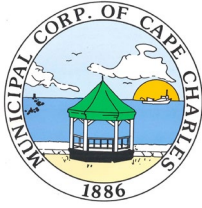


Planning Commission
Regular Session Agenda
Cape Charles Civic Center – 500 Tazewell Avenue
August 6, 2024, at 6:00 P.M.

1. Call to Order
 1. Roll call and establish a quorum.
 2. Welcome to new member, Ian McDonald, who has been appointed to fill the remaining term of Dennis McCoy which expires on October 31, 2024.
2. Invocation and Pledge of Allegiance
3. Consent Agenda
 - A. Approval of agenda format
 - B. Approval of Minutes:
 1. February 6, 2024, Regular Meeting Minutes
 2. February 21, 2024, Work Session Minutes
 3. February 24, 2024, Joint Work Session with Town Council - Strategic Planning Session
 4. April 15, 2024, Joint Work Session with Town Council - Zoning Ordinance Amendments Session
4. Public Hearings:
 - A. Zoning Map Amendment (ZMA) 2024-01: application from Donna and Gregory Onley to conditionally rezone 711 Tazewell Avenue/302 Fig Street (aka the Fig Street Inn) (Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I) from Residential-1 to Commercial Residential (CR) with proffers to limit the commercial activity of said proposed rezoning; said property has a current Conditional Use Permit for a Bed & Breakfast.
5. Citizen Comment Period, for any item not subject to an advertised public hearing
6. Unfinished Business: NONE
7. New Business:
 - A. Discussion and possible recommendation vote on ZMA 2024-01
8. Report of Officers and Committees: NONE
9. Standing Staff Reports - Planning & Zoning Director
10. Announcements - Next Meetings:
 - Regular Meeting: Tuesday, September 3, 2024 @ 6:00 p.m.
11. Adjourn

Agenda Item 3B (1)
Regular Meeting Minutes



**PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
February 6, 2024**

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway, Shannon Smith and Elizabeth Wright. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning & Zoning Administrative Assistant Maureen Tamares-Meditz and Town Clerk Libby Hume. There were 3 viewers on Facebook Live and no members of the public in attendance.

Chairman Bill Stramm welcomed the newest member Elizabeth Wright who has been appointed to a four-year term that commenced on November 1, 2023 - October 31, 2027. Everyone welcomed Ms. Wright. Chairman Stramm expressed his gratitude to Michael Strub, who previously held the position for his unwavering dedication in volunteering for the Town of Cape Charles for the past decade and for being a great member of the Planning Commission.

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

CONSENT AGENDA:

Motion made by Commissioner Grossman seconded by Commissioner Ashworth, to approve the Consent Agenda as presented. The motion was approved by unanimous vote.

CITIZEN COMMENTS:

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

NEW BUSINESS:

- A. 1. PLANNING COMMISSION BY LAWS: Article 5-4.2 – Commissioner Grossman pointed out that for HARB two (2) members from the Planning Commission are appointed instead of one (1). It was asked why the need for 2 representatives. Ms. Nunez replied that it is what is required based on the Ordinance.

Motion made by Commissioner Grossman seconded by Commissioner Holloway, to accept the Planning Commission By Laws with revision to Article 5-4.2: appointing two (2) representatives to the Harbor Area Review Board(HARB). The motion was approved by unanimous vote.

2. ADDITION OF REMOTE PARTICIPATION POLICY: Commissioner Smith expressed her concern about the limit to two meetings per calendar year or 25% of the meetings held per calendar year because she travels a lot for work. Commissioner Grossman replied that this has been added over the years. Commissioner Holloway commented regarding the title Policy for Electronic participation but throughout it is being referred to as remote participation, he suggested if just either one could be used across the board for language consistency. Ms. Nunez replied that the text of the Code language is being followed which refers to it as remote participation, the title was changed to Electronic Participation so it will be clear that it is Electronic. For consistency, the title will be changed to remote participation. All agreed.

Motion made by Commissioner Grossman seconded by Commissioner Holloway to amend the previous motion to allow adding a statement in the By Laws referencing Appendix C. The motion was approved by unanimous vote.

- B. Appointment by the Planning Commission from within their ranks a member to serve on the Historic District Review Board (HDRB).

Motion made by Commissioner Grossman seconded by Commissioner Holloway to elect Elizabeth Wright as the Planning Commission member to the Historic District Review Board (HDRB). The motion was approved by unanimous vote.

- C. 2022 & 2023 ANNUAL REPORT – Ms. Nunez summarized the annual report (please see attached).

Motion made by Commissioner Holloway seconded by Commissioner Smith to accept the report and forward it to Town Council. The motion was approved by unanimous vote.

REPORT OF OFFICERS AND COMMITTEES

- A. Sign Subcommittee: Continue with the Review and Discussion of Proposed Sign Ordinance, Section 12 – Commercial District Signs (page 12)

Discussion was as follows:

Ms. Nunez started by saying that since the Residential table was discussed at the last meeting, Commissioner Grossman was asked to incorporate all the changes in the chart. For the three (3) remaining Zoning District Mr. Grossman went above and beyond to create the tables as well. She also mentioned that if everyone is agreeable to tonight's work, the chart work that was done by Commissioner Grossman would become our new charts going into the document. She pointed out that on the document some questions and/or comments that are highlighted in yellow, to make or get a decision on. Commissioner Grossman also took pictures of sign examples and added description on some of them.

§11. Residential District Signs

- Since there were some items on the Residential District table that were not finalized the discussion started on this.
- Commissioner Ashworth expressed his concern about some text in the ordinance not being consistent with text on the table that was created by Commissioner Grossman. Commissioner Smith replied that she is suggesting along with Commissioner Grossman and Ms. Nunez that when a particular item is reflected on the table it should be scratched out on the ordinance text to avoid confusion and duplication. Commissioner Smith continued to say that this is a decision that should be made as a group, and she believes that this would be easier for the citizens of the town to read and understand.
- *Flags.* There was a bit of discussion about flags. Commissioner Ashworth said it was not clear whether flags other than the US flags are allowed to be illuminated at night. Commissioner Smith replied that is why it was stated that on footnote 4, it talks about the US Flag Code. Ms. Nunez added that the *sentence for other flags see Section 8* will be added on the table.
- *Temporary Other (1)*
 - *Size:* delete window signs do not obstruct more that 50% of the window
 - *Duration:* delete 30 days, and
- *Footnote (1) Vacation rental signs are prohibited.* Commissioner Smith asked if a lawyer can review this to make sure it is legal. Ms. Nunez replied that an attorney will review the entire

Zoning Ordinance once it is finished. Commissioner Ashworth does not agree with using this term and believes this is controlling free speech and asked if using this is allowed.

