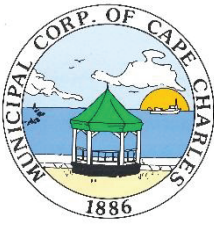


Planning Commission
Regular Session Agenda
Cape Charles Civic Center – 500 Tazewell Avenue
November 20, 2023, at 6:00 P.M.

1. Call to Order
 - A. Roll call and establish a quorum.
2. Invocation and Pledge of Allegiance
3. Reorganization of Board and Election of Officers
4. Consent Agenda
 - A. Approval of agenda format
 - B. Approval of Minutes
 1. September 28, 2023, Town Council & Planning Commission Joint Work Session
 2. October 3, 2023, Public Hearing and Regular Meeting
5. Public Hearings:
 - A. Zoning Map Amendment (ZMA) 2023-04 application from Municipal Corporation of Cape Charles to rezone Tax Map #83A3-1-644 & 83A3-1-641 (11,301.22 square feet) from Commercial -1 (C-1) to Residential-1 (R-1) pursuant to CCZO Section 2.7.2 and Section 3.2.
6. Citizen Comment Period, for any item not subject to an advertised public hearing
7. Unfinished Business:
8. New Business
 - A. Zoning Map Amendment (ZMA) 2023-04 application from Municipal Corporation of Cape Charles to rezone Tax Map #83A3-1-644 & 83A3-1-641 (11,301.22 square feet) from Commercial -1 (C-1) to Residential-1 (R-1) pursuant to CCZO Section 2.7.2 and Section 3.2.
9. Report of Officers and Committees
10. Standing Staff Reports – Planning & Zoning Director
11. Announcements - Next Meetings:
 - Regular Session: Tuesday, December 5, 2023
12. Adjourn



PLANNING COMMISSION & TOWN COUNCIL

Joint Work Session
Cape Charles Civic Center
September 28, 2023
6:00 PM

At 6:00 p.m. Councilman Andy Buchholz, having established a quorum, called to order the Work Session of the Town Council. In addition to Councilman Buchholz, present were Councilmen Follmer and Grossman, and Councilwoman Holloway. Mayor Charney, Vice-Mayor Bennett and Councilman Butta were not in attendance.

Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway, Smith, and Michael Strub. Commissioner McCoy was not in attendance.

Staff in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Planning Administrative Assistant Maureen Tamares-Meditz. There were no members of the public in attendance.

APPROVAL OF AGENDA

Councilman Buchholz approved the agenda format as presented by unanimous consent.

ORDER OF BUSINESS

A. *Continue with the review of all Proposed Zoning Amendments. Starting at Article III, Page 23(corrected page 39) Section 3.7 Commercial District C-2.*

Planning Director/Zoning Administrator Katie Nunez began by saying that since revamping had been done with the document she created a tracking of all proposed zoning changes, so she wanted to start the review on this page. She mentioned that this document is far from perfect as the page numbers or numbering on the section might be wrong or even the formatting but this will eventually be cleaned up as the changes get accepted and we have the final product.

Discussion about the Tracking of all proposed changes was as follows:

Title Page

- Changes as it gets adopted

Zoning Map

- Elimination of the RE District was recommended, with a total of four (4) parcels, Keck Wells property and 3 Residential Properties that should be moved to R3 District.
- A Zoning Map change in the future was mentioned by Ms. Nunez relative to 2 parcels owned by the state (DCR) south of the harbor and said that the Council may want to consider before the final Zoning ordinance is adopted.

Article II

§2.3 – Districts Generally

- The list of zoning districts needs to mirror all of the districts referenced in Article 3 – Zoning Districts. If RE is coming out this section will be amended.

- Councilman Grossman asked about GBI-H1 that is being used right now. Ms. Nunez replied that those are two separate distinct zoning districts and once adopted it will be reflected on both on §2 & 3.
- Ms. Nunez suggested adding Accomack Plantation PUD to the list of districts and adding a Section in Article 3; or appear in multiple spots that reference it to the Appendix on the document. Mr. Hozey agreed and stated that some of the new residents or other people do not know about this.

§2.4.2 – Permits

- Item B – add a new item (Item 3) Ms. Nunez stated that this new section was added - to require “as built” elevation drawings upon completion of project and prior to issuance of a Certificate of Occupancy. She said that this was added because the Department had some problems wherein people have deviated from the approved site plans to what was actually being built on the property. She further noted that Vice Mayor Bennet mentioned from the prior meeting that additional language needs to be added to this, so she has worked on it and proposed that “as built” comes in, they have to be measured on the site plan and detailed deviation between the two documents. If the deviation is substantial enough, the document will go over to the Board of Zoning Appeals (BZA) for review and determination if a variance can be granted so it is aligned with the zoning ordinance or they might have to change some things (ie., rebuild, move, elevate, etc.)
- Some additional language will be added in this section particularly “as built” so people will have more understanding of what this means.

§2.5 – Non-Conforming Uses

- §2.5.4 Ms. Nunez confirmed that this section is to be deleted as requested from last meeting.
- §2.5.5 *“The use of non-conforming buildings or structures which become vacant after adoption of this ordinance may also be occupied by a use for which the building or structure was designed or intended provided that it is occupied within a period of two years after becoming vacant”.* Chairman Stramm recommended that this paragraph from the whole section be deleted as well.
- §§2.5.6 -50 and 2.6 Ms. Katie proposed this sections to be deleted. All agreed.

§2.6 - Board of Zoning Appeals

- §2.6.2 Powers and Duties of the Board and Zoning Appeals (sub-paragraph C)
 - Item 3 – delete existing criteria for variance and replace with the criteria from the Code of VA today. (Update requirements pursuant to Code of Virginia 15.2309).
- §2.6.7 *This section has been added.* Ms. Nunez proposed to add a timeframe of 30 months for performance of the variance; otherwise it becomes null and void. Councilman/Commissioner Grossman asked if the variance is put in place what happens? Ms. Nunez replied that applicants should be acting on it. Mr. Hozey asked what is the definition of “acting on”? Ms. Nunez replied “as long as they are actively progressing on building through a building permit until it is built and they get a Certificate of Occupancy. It was also discussed that a period of 30 months was given instead of 12 or 6 months because some projects are larger and it goes to different agencies and it takes longer to get approved.

§2.9 - Definitions.

- This whole section has been moved to Appendix A. Commissioner Holloway asked about Bed & Breakfast definition that can be found on §3.2 (sub-paragraph D) Item 1a, page 19 which reads: *“The owner and family must occupy the residence.* The owner and his/her appointed agent are responsible for supervising guests”. After some discussion, Mr. Hozey suggested that it should be changed to: *“The owner, family, and/or manager must occupy the residence.* The owner and his/her appointed agent are responsible for supervising guests”. All agreed.

Article III

§ 3.1 - Residential Estate District R-E

- Ms. Nunez suggested/recommended that this whole section be deleted as part of the Zoning Map. Councilman Grosman asked if the Zoning Map will change once this is processed? Ms. Nunez confirmed yes. All agreed to delete this whole section.

§3.2 - Residential District R-1

- Conditional Uses (sub-paragraph B)
 - Item 1a : *"The owner and family must occupy the residence.* The owner and his/her appointed agent are responsible for supervising guests". After some discussion, Mr. Hozey suggested that it should be changed to: *"The owner, family, and/or manager must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests".* All agreed.
- Area and Height Regulations (sub-paragraph E)
 - Ms. Nunez mentioned that the biggest change in this section is the addition of the table, to make the criteria easier to follow.
 - Commissioner Holloway pointed out that on the table Minimum Lot Size is 600 SF. Ms. Nunez noted that it should be 5,600 SF.
 - Councilman/Commissioner Grossman commented regarding the table that says, "See Prevailing Standard below" and this term can be seen on other tables, so he asked if this should be in the definition section as well. Ms. Nunez stated that this comes up all the time, so it is important that this shows up in this section. After some discussion. Mr. Hozey suggested that the term "Prevailing Standard" should be added in the Definition section. All agreed. Chairman Stramm suggested that "neighboring overlay" should also be added to the Definition. All agreed.
- Other Regulations (sub-paragraph F)
 - Item 1 Subdivision of residential lots is not permitted Add: *if it does not conform to the legal lot size.* Councilman/Commissioner Grossman suggested to add: *as long as it does not go below 5,600 SF.* All agreed.

