Charter provides that "four members of the town council shall constitute a quorum for the transaction of business at any meeting." The bylaws of other bodies establish the number of members required for a quorum. The Code of Virginia provides that if a member is disqualified due to a conflict of interest "the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.'' 2.2-3112.C.

Addendum 1: Public Hearing procedures:

1. Members of the public wishing to speak will sign up on a roster to be provided prior to the public hearing being called to order; those wishing to have comments read into the record will provide written comments to the clerk of the body no later than one hour prior to the scheduled start of the hearing
2. All public comments will conform to the *Guidelines for Citizen Participation* document as approved by the Town Council
3. The presiding officer of the body will call the public hearing to order and read the public hearing notice(s)
4. The presiding officer will ask the public assembled if everyone who wanted to speak has signed the roster, and offer one last opportunity for anyone who has not, to do so.
5. The responsible staff liaison will brief the public on the subject of the hearing
6. The members of the body will not ask questions about the staff liaison report or engage in any discussion regarding the subject of the hearing
7. The presiding officer will invite members of the public who signed up, to speak
8. When all in-person testimony is heard, the clerk of the body will read all written comments into the record
9. The members of the body will not ask questions of the public or directly respond to any comments offered
10. If there was more than one topic advertised for public hearing, the subsequent topics will be heard repeating the procedure above
11. When all topics have been heard, the presiding officer of the body will request a motion to close the public hearing(s)

Acknowledgement

I _____ (printed name), a sitting member of _____ (body), hereby certify that I have been given a copy, read, understand, and will abide by the above Town of Cape Charles Code of Ethics & Meeting Rules of Order, adopted on July 22, 2021.

_____ (signature)

_____ (date)