Ms. Nunez replied that the board has the right to set rules in various zoning districts and this is in the Residential Zoning District. After some more discussion it was agreed that the Board will come back to discuss more on this.

§12. Commercial District Signs

- *Freestanding (Including Monument)*
 - *Location:* delete: with a minimum surround of three (3) feet of regularly maintained floral and shrubbery landscaping in every direction. Add:
 - *No landscaping requirement.*
- *Wall, Window and Door Signs*
 - *Delete Door, title should read:* Wall & Window Signs
 - *Permit Required:* add window- no; wall – yes
 - *Size/Number:* Delete up to 25% of the area of a window and count toward the maximum square footage of wall signs. All agreed.
- *Temporary Signs*
 - *Setback:* Add: not to impede pedestrian traffic
 - *Location:* Delete: permitted
- *Other*
 - *Definitions:* Projecting Sign: Ms. Nunez will check her book for additional language
 - *Size/Number:* projecting sign perpendicular to bldg. frontage ≤ 10sf
projecting sign parallel to bldg. frontage 5sf/5 lineal ft
awning sign ≤ 12sf

The discussion ended at Commercial District Signs. Next meeting the board will continue on Harbor District Signs table.

STANDING STAFF REPORT:

Ms. Nunez gave updates on the following: (i) The Cape Charles Rosenwald School project has been approved through Site Plan review for zoning clearance – said review involved Harbor Area Review Board, Town Council, Virginia Department of Transportation; Virginia Department of Environmental Quality for stormwater review; and Erosion and Sediment Control by the Town's third party inspector (ii) The Historic District Review Board has approved the relocation of the house located at 645 Mason and Ms. Nunez is working with the property owner in getting a final application submitted for a drive-thru bank at this location once the house is moved. She has provided comments on the preliminary site plan and they are working on submitting a full site plan not only to the Town but also to DEQ for stormwater review & the Town's 3rd party inspector for Erosion & Sediment Control review & to VDOT for access onto and off this property for this type of business. They will also be submitting concurrently the Historic District Review Board Certificate of Appropriateness application for Town review. Ms. Nunez is working with the applicant, Kerry Shackelford, who is going to be moving the house off the property and relocating this structure to 602 Washington Avenue, relative to the specifics of the house move. He is working on gaining the final approvals from the various utilities that will be involved in the move and we are working towards a late February date for this house to be moved.

ANNOUNCEMENTS

- Work Session for Sign Ordinance Final Proofing (as needed): Wednesday, February 21, 2024
- Town Council Strategic Retreat: Saturday, February 24, 2024 10:00 am – 3:00 pm
YMCA Gymnasium
- Joint Work Session with Town Council: Tuesday, February 29, 2024
- Regular Session: Tuesday, March 5, 2024
- Joint Public Hearing with Town Council: Monday, April 15, 2024

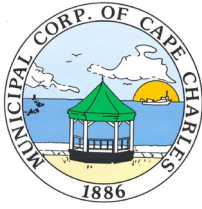
Motion made by Commissioner Holloway, seconded by Commissioner Smith, to adjourn the Planning Commission Regular Meeting at 8:28 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning & Zoning Administrative Assistant

Agenda Item 3B (2)

Approval of Work Session Minutes



**PLANNING COMMISSION
Work Session
Cape Charles Civic Center
February 21, 2024**

At 6:00 p.m., 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, Paul Grossman, Jim Holloway, Shannon Smith and Elizabeth Wright. Commissioner Bill Ashworth arrived after the roll call at 6:02 p.m. Also, in attendance were Planning/Zoning Administrator Katie Nunez and Planning & Zoning Administrative Assistant Maureen Tamares-Meditz. There were no members of the public in attendance.

CONSENT AGENDA:

Motion made by Commissioner Grossman seconded by Commissioner Holloway, to approve the Consent Agenda as presented. The motion was approved by unanimous vote.

ORDER OF BUSINESS:

- A. *Continue with the review of the proposed Draft Sign Ordinance starting on Harbor District Signs.*

Ms. Nunez stated that two documents are provided to the board. First is the updated, red-lined draft sign ordinance with all changes incorporated from the last meeting on February 6, 2024, including adding in the charts created by Commissioner Paul Grossman and reviewed/edited by the Planning Commission over the last two meetings. Second, a clean copy of the draft sign ordinance that has accepted all of the changes (additions, deletions, etc.) has been provided. There are still a few items highlighted in yellow that may require clarification by the Planning Commission since the staff notes did not show what decision had been reached, especially on a few of the chart measurement items.

She requested to start the work by reviewing the chart in Section 13 for Heavy and Light Industrial Zoning. Once it is completed then she suggested that we go through the whole document section by section.

Discussion was as follows:

§13. Heavy and Light Industrial Zoning District Signs

- ***Flags***
 - *Permit required:* change: No to Yes. Flagpole only.
- ***Freestanding***
 - *Size/Number:* not to exceed 6ft, *change: 6ft to 12ft.*
- ***Wall, Window and Door Signs***
 - *Change Title:* Wall and Window Signs
 - *Permit Required:* Wall – yes; window-no
 - *Size/Number*
 - add: 12 sf per 5 lineal ft. of building frontage
 - add: 8sf per 5 lineal ft. of building sidewall
 - delete: window signs are permitted up to 25% of the area of the window and count toward the maximum square footage of the wall signs.