§3.3 - Residential Mixed District R-2

- Area and Height Regulations (sub-paragraph G)
 - Ms. Nunez said that this table for the Patio will be deleted. There we some discussion about Patio. Ms. Nunez said she will bring her Planning book to the next meeting so they can see diagrams of differences of each, to get an idea of how it looks like.
 - Ms. Nunez also asked if the Board wanted to specify a Maximum Dwelling Unit Size for this §R-2. All agreed it should remain as *None Specified.*
 - Councilman Strub asked about Condominium buildings. Ms. Nunez replied that we a different dimension for condominium units has been specified. There was some discussion about condominiums. Mr. Hozey suggested that Ms. Nunez bring back a proposal to add Condo Unit with dimensional charts on the table and bring it back to the Board.

§3.4 - Residential Multi-Family District R-3

- Permitted Uses (sub-paragraph B)
 - Item 1 delete: *Single-family dwellings.* Commissioner Stramm mentioned that this was suggested last meeting.
 - Item 8 delete: *manufactured home dwellings,* as referred from last meetings' minutes.
- Accessory Uses

- (sub-paragraph C) Item 5 delete: *including those listed in Article 3.1(C)*. As suggested by Councilman/Commissioner Grossman.
- Conditional Uses
 - (sub-paragraph D) Only 2 items will remain:
 - Item 1 Churches and places of worship.
 - Item 2 Childcare/adult daycare facilities and nursing homes.
- Lot, Yard, Height, Coverage and Density Requirements
 - (sub-paragraph E) Single Family Dwelling Development - delete this table
 - (sub-paragraph E) Multi-Family Project Development table: Ms. Nunez said she will double check and confirm the table for townhouses.
 - Ms. Nunez said that dimensional information will be added to Duplex dwellings & condos
 - Commissioner Grossman said that under the Maximum Lot Coverage change: *45% to 60%* as Planning Commission Recommendation.

§3.5 Commercial Residential CR

- Permitted Uses (sub-paragraph B)
 - Item 2 Duplex Dwellings add: *off street parking*
 - Item 8 delete: *short-term rentals*
 - Item 16 Personal services. Commissioner Ashworth noted this should be changed to: *professional services* as per last meetings agreement. All agreed.
- Accessory Uses
 - (sub-paragraph C) Item 5 delete: *including those listed in Article 3.1(C)*.
- Lot, Yard, Height, Coverage and Density Requirements
 - (sub-paragraph E) add: *Duplex* on the table.

§3.6 Commercial District C-1

- Accessory Uses
 - (sub-paragraph C) Item 2 *Temporary licensed such as festivals, outdoor displays, gatherings, performances and open-air food markets*. It was discussed that this item is more of a temporary use and should be deleted. All agreed to delete this item.
- Conditional Uses
 - (sub-paragraph D) Item 2 Charging stations for three or more Electric Vehicles. delete: *three or more*
- Lot, Yard, Height, Coverage and Density Requirements
 - Table Column 1 Line 2 Front Setback delete: *(minimum unless otherwise stated)* replace with: *(prevailing)*
- Additional Requirements (sub-paragraph A)
 - Item 1 Architectural Treatment. On the sentence, any adjoining agricultural or residential district, delete: *agricultural*.
 - Item 2 Director of Planning, it was suggested to fix the designation title throughout so it will be consistent.

§3.7 Commercial District C-2

- Conditional Uses
 - (sub-paragraph D) Item 2 Charging stations for three or more Electric Vehicles. delete: *three or more*
 - (sub-paragraph E). Development/Redevelopment Standards, Other Requirements and Accessory Uses. *Update to reflect on Section 4.14*
 - (sub-paragraph F). Sign Design shall relate to the architectural character of the building and, if ground mounted, shall be landscaped. *Should update internal reference to Section 4.1*

§3.8 Commercial District C-3

- Accessory Uses. change: *C-2 to C-3*
- Conditional Uses
 - (sub-paragraph D) Item 2 Charging stations for three or more Electric Vehicles. delete: *three or more*
- Lot, Yard, Height, Coverage and Density Requirements
 - On the table: Side Yard (ft) 5 and 10 delete: *and 10*

§3.9 Harbor District

- Mainstreet Mixed-Use Area
 - (sub paragraph B) Item 1.h Historic Area Review Board and the Harbor Area Review Board delete: *and the Harbor Area Review Board*. Discussion was made and all agreed to remove this.
- Conditional Uses (sub-paragraph E)
 - Item 4 add: *Single Family dwellings* (to replicate C-1). Commissioner Stramm pointed this out and after much discussion it was agreed to add single family dwellings.
 - Item 5 delete: *short-term rentals*
 - The dwelling must meet all of the requirements of Section 3.9.D.6 update to: *3.9.D.4*
- Lot and Height Requirements (sub-paragraph F)
 - Item 1 (a, b & c) will be added to the table above it.
 - Item 2 Ms. Nunez mentioned that she highlighted the area and mentioned that the intention for this is to bring on a consultant to assist with the Harbor area as a whole and that the whole area will be picked up as part of that.
 - Item 2.b(ii) delete: *Conceptual Master Plan*. After some discussion Commissioner Stramm suggested to delete Conceptual Master Plan. All agreed.
 - Mr. Hozey said that there is a plan in place for Harbor Master planning that may happen around Spring or Summer next year.
- Mainstreet Mixed-Use Area. (sub-paragraph O) delete this area because it is already listed on sub-paragraph B.

§3.10 General Business / Light Industrial GBI

- Councilman/Commissioner Grossman suggested to delete this Section. All agreed that this section will be deleted and somehow incorporated with a General Industrial Zoning that has a listing of both Light & Heavy Industrial.

§3.11 Industrial District M-1

- It was agreed that this Section will kept for now.

§3.13 Industrial District M-2

- Statement of Intent. There was a recommendation to combine §§ 3.11 & 3.13 to be both Industrial District. Ms. Nunez said that she will make a proposal to do Light Industrial & Heavy Industrial.

- Permitted Uses
 - (sub-paragraph B) Item 11 add back in: *concrete plant*. Councilman/Commissioner Grossman suggested to add this back in. All agreed.

§ 3.12 Planned Unit Developments (PUD)

- Permitted Uses
 - (sub-paragraph B) Item 5 will be formatted differently.
 - (sub-paragraph E) Item 3 add Accomack PUD. Discussion about adding this as an Appendix Ms. Nunez said that adding it might take up around 90 pages. Mr. Hozey suggested to add: *Accomack PUD as another Section with the see Appendix* attached to it. All agreed.
- Design Guidelines
 - (sub-paragraph G) Item 2.a There shall be no gated communities or gated road allowed in PUD districts. Streets shall travel east-west and north-south to the greatest extent possible, and there shall be no cul de sacs or dead ends. Ms. Nunez relayed that Vice-Mayor Bennet has asked “*why no gated community?*”. Stramm, when this was done they were thinking of the Harbor and wanted a street similar to the Historic District. Commissioner Smith said that this makes sense.
 - Ms. Nunez suggested to add: “*it could be considered under a Conditional Use Permit (CUP) for cul de sac only.*” Councilman Follmer asked if CUP will also apply to “no gated” . Ms. Nunez replied it will only apply for cul de sac.
 - There was a discussion regarding Sidewalks. It was agreed to add to the requirement: *Sidewalk installation must happen with all new residential building permit where there is a gap.*

The evening’s review stopped at the end of §3.12 Planned Unit Development (PUD).

Mr. Hozey asked Ms. Nunez to have a recommendation for Section 3.14 Light Industrial for the next meeting. He also talked about the process and timeline for both the Town Council and Planning Commission with regards to the Short-Term Rental, Sign Ordinance and the Zoning Ordinance.

Joint Work session for the Short-term Rental is temporarily set to November 2, 2023. Joint Work Session for the Zoning Ordinance will be dependent upon the majority’s availability for the month of October.

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

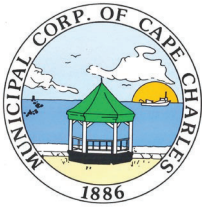
Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

The joint work session was adjourned at 8:13 p.m.

Councilman Andy Buchholz

Chairman Bill Stramm

Planning & Zoning Administrative Assistant



PLANNING COMMISSION

Public Hearing & Regular Meeting

Cape Charles Civic Center
October 3, 2023

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway and Michael Strub. Commissioners Dennis McCoy & Shannon Smith were not in attendance. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning & Zoning Administrative Assistant Maureen Tamares-Meditz, Town Clerk Libby Hume, and the applicant. There were no members of the public in attendance and 3 viewers on Facebook Live.

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

CONSENT AGENDA:

Chairman Stramm suggested to add to New Business A. *Zoning Map Amendment (ZMA) 2023-03 application from Cherrystone Investments, LLC to rezone Tax Map #90-A-1A6 from General Business/ Light Industrial (GBI H-1) to Harbor District pursuant to CCZO Section 2.7.2 and Section 3.9.* Followed by B: *Review & Adopt the 2024 Application & Meeting Schedule.*

Chairman Stramm suggested to add August 21, 2023 Town Council & Planning Commission Joint Work Session minutes to be approved, in which copy was handed to the board.