- *Temporary Signs*
 - *Change Title:* Temporary Sign to Movable Sign
 - *Portable Sign:* change temporary sign to movable sign
 - *Location:* delete: permitted
- Other
 - *Size/Number*
 - add: 10 sf - projecting signs perpendicular to the building frontage
 - add: 5 sf/5lineal ft projecting signs parallel to the building frontage
 - *Awning sign*
 - add: 12 sf
- *Duration:* for all type delete unlimited and change to: See Section 4

§14. Harbor District Signs

This section will be similar to Commercial District Table.

After finishing the discussion on Section 13 -14, went back to review Sections 1-12. Discussion was as follows:

§1. Purpose and intent; interpretation

- h. delete:* under extenuating circumstances, as suggested by Commissioner Ashworth. All agreed.
- change:* grants to granted

§2. Definitions

Moving Signs: delete

Nonconforming Sign: delete: City/County

§4. Permit not required

- 3. Temporary Signs:* change to: Movable Sign

§11. Residential District Signs

- *Flags*
 - *Illumination:* Delete: B from Section 8.B
- *Footnote 1. Vacation rental signs are prohibited.* This item was discussed from last meeting and because there were differing opinions regarding this, a consensus was made with 4 members (Chairman Stramm, Commissioners Grossman, Smith & Holloway) agreeing to keep “*Vacation rental signs are prohibited*” and 2 members (Commissioners Ashworth and Wright) saying they do not want to keep this. Commissioner Smith further explained that the reason the majority is trying to regulate this is because the vacation rentals are in residential district and commercial enterprise are being allowed to put this sign in residential district.
Ms. Nunez informed the board that this will go to the Town Council to decide on. The board can discuss further their perspectives and positions when it goes to Town Council. She also mentioned that the Town Council will only get the clean version of the Draft Sign ordinance document.

§12. Commercial District Signs

- *Freestanding*
 - *Definition:* delete: ground mounted sign
 - *Size/Number:* not to exceed 6ft, *change:* 6ft to 18ft.

- *Wall and Window Signs*
 - *Size/Number*
 - add: 12 sf per 5 lineal ft. of building frontage
- *Temporary Signs*
 - *Change Title:* Temporary Sign to Movable Sign
- *Other*
 - *Definitions:* Directory sign- on the definition delete: *freestanding*

Ms. Nunez mentioned the upcoming Joint Work Session with the Town Council on Thursday February 29, 2024. She said that once the Draft Sign Ordinance is cleaned up it will be sent out. She also reminded them about the Strategic Planning which will be held at the YMCA gymnasium on February 24, 2024, with Town Council, Bay Creek Association, Bay Creek Homeowner's Association. Historic Civic League and Cape Charles Main Street.

Motion made by Commissioner Wright, seconded by Commissioner Paul Grossman, to adjourn the Planning Commission Regular Meeting at 7:39 p.m. The motion was approved by unanimous vote.

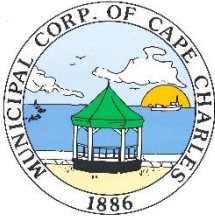
Chairman Bill Stramm

Planning & Zoning Administrative Assistant

Agenda Item 3B (3)

Joint Works Session Minutes

Strategic Planning Session



TOWN COUNCIL & PLANNING COMMISSION

**Joint Work Session – Strategic Planning
Northampton County YMCA Gymnasium
22257 Parsons Circle, Cape Charles**

**February 24, 2024
10:00 AM – 3:00 PM**

At 10:05 a.m., Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Charney, present were Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Vice Mayor Bennett and Councilman Follmer were not in attendance.

Planning Commission Chairman Bill Stramm called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Grossman, Holloway, Smith and Wright. Commissioner Ashworth was not in attendance and there was one vacancy on the Commission.

Organization representatives in attendance were Ami Butta from the Vacation Homeowners of Cape Charles, Rob Harris from the Bay Creek Community Association, Hank Mayer from the Citizens of Central Park, Ed Wells from the Historic District Civic League, and Karen Zamorski from Cape Charles Main Street.

Staff members in attendance were Town Manager John Hozey, Town Clerk Libby Hume, Treasurer Jerry Murphy, Planner/Zoning Administrator Katie Nunez, Assistant Treasurer Adrian Oei, Human Resources Manager Jodi Outland, Project Manager Bob Panek, and Assistant to the Town Manager Julie Pruitt.

There were six members of the public in attendance.

John Hozey welcomed everyone, and each participant introduced themselves by name and title or group represented.

John Hozey stated that he would be facilitating the session but would also be voicing his opinions. He continued by providing an overview of the day as follows: i) We had a lot to go through today, so there would be no regular breaks. Get up as needed as there were plenty of refreshments on the tables. We would be breaking for lunch; ii) Please respect each other and do not interrupt when someone else was speaking. If you had something to offer, please wait to be recognized; iii) We were all equals here today. All thoughts would be compiled, and the Town Council would make the final decisions at a future meeting; iv) The Town was required by law to update the comprehensive plan every five years, but most people don't look at it due to its size. A strategic plan was more nimble. The 155-page comprehensive plan was narrowed down to 12 pages which most people would review. We would be reviewing the goals and strategies from the comprehensive plan later today.

The following documents were reviewed throughout the day: i) Citizen's Survey results; ii) Visioning Questionnaire that would be completed by the participants. The responses would be compiled and compared to the 2021 responses; iii) The Strategic Plan Vision would be discussed and revised as necessary. The Long-Range Tourism Management Plan from The Outer Banks Visitors Bureau was provided for review as their Values & Vision were very similar to ours; iv) Comprehensive Plan Summary of Objectives and Strategies would be reviewed and prioritized; v) The Strategic Plan Goals from the current plan would be reviewed and updated as necessary. (Please see attached for Summary Notes.)

Once all the changes discussed during today's meeting were incorporated, the plan would be provided to all participants for review. The public hearing for the draft 2024 Community Strategic Plan would be scheduled for March 21, 2024 at the beginning of the Town Council Regular Meeting, and Council would vote on the proposed plan and annual project priority list during that meeting.

Motion made by Commissioner Stramm, seconded by Commissioner/Councilman Grossman, 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 work session was adjourned at 3:19 p.m.