Motion was made by Commissioner Strub seconded by Chairman Stramm to approve the agenda format as amended to add Zoning Map Amendment Application (ZMA)2023-03 to New Business. Also, to add August 21, 2021 Town Council & Planning Commission Joint Work Session minutes as presented. The motion was approved by unanimous vote.

PUBLIC HEARINGS:

- B. *Zoning Map Amendment (ZMA) 2023-03 application from Cherrystone Investments, LLC to rezone Tax Map #90-A-1A6 from General Business/ Light Industrial (GBI H-1) to Harbor District pursuant to CCZO Section 2.7.2 and Section 3.9.*

Chairman Stramm read the public hearing notice.

Ms. Nunez summarized the staff report.

Chairman Stramm asked the applicant, Mr. Eyre Baldwin if he wanted to say something. Mr. Baldwin asked that the board support their application to combine 1.4 acres that is Harbor and 3/10 of an acre Industrial into one. He also mentioned that they intend to leave the golf cart path that Bay Creek people have enjoyed.

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

Motion made by Commissioner Grossman, seconded by Chairman Stramm, to close the public hearing at 6:08 p.m. The motion was unanimously approved.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS:

None

NEW BUSINESS:

A. *Zoning Map Amendment (ZMA) 2023-03 application from Cherrystone Investments, LLC to rezone Tax Map #90-A-1A6 from General Business/ Light Industrial (GBI H-1) to Harbor District pursuant to CCZO Section 2.7.2 and Section 3.9.*

Discussions were as follows: (i) Commissioner Grossman asked the width of the parcel. Mr. Baldwin replied 79.85 north end, 90ft on the south end. (ii) Commissioner Grossman stated that the Planning Commission received an application in April 2021 for Tax Map 90-8-1A1 that went to series of hearings and the Town Council approved it on 8/19/2021. That was when Harbor was changed into GBI-H1 for this parcel. He wanted to know timing wise how to figure that Parcel 90-8-1A1 is still considered Harbor. Ms. Nunez replied that when the town approved in June, she had an initial conversation with the applicant, and the concrete plant issue started that summer as well. There were conversations and she knew that a portion of the parcel was being carved off into its own new parcel. When the application from the concrete plant came in, it only described a certain area for rezoning. It was meant to run parallel but got out of step because there were a lot of public comments regarding the rezoning application. It got out of sync due reshuffling some of the zoning amendment concepts, and rewriting some. It was considered holding back on approving the map amendment, but it was decided to move forward and approve some of them. There were a lot of things happening that summer of 2021 in the Planning and Zoning Department trying to move forward on a lot of things. (iii) Commissioner Grossman asked what is appropriate for the board to consider given the survey is dated October 8, 2021. Ms. Nunez replied that in the final version, there were revisions that happened, and it may not have reflected what had already been actions occurring at the Town Council. There was a survey in process and been through a couple of draft versions as best she can recall. (iv) Commissioner Grossman stated that Ms. Nunez has lined through the survey and changed the designation to something other than what the Town Council had approved in August 2021. Ms. Nunez replied that the Town Council never approved the little sliver of land because they were already acting as if the subdivision plat was already moving forward to be approved and an error may have been made. She mentioned that the intention is to respect what the applicant was trying to do when the process started. (v) Chairman Stramm wanted to clarify that Tap Map#90-A-1A5 is GBI-H1, and shows Harbor on the existing Zoning Map, making one to be Harbor and one GBI-H1 that was approved before as Harbor. Ms. Nunez pointed at the map and explained that when the subdivision plat started to work its way through the system, that parcel was zoned harbor. Then the petition from the concrete plant under Southport Investors was considering being the ultimate user and purchaser of the property. There was a conversation on how the concrete plant would be using it at that time. The rezoning petition was to make it to GBI-H1. It may have been a mistake on the staff part at that time and it was not recognized that there was a zoning happening and plat coming through. Also, trying to change the surveyor to fix plats was time consuming. (vi) Mr. Baldwin said that the bigger part of the lot was Harbor District and when they were talking to Bay Creek before the present owners, the Harbor

District was kept because of the golf path and the next bump was added. Ms. Nunez agreed that is correct based on her recollection of what happened and she wanted to make it clear to be able to make it all into one zoning designation, which is Harbor. (vii). Commissioner Grossman said that he just wanted to get into the accuracy of the staff report relative to the application and timing of the survey. Ms. Nunez replied that she went into 3 versions of plat submissions into her office. She confirmed that the initial plat application started in mid-summer. It took several corrections to the plat before she accepted it, which did not happen until mid-October. (viii) Mr. Baldwin recalled that when they first bought the property, through the golf cart path, going from north to south to the east there was an old ditch back when it was farmed by the Gotkin family; that ditch was abandoned. That ditch continued all the way to the east of that and everything east of that ditch was part of the industrial that they carved off, out of the deal with Bayshore concrete and it has always been a harbor district. (ix) Commissioner Grossman said when the whole area went through rezoning, it was difficult to follow, but he has records to show what has been done and concurred with by that date. Commissioner Grossman wanted to understand what is happening now, given by what was approved back in 2021. Ms. Nunez clarified with Commissioner Grossman if he was thinking that the parcel does not really have split zoning and only has a GBI-H1 zoning designation. Commissioner Grossman affirmed that what he was thinking based on dates and coming of the two parcels, one GBI-H1 and one harbor, is really just GBI-H1 that was rezoned in August 2021. (x) Commissioner Grossman went on to say that the future land use map has no sliver of harbor that would differentiate between Harbor and GBI-H1. He pointed out that the future land use map does have a sliver of harbor in one place and said he has an issue with doing something that is contrary to the future land use map that is in the comprehensive plan. Ms. Nunez made a suggestion, because she feels that having harbor versus harbor district industrial service gives some buffer. Otherwise, it will continue to just have that industrial on the backside of residential and she knew there is a subdivision coming down the purple area on the map. So she thinks it is worth a consideration to put a little buffer on that area. Ms. Nunez continued to say that the department has been doing its best to try to improve and correct the zoning map. (xi) Commissioner Grossman continued the discussion with the buffer and the reason why he asked for the width of the parcel is because if the road is being considered, that will serve as the buffer itself. He wanted to know what else is expected to be built or why GBI-H1 cannot accommodate the road. Ms. Nunez answered it could and she mentioned that in her conversation with the applicant she asked with regards to preserved communities what would be the consideration of providing an alternate entrance into Bay Creek and the applicant indicated it would be somewhere in the area. So with Ms. Nunez' plat discussion with him she mentioned that if they were ever going to develop the area it would need to have road frontage. If they will have multiple tenants, having road frontage would be important. So making sure they create a lot large enough to meet road standards was considered. (xii) Commissioner Grossman wanted to know what this is going to be utilized for and if it is just a road GBI-H1 can accommodate it. Mr. Baldwin replied it is just not a road. Commissioner Grossman asked what it would be. Mr. Baldwin replied they do not know because they do not know what their designation is. He went on to say that they invested in the land in 2006 and they make sure to come to town every time they want to do something. At this point, he said that they just want this land to be homogenous so they can know what they can do. Ms. Nunez said that building a road is for sure, she just wanted the board to be aware of the conversations that she had in her office relative to a road being considered as a secondary entrance or ancillary entrance for the workers for the construction, crews and companies that are doing work in Bay Creek. Ms. Nunez had heard of it and knew she had a conversation at one point in time. She expressed grave reservations that it could ever be accommodated coming off the south end/eastern side of the property. Ms. Nunez continued to say that when the plat was being created there needed to be a minimum width size of the parcel

to meet the potential of the road development if that should be the potential part of any project. (xiii) Ms. Nunez addressed Mr. Baldwin regarding a correction stating that, both in the rezoning applications in the ordinance and in the documentation, there is a requirement that says describe the proposed use of the rezoned property, including a site plan with a proposed type of site improvements and building, and Mr. Baldwin specifically wrote, live-work businesses. Ms. Nunez clarified that it is what Commissioner Grossman is responding to earlier. A further development plan was not required because this is 1.79 acres by 9 acres which is relatively a small parcel of land and Ms. Nunez kept hearing from Mr. Baldwin regarding the golf cart path. Mr. Baldwin added there is also an outdoor place and the fact that there is a huge water retention pond that goes to that which handles any water run off or storm water issues. The next thing you will see is the plan by Neville (his engineer) once we get through this. Ms. Nunez asked for the 1.799 acres. Mr. Baldwin replied yes. (xiv) Mr. Baldwin addressed Commissioner Grossman and said that in the past Planning Commission had put some restrictions a year before they did the Yacht Center. He just wanted to make sure that they had permission to go forward. Commissioner Grossman asked how soon he can bring to the table what he has envisioned for this piece of land. Mr. Baldwin replied, he could probably bring it the day after the Town Council voted whether the property is zoned or not. He could share it with Ms. Nunez now and she could share it to all. (xv) Commissioner Grossman stated his intention to put a hook on this for Mr. Baldwin to state the intention for this land rather than being open-ended. Mr. Baldwin said that he is willing to show the plan to Ms. Nunez and accept if the hook is needed although he feels sorry why there is a need for that. (xvi) Commissioner Ashworth said he looked at the map and wanted to make sure that he understood correctly the parcel of land that is being talked about. Mr. Baldwin clarified that the widest point is 90.78 and 79.85 on the other end.