Mayor Adam Charney

Town Clerk

February 24, 2024 Strategic Planning Work Session



Strategic Planning Work Session Summary Notes February 24, 2024

What Makes Cape Charles, Cape Charles

- Small town historic haven
- Sense of community for residents and visitors alike
- Recreation infrastructure
- Commercial/recreational harbor
- Walking and golf cart accessible
- Cultural attractions
- Family friendly beach and other facilities
- Unique events/experiences
- Blend of nature, history, and leisure
- Our people
- Diversity
- Geographic region and climate
- Civic engagement
- Vibrant business community
- Sunsets
- Housing diversity

Biggest challenges over the next 10 years

- Maintaining our character
- Managing smart/balanced growth and development
 - Balancing small town character w/ increasing needs for services/infrastructure
- Attracting a younger population
- Developing public infrastructure
- Affordability
- Economic sustainability
- Workforce housing
- An aging volunteer base
- Diversifying housing stock at all price points

Community Values

When asked to prioritize our 2023 community values, the group ranked them as:

1. Sense of Community
2. Friendliness
3. Heritage – Traditional
4. Diversity – Tolerance – Respect
5. Adaptability
6. Environmental Stewardship
7. Caring
8. Hope – Optimism

Upon further discussion it was determined that Friendliness and Caring were included in Sense of Community, and therefore could be omitted. It was also decided that to prevent dilution of the meaning of our Values, we would limit the list to only the top five. The following is therefore recommended as our Community Values for 2024:

1. Sense of Community
2. Heritage – Traditional
3. Diversity – Tolerance – Respect
4. Adaptability
5. Environmental Stewardship

Future Population

When asked, what do you think the town's population will look like in ten years, both what was thought would happen and what was wanted to happen (by percentage):

<u>Think</u>	<u>Want</u>	
40.8	29.4	Retirees
13.4	22.8	Working professionals/tradespeople (families post kids)
8.8	19.2	Younger families with kids
16.9	13.8	Second home residents (mostly personal use)
26.9	17.5	Investment property owners (mostly rentals)

Conclusion: There was a desire to see a reduction in the overall percentage of retirees by approximately 10% from what would otherwise happen naturally; to increase the percentage of mid-aged working people by 10% over what would otherwise happen naturally; to increase the percentage of younger families by 10% from what would otherwise happen naturally; to decrease the percentage of second home residents by 5% from what might otherwise happen naturally; and to decrease the percentage of investment property owners by 10% from what could otherwise happen naturally.

Future Economy

When asked, to describe the town's economy in ten years, both what they thought would happen and what they wanted to happen (by percentage):

<u>Think</u>	<u>Want</u>	
49.1	41.6	Tourism: Lodging/Restaurants/Guest Retail/etc. (seasonal)
28.7	37.1	Mixed Commercial: Core Retail/Services (year-round)
12.5	13.2	Industrial/Manufacturing (year-round)
7.2	10.3	Agriculture/Aquaculture (seasonal)

Conclusion: There was a desire to see a reduction in the overall percentage of tourism impacts by approximately 7.5% from what would otherwise happen naturally; to increase the percentage of year-round mixed commercial by 10% over what would otherwise happen naturally; to keep industrial/manufacturing roughly the same percentage as what would otherwise happen naturally; and to increase the percentage of agriculture/aquaculture by 3% over what might otherwise happen naturally.

Comprehensive Plan Prioritization

Of all the Objectives and Strategies published in the current Comprehensive Plan, the following were prioritized for consideration in the 2024 Strategic Plan update:

Housing

Encourage workforce housing
Address STR impacts on housing

Economy

Seek healthy balance - residents & tourists
Promote and expand business
Promote diverse economic benefits for the harbor

Transportation

Enhance walkability
Increase parking
Complete multi-use path between historic district, harbor, and Bay Creek

Environment

Maintain long-term viability of beach and harbor
Promote coastal resiliency

Facilities & Services

Create modernized municipal facilities
Develop proffer policy to pay for impacts of future developments

Agenda Item 3B (4)

Joint Work Session Zoning Ordinance Amendments



PLANNING COMMISSION & TOWN COUNCIL

Joint Work Session
Cape Charles Civic Center
April 15, 2024
6:00 PM

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

Chairman Stramm having established a quorum, called to order the Work Session of the Planning Commission. Present were Vice-Chairman Paul Grossman, Commissioners Bill Ashworth, Jim Holloway, Shannon Smith and Elizabeth Wright.

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

APPROVAL OF AGENDA

Ms. Nunez asked to make few revisions to the agenda, stating that the Agenda packet has Attachments 1- 8 for discussion and also Definition Section. Attachments 9-12 are still in process.

Motion made by Councilman/Vice-Chairman Grossman seconded by Vice-Mayor Steve Bennett to accept the agenda eliminating Attachments 9-12 and adding Definitions. The motion was approved by unanimous consent.

ORDER OF BUSINESS

STAFF REPORT

Ms. Nunez started by saying that Planning & Zoning Administrative Assistant Maureen Tamares-Meditz will be leaving the department at the end of the week to take a full-time position at the Library. The Department will be a little short staff until the vacancy is filled.

Ms. Nunez read the Staff Report discussion was as follows:

Attachment 1: Demolition Policy

- Zoning Ordinance Section 8.21 – DEMOLITION: ALTERNATE PROCEDURE: OFFER TO SELL
 - Prior to approval of any application for demolition, ~~modification~~, moving, or removal of a contributing structure within the Cape Charles Historic District; ~~delete~~: modification and ~~change~~ with: **or raising**
 - Change numbering: there was double number 6. Change 6 to 7; and 7 to 8.
 - If the Town Council authorizes any such demolition or razing of said structure after the above procedures were complied with, then said demolition will proceed after ~~obtaining~~ applying for and obtaining approval from the Building Official. ~~Delete~~: obtaining as suggested by Councilman/Vice-Chair Grossman. All agreed.

Attachment 2: Proposed Outdoor Lighting Ordinance

Ms. Nunez started by saying that Cape Charles does not have a lighting ordinance that talks about Dark Skies. She also continued about Proposed New Section. Discussion was as follows:

PROPOSED NEW SECTION

Sec.____ Outdoor Lighting

§ 1.1.2 Applicability

- B. Outdoor lighting fixtures, legally installed and existing prior to.. *ADD: for commercial use.* Should read: Outdoor lighting fixtures, legally installed **for commercial use** and existing prior to..
- E. Light poles in all parking lots areas shall not exceed a maximum height of **25 feet** including the base. *All agreed to 25 ft.*
- G. Delete this whole sentence.

Attachment 3: Proposed Solar Panels

- Does the Town wish to allow for solar panels on commercial or industrial property as well as residential property? *The residential property should have the same standard as commercial and industrial property. All agreed.*

Attachment 4: Proposed Sidewalk Ordinance

Ms. Nunez read talked about sidewalk and emphasized about the *Town Council authorizing the Planning & Zoning Ordinance Administrator to require the construction and maintenance of sidewalks for infill development, pursuant to Cape Charles Zoning Ordinance Section ____ and for new subdivisions, pursuant to Cape Charles Zoning Ordinance Section 5.4.1.7.*

Ms. Nunez continued to say that she has not been requiring this but she has talked to a property owner to install a sidewalk and they complied without any argument. But she does not think that this is a way to do this, so she wanted to have this law that requires property owners to do this.

- New Section
§4.2 (____) – *Sidewalks for Infill Development.* On the second sentence... If lot is a corner lot, then sidewalk development ~~may be~~.. *Change: may to shall as suggested by Councilman/Vice-Chair Grossman.*

Mr. Hozey asked since he is putting together a budget for next year, including the capital budget. He has a sidewalk project that keeps getting pushed off year after year because there is no sidewalk project to build on. Ms. Nunez replied that this requirement will cover the vacant lots so if the house is already there, they will be required to make one once they do a significant renovation. Ms. Nunez continued to say that the new bank will have sidewalks. It was discussed that the town could have a project to develop the neighborhood where there are no sidewalks and the town will pay for it.

Attachment 5: Proposed Language for ADA/Disability Consideration

- ACCOMMODATIONS RELATIVE TO the AMERICANS WITH DISABILITIES ACT (AD) and the FAIR HOUSING ACT
1) ~~You~~ have a disability as defined under the Americans with Disabilities Act (AD) or the housing is for people with disabilities; *DELETE: you, as suggested by Councilman/Vice-Chair Grossman. All agreed.*

2) ~~You~~ may need a reasonable accommodation to existing rules and regulations to have an equal opportunity to housing; ~~DELETE: you~~, as suggested by Councilman/Vice-Chair Grossman. All agreed.

Attachment 6: Erosion and Sediment Ordinance Draft

§ 1.6 Submission and Approval of Plans; Contents of Plans

- *C. However, the VESCP plan-approving authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for construction of a single-family detached residential structure. If a violation occurs during the land-disturbing activity associated with the construction of the single-family detached residential structure, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of the responsible land disturber to the VESCP authority. Failure to provide the name of the responsible land disturber shall be a violation of this ordinance-* Ms. Nunez said that she can invite Jeb Brady, Building Code Official if more discussion is needed regarding this section.

Attachment 7: HRDB Appeals to Town Council Consistency Review

- Ms. Nunez summarized this section and no corrections we made.

Attachment 8: Draft Sign Ordinance

ARTICLE __ - Signs

Ms. Nunez informed the Town Council that the Planning Commission had created charts for each Zoning District that is more customer-friendly. This will make it easier to find type of signs allowed by Zoning.

§ 2. Definitions

Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the **effective date of this chapter** of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance. – *Ms. Nunez stated that the date will appear on this section once it has been voted on.*

§4 - Permit not required.

- 3. B. Town Seasonal Events. There was some discussion about this especially in trying to define what constitutes a town sponsored event/s. Mr. Hozey mentioned that he will work with Ms. Nunez about this to have a clearer definition.

§5 – Prohibited Signs

- A. General Prohibitions
 - 4. Vehicle or trailer signs. *Add: not stationary at same location.*

C. Prohibitions based on location.

- 4. Any sign located in the vision triangle formed by any two (2) intersecting streets, as regulated by the provisions of section _____. – *Ms. Nunez will double check ion this to see if this is on the ordinance.*

§ 8 – General Requirements

- 2. No sign shall be permitted to have an illumination spread of more than ~~.05~~ foot candle at the lot line. *Change to:* .5. Ms. Nunez also mentioned that she will cross reference this to *Lightning Ordinance*.

§11 – Residential District Signs

- Permanent Non-Commercial: Max 2 minor signs (< 3 sf) each per ~~parcel~~ building unit. *Delete: parcel.*
- Note 1. Includes signs on property for sale. ~~Vacation rental signs are prohibited.~~ There was some differing opinions about the reason. It was agreed to DELETE: Vacation rental signs are prohibited.

§12 – Commercial District Signs. & Harbor District Signs

- Wall and Window Sign
 - Definition: Window sign means any sign visible outside the window and attached to ~~or within 18 inches in front of or behind~~ the surface of a window or door. *DELETE: or within 18 inches in front of or behind.* All agreed.
 - Location: Bldg. wall, or window. *ADD: door.* It should read as: Bldg. wall, window or door.

The evening's review stopped at Attachment 8 - Draft Sign Ordinance Section 12 - Commercial District Signs & Harbor Signs page 12. Next discussion would start on Section 13 - Heavy and Light Industrial District Signs page 13.

Ms. Nunez tried to get a schedule for the next Joint Work Session but due to time constraints and the weather condition it was agreed that Town Council and Planning Commission members will submit their vacation dates thru email for May and June so the Planning Department can coordinate the dates.

Motion made by Mayor Charney, seconded by Councilman Butta, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

Motion made by Councilman/Vice-Chair Grossman, seconded by Commissioner Smith, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

The joint work session was adjourned at 7:58 p.m.

Mayor Adam Charney

Chairman Bill Stramm

Planning & Zoning Administrative Assistant

Planning Commission
Notice of Public Hearing

TOWN OF CAPE CHARLES
Planning Commission – Public Hearing

The Cape Charles Planning Commission will hold a public hearing on Tuesday, August 6, 2024, at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following application:

- A. A Zoning Map Amendment (ZMA) 2024-01 application from Donna and Gregory Onley to conditionally rezone 711 Tazewell Avenue/302 Fig Street (aka the Fig Street Inn) (Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I) from Residential-I to Commercial Residential (CR) with proffers to limit the commercial activity of said proposed rezoning; said property has a current Conditional Use Permit for a Bed & Breakfast.