Motion made by Commissioner Grossman, seconded by Commissioner Holloway, to recommend to Town Council rezoning to Harbor with the conditions that plans for this parcel to be delivered within six (6) months to the Planning Commission. The motion was unanimously approved.

Discussion about the next Joint Work Session as follows:

Joint Work Session Meeting – (Zoning Ordinance) on Tuesday, October 24, 2023 @ 6:00 p.m.

Joint Work Session Meeting – (Short Term Rental) Thursday November 2, 2023 time to be determined based on Town Council.

B. Review & Adopt the 2024 Application & Meeting Schedule

Approved with corrections noted for Tuesday, November 5, 2024, meeting (which falls on a holiday, Election day) to be moved to Monday, November 18, 2024

Motion made by Commissioner Grossman, seconded by Commissioner Strub, to adopt the 2024 Application and Meeting Schedule as amended. The motion was approved by unanimous vote.

REPORT OF OFFICERS AND COMMITTEE

There were no reports from the officers and committees. The focus is on Zoning revision.

STANDING STAFF REPORTS:

Ms. Nunez provided some supplemental reading materials.

ANNOUNCEMENTS:

Regular Planning Commission Meeting on Monday, November 20, 2023 @ 6:00 p.m.

Motion made by Commissioner Holloway, seconded by Commissioner Grossman, to adjourn the Planning Commission Public Hearing and Regular Meeting at 6:51p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning and Zoning Administrative Assistant

TOWN OF CAPE CHARLES
Planning Commission - Public Hearing

The Cape Charles Planning Commission will hold a public hearing on Monday, November 20, 2023 at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following requests:

- A. Zoning Map Amendment (ZMA) 2023-04 application from Municipal Corporation of Cape Charles to rezone Tax Map #83A3-1-644 & 83A3-1-641 (11,301.22 square feet) from Commercial -1 (C-1) to Residential-1 pursuant to CCZO Section 2.7.2 and Section 3.2.

The application is available for public review on our website at www.capecharles.org under Agendas and Minutes/Planning Commission. Please contact the Planning Department at 757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post on Friday, November 3, 2023

AD TO RUN: Friday, November 10, 2023 and Friday, November 17, 2023



PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Meeting Date: November 20, 2023

Item #5A & 8A – ZMA-2023-04

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

Date: November 15, 2023

APPLICANT: Municipal Corporation of Cape Charles

SITE ADDRESS: 210 Randolph Avenue (2 lots behind the library property)

TAX MAP: 83A3-1-644 & 83A3-1-641

LOT SIZE: 11.301.22 square feet

TYPE OF APPLICATION: Zoning Map Amendment (ZMA) 2023-04

SPECIFIC REQUEST: Rezone 2 parcels from Commercial-1 (C-1) to Residential-1 (R-1)

ZONING ORDINANCE: CCZO Section 2.7.2 & 3.2

CURRENT ZONING: Commercial-1

PROPOSED ZONING: Residential-1

DATE RECEIVED: November 3, 2023

DATE DEEMED COMPLETE: November 3, 2023

LEGAL DEADLINE: 100 days from 1st Receiving Application: February 10, 2024

NARRATIVE OF PROPOSAL

In February 2023, the Town issued a broad request for proposals seeking developer concepts for the redevelopment of the Library building, including possible consideration of the two lots located directly behind the library which front on Randolph Avenue

Based upon the responses received and subsequent discussions by the Library Project Review Committee with the proposers, the Town will be advancing discussion and contract negotiations with City & Guilds to purchase and renovate the Library building with the Town buying back the library portion of the building through a Condominium Agreement and the remaining portion of the building and third floor would be developed into a single residential unit and to also purchase the two lots behind the library. However, through this process, it was deemed that the two lots should be rezoned from Commercial-1 to Residential-1 which should be done by the Town prior to the Library project contracts being finalized.

Town Council passed a Resolution of Intent, as required by the Town Zoning Ordinance and Virginia Code §15.2-2286 (A) (7), on November 2, 2023 which is attached along with the application to rezone Tax Map #83A3-1-644 and 83A3-1-641 from Commercial-1 to Residential-1.

Attached is a survey of the library property after the purchase of the four parcels that comprise the library property in December 2012.



BACKGROUND:

The front library building & parcel (83A3-1-643A) was a bank since 1934 when the lot was acquired by Farmers & Merchants Trust Bank. The middle open lot behind the library building (83A3-1-643B & 642B) was referred to in the deed when the Town acquired this lot as the former “Chesapeake Hotel Property”. This lot serves as parking to the library building, several trash dumpsters have been placed there and are utilized by a few surrounding businesses, and the two lots outlined in blue with road frontage on Randolph Avenue (83A3-1-644 & 83A3-1-641) were purchased in the 1943-1945 time period by Frank Parsons Jr which were then conveyed through his will to Margaret P. Dickinson. There is a note in the deed when the Town bought these 4 parcels from the bank that these parcels were a compilation of property that was conveyed to the bank or through its predecessors and they show the direct transfers of each parcel to the bank.

There is an easement on one of the Randolph frontage lots which the Town will need to address (either for redirecting that easement behind the library building or retain as part of any development plan for this lot by a third party.

Additionally, the Town is aware of uses occurring on their lot behind the library building that may have been agreed to informally over the last few years and has indicated that these will be addressed as the Town is working with the potential purchaser of the library property in negotiating the contracts for sale and development of the library building and property. However, these do not impact consideration of the rezoning request for the 2 lots that front on Randolph Avenue.

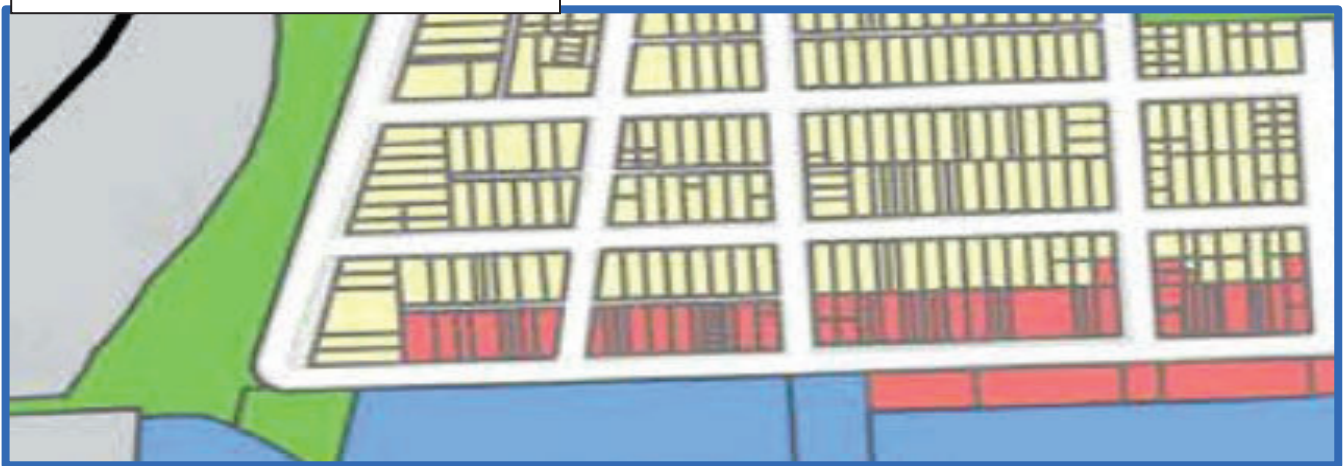
REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

On Randolph Avenue between Pine Street and Strawberry Street, the Future Land Use Map has designated the land the following classification:



Historic District Residential: The Historic District Residential category covers the majority of the original street grid in Cape Charles. Any new development in this area is intended to reflect the historic character of the core residential area and compliment features of existing structures.