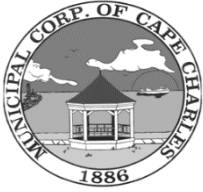
This application is available for public review on our website at www.capecharles.org, under Agendas & Minutes/ Planning Commission. Please contact the Planning Department at 757- 331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post – Wednesday, July 3, 2024

AD TO RUN: Friday July 12, 2024, and Friday July 19, 2024

Zoning Map Amendment

4A and 7A



PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Meeting Date: August 6, 2024

Item #4A & 7A – ZMA-2024-01

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

Date: July 17, 2024

APPLICANT: Donna & Gregory Kohler

SITE ADDRESS: 711 Tazewell Avenue/302 Fig Street (aka Fig Street Inn)

TAX MAP: 83A4-2-A & 83A4-2-J & 83A4-2-I

LOT SIZE: 36,404.18 sq. ft total or .84 acres

TYPE OF APPLICATION: Conditional Rezoning Map Amendment (ZMA) 2024-01

SPECIFIC REQUEST: Conditionally Rezone from R-1 to CR with proffers

ZONING ORDINANCE: CCZO Section 2.7.2 & 2.7.4 thru 2.7.9

CURRENT ZONING: Residential-1(R-1)

PROPOSED ZONING: Commercial Residential (CR)

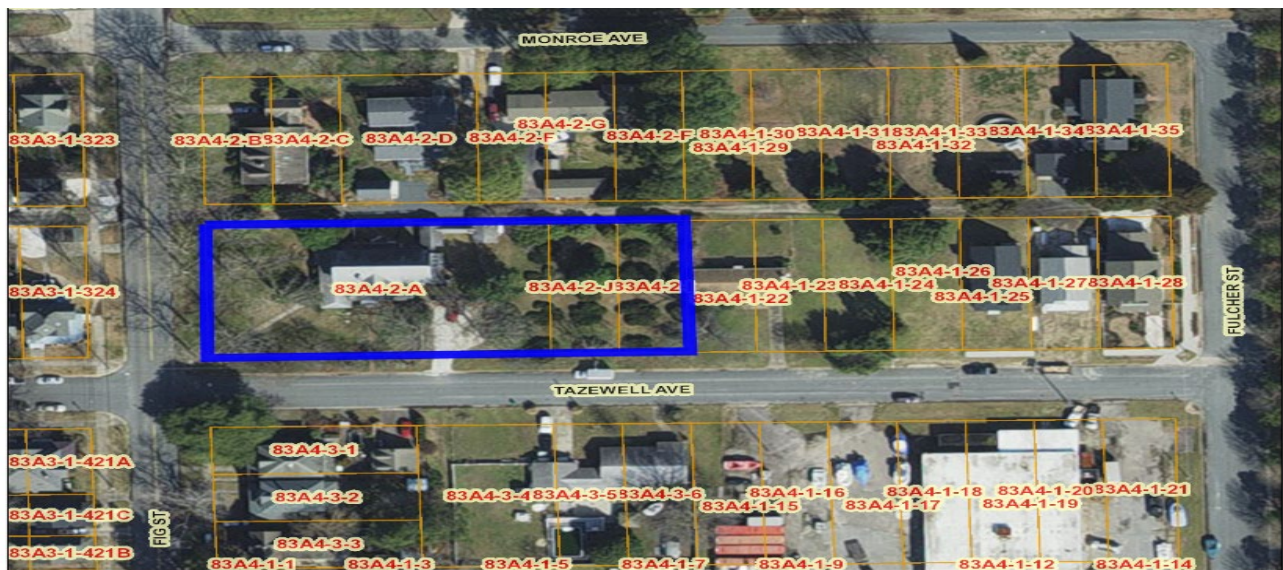
DATE RECEIVED: June 6, 2024

DATE DEEMED COMPLETE: June 8, 2024

LEGAL DEADLINE: 100 days from 1st Receiving Application: November 14, 2024

NARRATIVE OF PROPOSAL

An application for conditional rezoning (ZMA 2024-01) with proffers was submitted by Donna and Gregory Kohler to rezone their property & business identified as the Fig Street Inn at 711 Tazewell Avenue/302 Fig Street (Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I).



BACKGROUND

On February 11, 2010, Town Council approved a Conditional Use Permit to operate a Bed & Breakfast to the Fig Street Inn at this address; said approval indicated it was for a total of 6 room (5 bedrooms in the main house and 1 bedroom in the accessory building).

The Cape Charles Zoning Ordinance Section 3.2 (Single Family Residential District R-1), Item # C (3) allows, through conditional use permit, the following:

3. Bed and breakfasts and tourist homes, provided the following requirements are met:
 - a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests.
 - b. The single-family dwelling appearance must be maintained.
 - c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.5.1 (Table of Parking Standards) using both on and off-street parking areas.
 - d. A sign no larger than four square feet shall be permitted.
 - e. The number of rooms shall be subject to recommendation by the Planning Commission and approved by the Town Council.

This was the requirement at the time when this property received their Conditional Use Permit.

CONDITONAL REZONING REQUEST

The applicant is seeking to rezone their three parcels from Residential-1 to Commercial Residential (CR) with the following proffer condition: To eliminate the following five by-right uses allowed in the CR District – Athletic Club; Camera Shop; Newsstand; Tobacco Store; Video Store.

The applicant is seeking to expand their business offerings on the property to enhance the visitor experience for their customers at the Bed & Breakfast. They would like to offer a bicycle rental business which would be available to their clientele as well as the general public; said bicycle rental business would not require a “storefront” but would operate through an online application for rental reservation and payment. While this type of business operation is not a by-right use in the CR district but requires a conditional use permit, the applicant is aware and prepared to seek said conditional use permit, which they understand is not a guarantee of approval, but would not be a possibility if the zoning on their property remains R-1.

Enclosed is the full application from the applicant; please note that this includes their response to the five mandatory questions contained in the application.

REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

ECONOMY CHAPTER – OVERVIEW – pg. 50

Cape Charles is home to a lively economy **built around accommodations**, food service, health care, social services, education services, retail trade, public administration, manufacturing, fisheries/maritime activities, and transportation (2018 Cape Charles Market Study). **The Cape Charles economy is evolving to support growth in other sectors, especially tourism and related sectors**, as maritime businesses decline nationwide. Having navigated the worst of the COVID-19 pandemic, **the Town continues to encourage the growth of existing businesses, as well as the creation of new businesses, in diverse markets.** The Town is pursuing strategies to

support businesses of different sizes and structures, ranging from small shops opened by residents to corporations.

Economy Objectives and Strategies – pg. 54

(3) Provide opportunities for households to strengthen their economic wellbeing.

Transportation Objectives and Strategies – pg. 68

(1) Reduce traffic congestion by reducing local vehicle miles traveled (VMT) by automobile. Coordinate with Land Use objectives and strategies.

(b) Prioritize increasing the number of people walking and bicycling in town.

FUTURE LAND USE MAP



The Future Land Use Map (FLUM) shows this area of Town to continue to be Historic District Residential; however, in the description of this designation (see below), there is an acknowledgement that some of the residential properties have been converted into a business use for lodging and indicates that this Plan intends for flexibility in use while maintaining the character of the area and quality of life for residents.



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.

This plan recognizes that some historic homes have been converted into lodging and other uses. As such, the plan intends flexibility in use while maintaining the character of the area and quality of life for residents.

REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

The Cape Charles Zoning Ordinance provides a statement of intent for the current zoning district of Residential-1 (R-1) as follows:

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.

The proposed rezoning district of Commercial Residential (CR) provides the following statement of intent as follows:

The purpose of this district 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. It is the intent of this zone to promote the continued residential character of these areas while allowing commercial uses to be introduced.

The specific intent of this district is (1) to encourage retention of the existing residential buildings and character of the area and (2) to encourage compatible uses for these buildings.

ANALYSIS – Uses by Right and Conditional Use between the 2 Districts (ITEMS highlighted in PINK are PROFFERS to prohibit these by-right uses from this property)

<u>RESIDENTIAL-1</u>	<u>COMMERCIAL RESIDENTIAL</u>
Permitted Uses by Right 1. Single-family dwellings. 2. Churches and places of worship 3. Parks and playgrounds. 4. Accessory buildings. 5. Schools and Municipal Community Center. 6. Group Homes per § 15.2-2291 of the Code of Virginia. 7. Home occupations in accordance with Section 4.0. 8. Dog pens. 9. Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J)	Permitted Uses by Right 1. Accessory buildings 2. Antique shops 3. Art galleries 4. Athletic clubs 5. Beauty and barber shops 6. Bed and breakfasts 7. Camera shops 8. Candy stores 9. Clothing stores 10. Day spas 11. Dry goods stores 12. Florists 13. Gift shops 14. Leather goods 15. Newsstands 16. Offices 17. Real estate sales 18. Single-family dwellings 19. Tobacco stores 20. Video stores 21. Any other use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.
<u>CONDITIONAL USES</u> 1. Libraries, museums, and office and meeting spaces for civic organizations Town of Cape Charles 2. Public utilities and services provided that the exterior appearance of any building permitted in this district shall be in keeping with the character of the neighborhood in which it is located 3. Bed and breakfasts and tourist homes, provided the following requirements are met: a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests. b. The single-family dwelling appearance must be maintained.	<u>CONDITIONAL USES</u> 1. Bakeries 2. Bicycle shops 3. Cafes and coffee shops 4. Conference centers 5. Day care centers 6. Delicatessens 7. Ice cream parlors 8. Restaurant

c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.5.1 (Table of Parking Standards) using both on and off-street parking areas. d. A sign no larger than four square feet shall be permitted. e. The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council. 4. Neighborhood community center 5. Swimming pools, tennis courts, and basketball courts. 6. Adaptive Reuse of existing structure is a new use different than the intended use for which the structure was originally constructed. The Reuse is generally a permitted, accessory or conditional use with an adaptation such as density or size that is greater than the ordinance allows. The Reuse would require a conditional use permit (CUP). The following additional requirements must also be met: a. The use must be compatible with the permitted uses in the zone. b. The Reuse plan must meet the table of parking and landscaping standards (unlike reuse in the C-1 Zone where parking requirements are on a case by case basis). c. Replacement and new utility services shall be placed underground. d. The structure shall be a contributing structure to the Cape Charles National Historic District or at least 50 years old and the exterior of the structure must be restored in accordance with the Cape Charles Historic District Guidelines. 7. Residential dwelling units in square footage area below the minimum or above the maximum stated in Section 3.2.F.2	
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The Fig Street Inn is an established Bed & Breakfast in the Town; however, the Town has seen a conversion of these types of establishments over the last five years back into a residential use, with a strong leaning towards Short Term Rental capacity. In fact, there are only two remaining bed & breakfast establishments in Cape Charles along with two hotels. This application would allow this establishment to become a by-right use of its primary business at this property but to also offer, by-right, additional amenities not only to its guests but potentially to other customers in a low-impact manner; said amenities would supplement the viability of this business.

The Comprehensive Plan has acknowledged that the large historic homes have been converted into this type of lodging and the type of supplemental business being considered by the applicant is consistent with the intent of the Town to increase bicycling opportunities in the Town.

It is essential to review all of the by-right uses in the Commercial-Residential District that would be allowed at this location if the rezoning application is approved and determine if any of these uses were initiated at this property would they rise to the same level of use and activity occurring on the property currently or would they impact the neighborhood in a more intensive and possibly disruptive manner to a generally residential neighborhood. I do feel that the other by-right uses are equally on-par and would not be jarring to the neighborhood and would operate during daylight hours with nominal traffic impact and the property and its road frontage on Tazewell Avenue provide sufficient parking capacity to handle these uses, if activated.

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. Staff is recommending favorable consideration of the conditional rezoning of Tax Map Parcels# 83A4-2-A & 83A4-2-J & 83A4-2-I from Residential-1 (R-1) to Commercial Residential (CR) with the proffers provided by the applicant.