Future Land Use Map December 2022



REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

The Cape Charles Zoning Ordinance provides a statement of intent or purpose for the current 2 zoning districts that are on this parcel as follows:

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.

It appears that these two parcels have been zoned Commercial-1 since the Town adopted zoning in 1994 which seemed appropriate when these two parcels were considered part of the bank that operated on the front two parcels. However, these two parcels that front on Randolph Avenue were sized at 5,600 square feet each which is consistent with the general layout of the residential district in the original part of town.

There is no evident development of these two parcels relative to when they were affiliated with the bank and the Town has not utilized them in any substantial way relative to the operations of the library building.

STAFF RECOMMENDATION

Staff is requesting the Planning Commission 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. Please note that the Town has received a written comment from Mark Pugh of K-Coast Surf Shops operating under the auspices of Kookaburra LLC which we have enclosed with his attachments.

Staff supports rezoning the two parcels to Residential-1 zoning.

POSSIBLE PLANNING COMMISSION MOTION

I would recommend the following motion for the Planning Commission’s consideration: ***Motion to recommend ZMA 2023-004 to rezone Tax Map Parcel # 83A3-1-644 & 83A3-1-641 from Commercial-1 to Residential-1 zoning as consistent with the Comprehensive Plan and Future Land Use Map.***

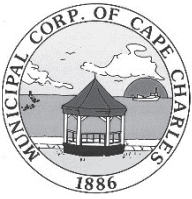
Attachments:

Attachment 1 – 2023-004 ZMA Application

Attachment 2 – Survey Library Building Area 2015-05-14

Attachment 3 – Town Council Resolution of Intent

Attachment 4 – Letter from Adjacent Property Owners: Kookaburra Letter with 4 attachments



Zoning Map Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-2036
planner@capecharles.org

Revised 08/2023

Taxes

Violations

Fee \$

Decision

Budget Code: MISPL 100-3100-1070

PART 1: APPLICATION NOTES

1. A pre-application conference is mandatory prior to submission of an application for a zoning map amendment.
2. A zoning map amendment application should be consistent with the Comprehensive Plan and therefore, may also require a Comprehensive Plan amendment, which should be approved prior to the zoning map amendment application.
3. The Town Council may not add conditions of approval to a zoning map amendment application.
4. If proffers are being offered, the proffer statements may not be less restrictive than the requested base zoning district standards.
5. If proffers are being offered, proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent. The applicant may voluntarily offer proffered conditions as part of their application, which must be listed in a separate voluntary proffer statement using the template found on our website.
6. **Fees: Regular Rezoning – (a) Non-PUD = \$500 + \$50/acre****
(b) PUD = \$1,000 + \$50/acre (i) Amendment to Comp. Plan; Concept Approvals: \$550/app**
Conditional Rezoning = \$1000 + \$50/acre**

****plus, any actual cost for advertising & adjacent property owner notification mailings**

PART 2: PROPERTY INFORMATION

Property Address: 210 Randolph Avenue	Tax Map #: 83A3-1-644 & 83A3-1-641
Project name: 2 Town Lots behind Library Building	Current Zoning District: C-1
Does this application include proffers? ☒ No ☐ Yes, if so, attach separate form	Proposed Zoning District: R-1

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: Municipal Corporation of Cape Charles	
Mailing Address: 2 Plum Street, Cape Charles, VA 23310	
Email address: john.hozey@capecharles.org	Phone: 757-331-3259

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

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

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

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

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

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

These two lots are vacant on the corner of Randolph Avenue and Pine Street and sit directly behind the Library Building. The Library Building, which is located in a former bank building, is zoned Commercial-1. Adjacent to the two lots to the east, the rest of the block is zoned Residential-1 and is comprised of single family dwellings. Across Randolph Avenue to the north and across Pine Street to the west, it is zoned Residential-1.

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

In February 2023, the Town issued a broad request for proposals seeking developer concepts for the redevelopment of the Library building, including possible consideration of the two lots located directly behind the library which front on Randolph Avenue as part of the development proposal. The Town will be advancing discussion and contract negotiations with City & Guilds to purchase and renovate the Library building with the Town buying back the library portion of the building through a Condominium Agreement and the remaining portion of the building and third floor would be developed into a single residential unit and to also purchase the two lots behind the library. However, through this process, it was deemed that the two lots should be rezoned from Commercial-1 to Residential-1 which should be done by the Town prior to the Library project contracts are finalized.

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

Rezoning of these two parcels from Commercial-1 to Residential-1 is consistent with the Future Land Use.

- D) Describe why the proposed rezoning is necessary.

These two parcels, both sized at 5,600 square feet or slightly greater, are in conformance with Residential-1 zoning, and are more compatible with the neighborhood to be developed as Residential and not commercial and this meets the proposal considerations from City and Guilds regarding the Library Project Request for Proposals as the best use of these two lots behind the library.

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

Once the library project is finalized with City and Guilds who would be purchasing the two lots as part of this project and would develop them in accordance with the Cape Charles Zoning Ordinance Residential-1 requirements as well as the Historic District Overlay requirements and guidelines.

Applicant's signature: _____

Date: _____

Zoning Administrator's Signature: _____

Date: _____

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

Date Application Received in Office:

Application #: ZMA

Planning Commission

Town Council

Date referred:

Date received from Planning Commission:

Action deadline (100 days from receipt):

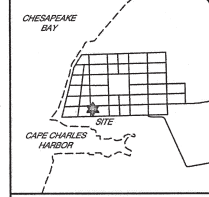
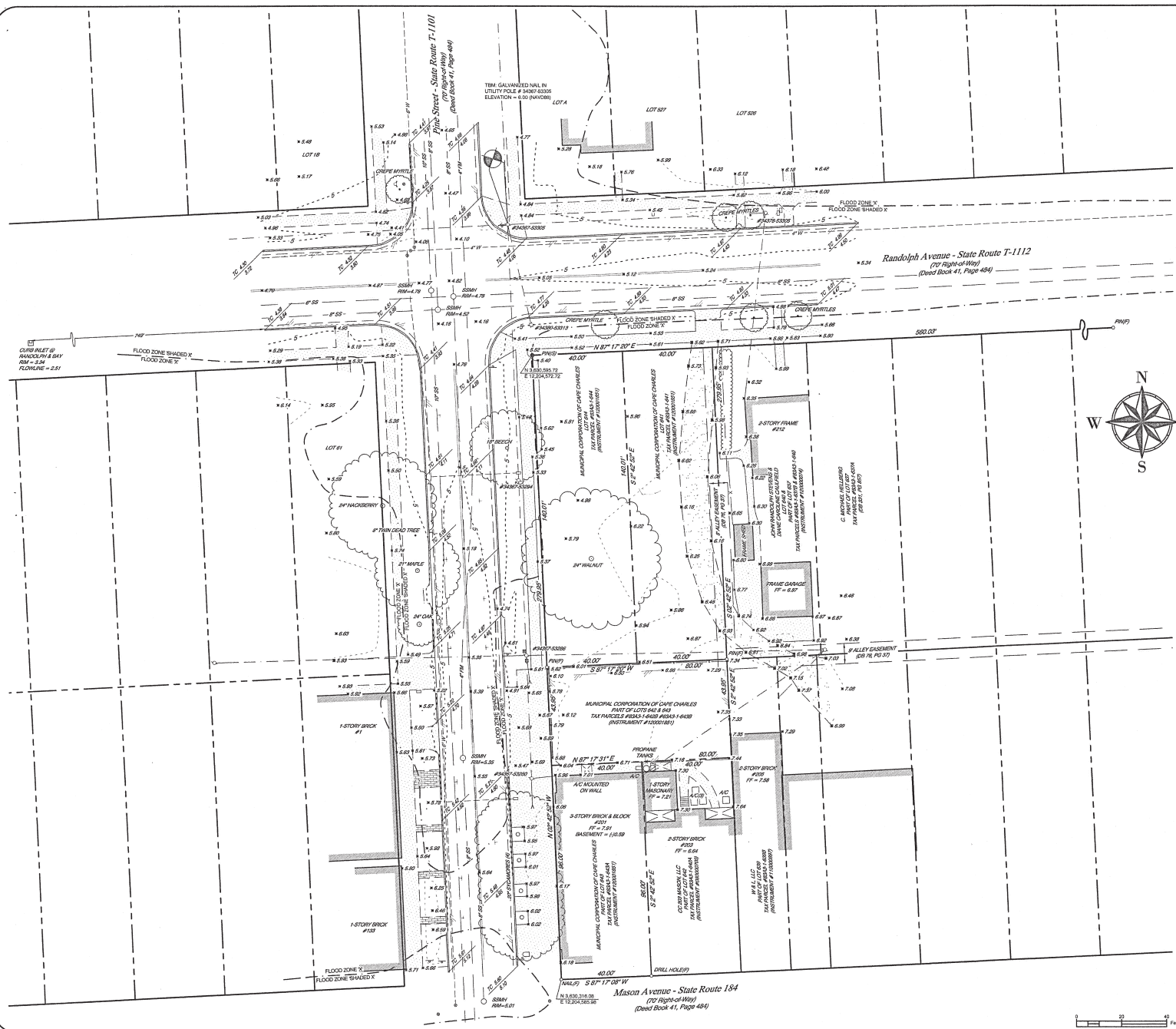
Action deadline (max. 365 days from referral to PC):

Public hearing date:

Public hearing date:

Decision:

Decision:



VICINITY MAP
1" = 200'

LEGEND

- MANHOLE
- UTILITY POLE
- WATER VALVE
- SIGN
- WATER METER
- LIGHT POLE
- MAILBOX
- TELEPHONE PEDESTAL
- EDGE OF PAVEMENT
- CONCRETE
- BRICK

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.

FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM F.E.M.A. FLOOD MAPS. SHORELINE SURVEYORS IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

THIS PROPERTY APPEARS TO FALL IN:
FLOOD ZONES: 'X' & SHAD 'X'
COMMUNITY NO.: 510109
PANEL: 5085F DATED: MARCH 2, 2015

FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

THE NORTH MERIDIAN OF THIS PLAT IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83.

ELEVATIONS SHOWN HEREON ARE BASED ON USGS DISK "Z313" ELEVATION = 11.32 (NAVD83)

UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON CAPE CHARLES AS-BUILT DRAWINGS DATED SEPTEMBER, 1990, REVISED DECEMBER 21, 1990.

IT IS BELIEVED THAT THERE IS A 2" CONCRETE GUTTER PAN ALONG ALL ROADS, THE EDGE OF WHICH HAS BEEN PAVED OVER.

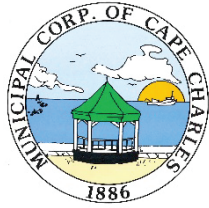
THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF MICHAEL A. STARLING FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION. THE ORIGINAL DATA WAS OBTAINED ON APRIL 24-27, 2015, AND THIS PLAT MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.



TOPOGRAPHIC SURVEY
OF
Lots 641 - 644
"Map of the Town of Cape Charles"
(DEED BOOK 41, PAGE 483)
TAX PARCELS #63A3-1-641, #63A3-1-642A, #63A3-1-642B, #63A3-1-643A, #63A3-1-643B & #63A3-1-644
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA
FOR
Land Studio, PC
APRIL 30, 2015

Shoreline Surveyors
23314 Courthouse Avenue - P.O. Box 735
Accomac, Virginia 23418
PHONE (757) 789-3950 FAX (757) 789-3952

SCALE: 1" = 30'
FIELD BOOK: 32, PAGES 66 & 69
JOB #1045
SHEET 1 OF 1



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Resolution of intent to consider a change to the zoning map for Tax Map #83A3-1-644 & 83A3-1-641 (11,301.22 square feet) from Commercial -1 (C-1) to Residential -1

AGENDA DATE
November 2, 2023

SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission

ITEM NUMBER:
3A

ATTACHMENTS: Zoning Map Amendment (ZMA) 2023-04 Application from Cape Charles Town Manager, on behalf of the Town Council

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Katie H. Nunez, Planning & Zoning Director

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

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

ITEM SPECIFICS:

In February 2023, the Town issued a broad request for proposals seeking developer concepts for the redevelopment of the Library building, including possible consideration of the two lots located directly behind the library which front on Randolph Avenue

Map of Proposed Parcels for Rezoning



Based upon the responses received and subsequent discussions by the Library Project Review Committee with the proposers, the Town will be advancing discussion and contract negotiations with City & Guilds to purchase and renovate the Library building with the Town buying back the library portion of the building through a Condominium Agreement and the remaining portion of the building and third floor would be developed into a single residential unit and to also purchase the two lots behind the library. However, through this process, it was deemed that the two lots should be rezoned from Commercial-1 to Residential-1 which should be done by the Town prior to the Library project contracts are finalized.

A resolution is prepared below to acknowledge and accept that the Town Manager is authorized to submit the rezoning application on behalf of Town Council in accordance with the discussions concerning the Library project, specifically concerning the two lots behind the library at Tax Map #83A3-1-644 (5,649.69 square feet) & 83A3-1-641 (5,651.53 square feet) to petition to rezone from Commercial-1 to Residential-1.

It is important to know that consideration and approval of this resolution does not constitute approval of any change to the Town Zoning Map. It merely identifies that a Zoning Map Amendment Application has been received and the application identifies that sufficient public necessity, convenience, general welfare or good

zoning practice exists within the proposed Application to conduct a public process that more fully explores the proposed change.

This resolution will formally establish that the proposed changes meet the requirements to be referred to the Planning Commission for public hearing and their recommendation. The Planning Commission recommendation, once issued, will be returned to the Town Council to schedule their public hearing on the matter. Final and formal consideration of any change will be the responsibility of the Town Council, following their public hearing and in consideration of the recommendation by the Planning Commission.

POTENTIAL SCHEDULE:

The Code of Virginia provides a 100-day review time frame for the Planning Commission once an application is referred and received by them, unless the Town Council votes to establish a shorter period of review. Below is a potential calendar for both the Planning Commission and Town Council; please note the calendar could be extended to the maximum time frames allotted for review by the Planning Commission and deliberation by the Town Council. This calendar is to outline the staff's consideration of a reasonable calendar assuming each Board acts as quickly as possible.

<u>DATE</u>	<u>BOARD</u>	<u>ACTION</u>
10/17/2023	Town Council Meeting	Receive and acknowledge Zoning Map Amendment Application and vote, through Resolution, to refer it to the Planning Commission to commence the required public hearing process and authorize staff to commence the necessary advertisement and public notice as required by law.
11/10/2023 & 11/17/2023	Eastern Shore Post	Public Hearing Notice runs in Eastern Shore Post for the Planning Commission public hearing. (<i>First notice appearing no more than 14 days before and run for two successive weeks</i>) Additionally, staff will issue letters of notification to adjacent property owners.
11/20/2023	Planning Commission Meeting	Public Hearing on Zoning Map Amendment Application. This meeting and hearing date establishes the 100 day clock for the PC to reach a recommendation on this application, unless the Town Council has established a shorter time frame to provide their recommendation. Planning Commission may vote on recommendation regarding Zoning Map Amendment application.
12/8/2023 & 12/15/2023	Eastern Shore Post	Public Hearing notice runs in Eastern Shore Post for the Town Council public hearing. (<i>First notice appearing no more than 14 days before and run for two successive weeks</i>) Additionally, staff will issue letters of notification to adjacent property owners.
12/21/2023	Town Council Meeting	Public Hearing on Zoning Map Amendment Application.
12/21/2023	Town Council	Town Council voted on Zoning Map Amendment Application. The Town Council has the right to defer action no later than one year from referral to Planning Commission to act upon Zoning Map Amendment

RECOMMENDATION:

Staff recommends that Town Council vote to adopt Resolution of Intent 20231102 regarding Zoning Map Amendment (ZMA) 2023-04 application from Town Manager John Hozey on behalf of the Town Council to rezone Tax Map #83A3-1-644 & 83A3-1-641 from Commercial-1 to Residential-1.



Zoning Map Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-2036
planner@capecharles.org

Revised 08/2023

Taxes

Violations

Fee \$

Decision

Budget Code: MISPL 100-3100-1070

PART 1. APPLICATION NOTES

1. A pre-application conference is mandatory prior to submission of an application for a zoning map amendment.
2. A zoning map amendment application should be consistent with the Comprehensive Plan and therefore, may also require a Comprehensive Plan amendment, which should be approved prior to the zoning map amendment application.
3. The Town Council may not add conditions of approval to a zoning map amendment application.
4. If proffers are being offered, the proffer statements may not be less restrictive than the requested base zoning district standards.
5. If proffers are being offered, proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent. The applicant may voluntarily offer proffered conditions as part of their application, which must be listed in a separate voluntary proffer statement using the template found on our website.
6. **Fees: Regular Rezoning – (a) Non-PUD = \$500 + \$50/acre****
(b) PUD = \$1,000 + \$50/acre (l) Amendment to Comp. Plan; Concept Approvals: \$550/app**
Conditional Rezoning = \$1000 + \$50/acre**
****plus, any actual cost for advertising & adjacent property owner notification mailings**

PART 2: PROPERTY INFORMATION

Property Address: 210 Randolph Avenue	Tax Map #: 83A3-1-644 & 83A3-1-641
Project name: 2 Town Lots behind Library Building	Current Zoning District: C-1
Does this application include proffers? ☒ No ☐ Yes, if so, attach separate form	Proposed Zoning District: R-1

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: Municipal Corporation of Cape Charles	
Mailing Address: 2 Plum Street, Cape Charles, VA 23310	
Email address: john.hozey@capecharles.org	Phone: 757-331-3259

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

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

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

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

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

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

These two lots are vacant on the corner of Randolph Avenue and Pine Street and sit directly behind the Library Building. The Library Building, which is located in a former bank building, is zoned Commercial-1. Adjacent to the two lots to the east, the rest of the block is zoned Residential-1 and is comprised of single family dwellings. Across Randolph Avenue to the north and across Pine Street to the west, it is zoned Residential-1.

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

In February 2023, the Town issued a broad request for proposals seeking developer concepts for the redevelopment of the Library building, including possible consideration of the two lots located directly behind the library which front on Randolph Avenue as part of the development proposal. The Town will be advancing discussion and contract negotiations with City & Guilds to purchase and renovate the Library building with the Town buying back the library portion of the building through a Condominium Agreement and the remaining portion of the building and third floor would be developed into a single residential unit and to also purchase the two lots behind the library. However, through this process, it was deemed that the two lots should be rezoned from Commercial-1 to Residential-1 which should be done by the Town prior to the Library project contracts are finalized.

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

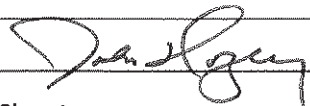
Rezoning of these two parcels from Commercial-1 to Residential-1 is consistent with the Future Land Use.

- D) Describe why the proposed rezoning is necessary.

These two parcels, both sized at 5,600 square feet or slightly greater, are in conformance with Residential-1 zoning, and are more compatible with the neighborhood to be developed as Residential and not commercial and this meets the proposal considerations from City and Guilds regarding the Library Project Request for Proposals as the best use of these two lots behind the library.

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

Once the library project is finalized with City and Guilds who would be purchasing the two lots as part of this project and would develop them in accordance with the Cape Charles Zoning Ordinance Residential-1 requirements as well as the Historic District Overlay requirements and guidelines.

Applicant's signature: 

Date: 10/12/23

Zoning Administrator's Signature: _____

Date: _____

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

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

RESOLUTION OF INTENT 20231102

ZONING MAP AMENDMENT 2023-04 APPLICATION

**From John Hozey, Town Manager on behalf of the Town Council
for Tax Map #83A3-1-644 & 83A3-1-641
from Commercial-1 to Residential-1 Zoning.**

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

WHEREAS, the Municipal Corporation of Cape Charles is the owner of Tax Map #83A3-1-644 & 83A3-1-641, which both parcels are currently zoned Commercial-1; and

WHEREAS, the Town is seeking to rezone these two parcels to Residential-1 as part of the Library Renovation project;

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Map by modifying the land use for these two parcels from Commercial-1 zoning to Residential-1 Zoning and to refer said application to the Planning Commission to initiate and undertake review and required public notification of said application.

Adopted by the Town Council of the Town of Cape Charles on November 2, 2023.

By: _____
Mayor Charney

Attest:

Town Clerk

Kookaburra LLC

November 14, 2023

211 Mason Avenue
Cape Charles, VA 23310

Dear Town Manager and Town Planner:

This is a letter in opposition to the change in zoning request submitted by the Town of Cape Charles for Tax Map #83A3-1-644 and Tax Map #83A3-1-641.

The main reason for this opposition is the affect it will have on commercial access to the deeded 16 foot Ingress/Egress Easement (Deed Book 171, Pg 700 and DB 180, Pg 351) (Attachment #1) and the ensuing “Can of Worms” it will open as it affects adjoining commercial properties.

The reason for such an access to the rear of the busy commercial area is to avoid congestion and traffic stress on Mason Avenue. We deliver hundreds of thousands of dollars in merchandise in thousands of boxes through the rear entrance of our property. Without easy rear access, these deliveries would create a logistical nightmare with traffic and pedestrians affected on Mason Avenue. Kookaburra LLC has several questions and concerns we will pose in this letter to the Town Council, Manager and Planner. We would like this letter to be read at the public hearing and to have our questions addressed prior to any vote of the proposed rezoning.

We will pose the questions in two sections under “Public Awareness” and “Can of Worms”.

Public Awareness:

1. There has been no survey completed with current conditions, nor proposed changes, for such an important change in zoning status. The only visual made available to the public is a Google Earth view with general delineations as in the Town Council packet of October 19, 2023. This would not suffice for a building permit so it should not suffice for a change in zoning.
2. There has been no survey done of the entire length of the deeded Ingress/Egress Easement to allow commercial access to the rear of the many Mason Avenue commercial properties. If the Town fails to provide such a survey, Kookaburra LLC will have one done at our expense.
3. In addition to a survey, there has been no study done to determine how a change in zoning will affect the deeded Ingress/Egress access, given residential setbacks and potential fences, with commercial delivery vehicles. This is critical given the deeded access width of 16 feet and current condition of the curb cut on Randolph Avenue.
4. There has been no study done to the trash refuse/dumpster situation behind the library. Surely in the future, any residential property owner is not going to want smelly summer dumpsters in the rear of the property. Will a large garbage truck be able to access the dumpsters in the same manner if a fence is built along the property line?

Can of Worms:

1. According to the enclosed Town Plat provided (Attachment #2), the redevelopment of 213 Mason Avenue was approved to use two parking spaces (Attachment #4) in what may be the deeded 16 foot Ingress/Egress Easement abutting each other to meet the off street parking requirement for two of the five residential units. The provided survey of 213 (Attachment #3) does not show the continuance of the Ingress/Egress that is shown on the Town Plat and included in the survey of 211 Mason Ave (Attachment #1) and should be fully vetted prior to any final decision on the proposed zoning changes. This is another reason a survey of the entire access should be done prior to any rezoning of the commercial town lots.

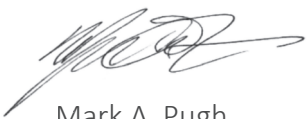
2. Given that the Town has created a very difficult situation where:

- a. The east parked vehicle (Vehicle #2 on the enclosed Attachment #3) must always be moved (!?) for the other vehicle (Vehicle #1 on the enclosed Attachment #3) to be moved, as it would be blocked in, or:
- b. The west vehicle that is blocked in will only have access to that required off street parking space via the deeded Ingress/Egress Easement partially on our property and must only leave it in REVERSE as it will not have enough space to turn around. This creates a potentially dangerous situation with serious liability concerns for the town and created by the town, especially given the commercial use of the access.

As this redevelopment, and now potential rezoning, of commercial properties affects our access, we would like to have the Town Planner explain in a public forum how the above scenarios will affect the deeded Ingress/Egress Easement shown on the Town Plat.

We look forward to your responses to our questions and concerns that will impact the future commercial operations of the affected properties.

Sincerely,



Mark A. Pugh

Kookaburra LLC

N 88° 00' 00" E 560.01'

COMMONWEALTH OF VIRGINIA
MICHAEL A. STARLING
Lic. No.
2598
12/5/21
LAND SURVEYOR

CAPE CHARLES
HARBOR

GRAPHIC SCALE

0' 20' 40'



MADE IN AMERICA



JOB #21108

NOVEMBER 25, 2021

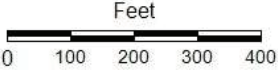
Northampton County, Virginia

Legend

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



Map Printed from Northampton
<https://parcelviewer.geodecisions.com/Northampton/>



Title:

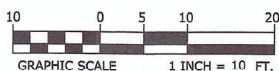
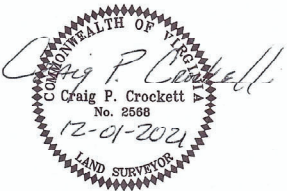
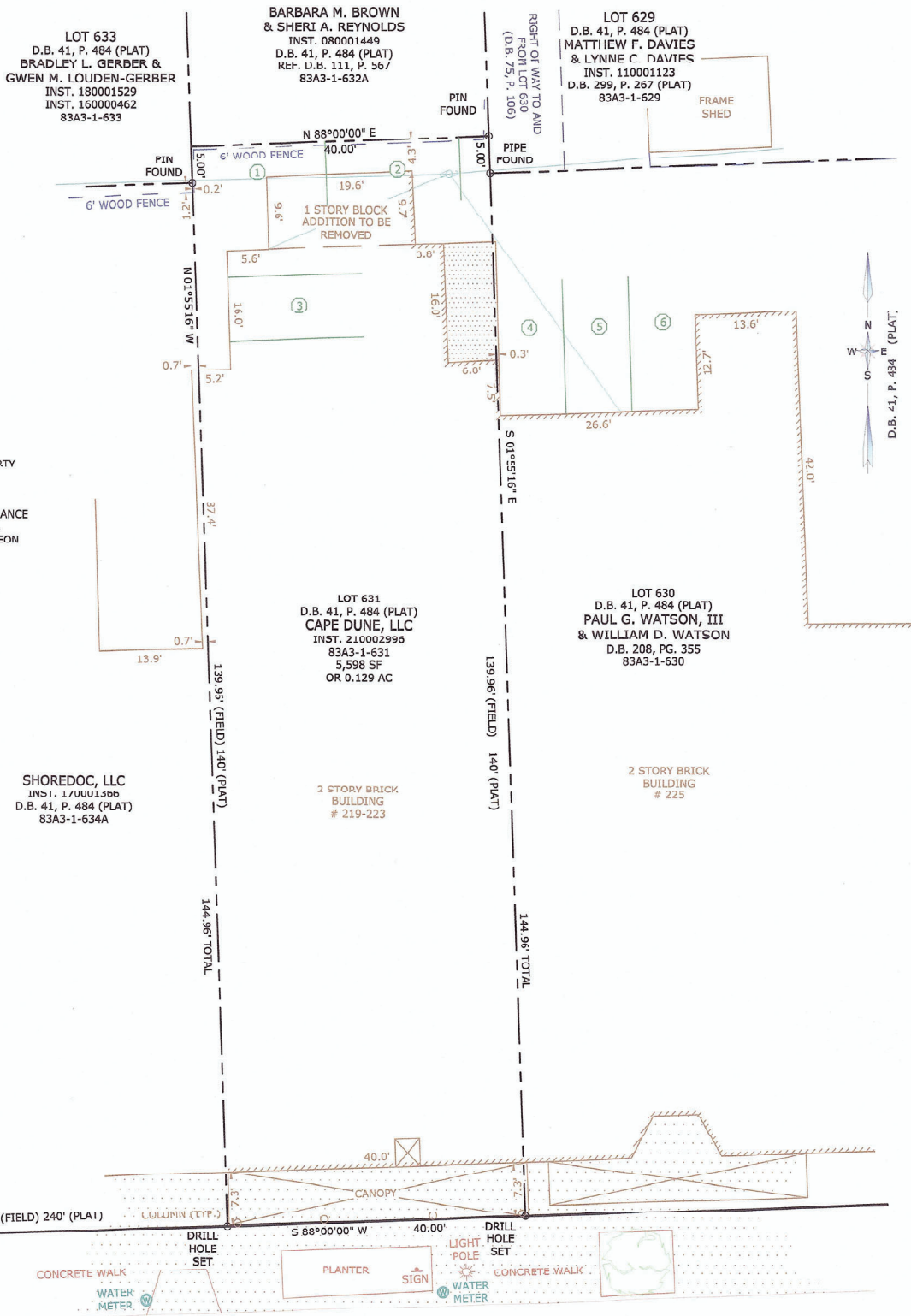
Date: 1/18/2021

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

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.

GENERAL NOTES:

- OWNERS: CAPE DUNE, LLC
- SOURCE OF TITLE: INST. 210002996
- TAX PARCEL: 83A3-1-631
- A SURVEY WAS PERFORMED ON THIS PROPERTY ON SEPTEMBER 8, 2021.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C295F, DATED 03-07-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X.
- PLAT REFERENCES:
D.B. 41, P. 484 (PLAT)
INST. 160000442 (PLAT)
D.B. 299, P. 267 (PLAT)
- AREA: 5,798 SQ. FT. (0.129 AC.)
- PARKING SPACES SHOWN THUS "①" ARE MINIMUM 8.5' X 18'.



APPROVED

DIRECTOR OF PLANNING
CAPE CHARLES, VA.

DATE

MASON AVENUE (70' R/W)

REVISED DECEMBER 1, 2021
TO SHOW PARKING SPACES

SURVEY OF
LOT 631
MAP OF THE TOWN OF
CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
MADE FOR
CAPE DUNE, LLC
SCALE: 1" = 10' DECEMBER 1, 2021



POINT NORTH

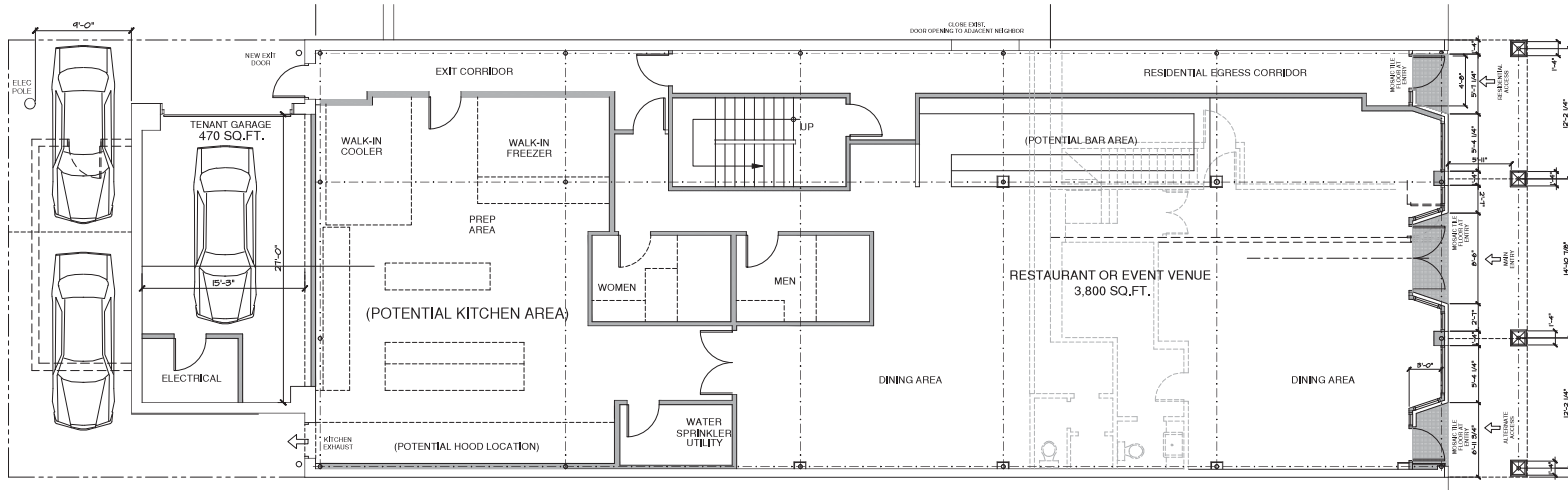
POINT NORTH SURVEYING LLC
P.O. Box 701, (757) 709-3008
Onley, VA. 23418 pointnorthsurveying@gmail.com
DRAWN BY: CROCKETT FIELD BOOK: FILE COPY
BACK TRAY: CROCKETT PROJ. NO. 21160



FIRST FLOOR PLAN

EXISTING CONDITIONS

SCALE: 3/16"=1'-0"



FIRST FLOOR PLAN

PROPOSED IMPROVEMENTS

4,250 GROSS SQ.FT.

SCALE: 3/16"=1'-0"

COO WORKS
ARCHITECTURAL DESIGN
308 WEST PINE STREET / SUITE 200 / 72701
HOUSTON, TEXAS 77036
P: 281.440.0000 F: 281.440.0001
WWW.COOWORKS.COM

SUBMITTALS

DATE	REVISION
11-15-18	1. INITIAL SET
1-20-19	2. REVISIONS FOR PERMITS
1-20-19	3. REVISIONS FOR PERMITS

FIRST FLOOR PLAN

PROPOSED HISTORIC RENOVATION
219 MASON AVENUE
CAPE CHARLES, VIRGINIA
TODD & LLIANNA BRICKEN

SHEET NO.

H-3

PROJ. NO.: 558-03



Municipal Corporation of Cape Charles

**NOVEMBER 2023
MONTHLY REPORT**

Katie H. Nunez, Planning/Zoning Administrator

A. SUBDIVISION AGENT: No items to report.

B. 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.]

No applications filed for November or December 2023.

C. HARBOR DEVELOPMENT CERTIFICATES: None.

D. WETLANDS and COASTAL SAND DUNE BOARD: No applications filed for November or December 2023.

E. OTHER

1. Staffing: Robert James, Zoning Compliance Officer has resigned his position, effective November 27, 2023.
2. I am working on the revisions to the proposed zoning ordinance amendments and the intent is to resume our work with the Town Council on this document in January 2024. The Short Term Rental Committee is also following a similar calendar as well.