POSSIBLE PLANNING COMMISSION MOTION

I would recommend the following motion for the Planning Commission's consideration: ***Motion to recommend the conditional rezoning of Tax Map Parcels # 83A4-2-A & 83A4-2-J & 83A4-2-I from Residential -1 to Commercial Residential with the proffers provided by the applicant.***

Attachments:

- Attachment 1 – ZMA Packet for 711 Tazewell Avenue Application for ZMA with Proffers
- Attachment 2 – Site Plan
- Attachment 3 – CUP for Fig Street Inn 2010-02-11 – 6 Bedroom B&B
- Attachment 4 – Town Council Minutes approving CUP 2010-02-10
- Attachment 5 – Cape Charles Zoning Ordinance Sections 2.7.2 & 2.7.4 thru 2.7.9

Attachment 1

RECEIVED
6/6/2024



Zoning Map Amendment Application

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

Revised 08/2023

Taxes	√pdmmw
Violations	NA
pdchk 411 Fee	\$1,000
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: 711 Tazewell Avenue	Tax Map #: 83A4-2-A
Project name: Rezone to CR	Current Zoning District: R-1
Does this application include proffers? ☐ No ☒ Yes, if so, attach separate form	Proposed Zoning District: CR

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: Gregory S + Donna Olney Kohler	
Mailing Address: 711 Tazewell Avenue Cape Charles VA 23310	
Email address: donna@figstreetinn.com	Phone: 757.331.3133

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

n/a

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.

see attached.

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

see attached.

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

see attached.

- D) Describe why the proposed rezoning is necessary.

see attached

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

see attached.

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:

Proffers Offered:

As part of the Zoning Map Amendment Application, the following permitted by-right uses for CR district would not be considered in any plans for expansion, addition, or change of use:

- Athletic Club
- Camera Shop
- Newsstand
- Tobacco Store
- Video Store

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.

The property located at 711 Tazewell Avenue/302 Fig Street is located in the R1 district and has a conditional use permit to operate as a 6 room bed and breakfast. It has been operated as Fig Street Inn, a 4-room bed and breakfast since May 2011. We have submitted an application to Planning & Zoning Department to improve an outbuilding for use as a 5th bed and breakfast transient unit. We should be on the June 18, 2024 for HRDB review.

Per Cape Charles requirements, we live on property in order to operate as a bed and breakfast. The business is open year-round and has hosted thousands of visitors in its 14 years of operation.

The property consists of a main structure (approx. 4,450 sq ft) with 6 bedrooms, 6 ½ bathrooms (between guest and owners' quarters). There is an outbuilding (approx. 237 sq ft) connected to the main building by a breezeway. This building is what we are working with Town to convert to a 5th bed and breakfast unit. This outbuilding is connected to an unfinished barn/shed by an 18 ft long enclosed area that backs up to the alleyway.

The property consists of 7 town lots with buildings located on 5 lots. The 6th and 7th lots (Lots I & J along Tazewell Avenue) are gardens.

The property is abutted by 4 single family dwellings, each in R1 district. Two of those homes are full-time residents, and two are second homes. One of the full-time residents is an area business owner and sometimes has work trucks in and out of their property.

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

Cape Charles has seen a significant amount of growth since we purchased the property in February 2010. We have also seen the needs of travelers change – they want to spend more time here and they want to have more things to do. Potential visitors can often find it difficult to find a place to stay. There are currently 35 transient lodging units among 4 properties in the historic district (36 if our HRDB application is approved). We know the demand is there and we would like to capture that opportunity.

We currently have a R1 designation and operate our bed and breakfast with a conditional use permit. Changing to CR (commercial residential) would allow us to operate by right, and would give the potential to develop Lots J&I with permissible uses.

Our property is located across the street (on Tazewell Avenue) which has both CR and R1. There are a total of 7 homes along Tazewell Avenue from Fulcher to Fig, with 6 of those being full-time residents, and the 7th being a second home. One home does have a vacation rental unit on property; and another is owned by a local business owner and often has a work truck parked along Tazewell.

It is not out of character for our block to be a mix of residential and commercial use. We have the former MeatLand property on the corner. There is boat trailer parking along with golf cart parking for Eastern Shore Custom Carts. We have 2 local business owners with commercial work vehicles coming in and out of the area – one on Tazewell, and one in an abutting property. We also had a medical building many years ago on the corner of Fulcher and Tazewell, which now has 3 newer homes.

We have been in operation for 14 years and our business is low impact on our block. We are not aware of any complaints regarding our business. We have never had the need for law enforcement with our guests. We provide off-street parking so street parking can be used by residents.

The Town has lost 3 beds and breakfasts since we opened, with each converted to a vacation rental. We want to preserve the use of this building, and the financial contribution it makes as a bed and breakfast with a CR designation. A bed and breakfast operation would be allowed by right, and not by conditional use permit.

Although Fig Street Inn is also a home, its purpose is business - a commercial entity contributing to the local economy. A CR designation is a more accurate description for the property.

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

- *“Healthy balance between year-round residents, tourists, and second homeowners in Cape Charles.”*
This is the perfect description for our block of Tazewell between Fulcher and Fig. We have 6 full-time residents (with one also offering a vacation rental unit); 1 second homeowner; 1 business (Fig Street Inn) providing overnight accommodations for tourists. One half of Tazewell on the south side is CR and is used for boat and golf cart parking.
- *“Provide opportunities for households to strengthen their economic well-being.”*
A CR designation would allow for the expansion of business opportunities for ourselves, as well as for our family. We have the physical space on property to expand, build, develop a variety of businesses permissible by a CR designation that would allow us to grow our portfolio, and/or provide business opportunities for our children. Any additional business opportunity would have a financial impact on the local economy through collection and remittance of taxes.
- *“Promote and expand businesses in a business-friendly environment.”*
A CR designation provides more options on the types of businesses that could be operated from our property. We would like to expand the bed and breakfast and provide additional overnight transient accommodations. This would require an additional building and is not in our immediate plans.

Our immediate intent is to have a bicycle rental business. This amenity would be available to both guests and the public and would be done in such a way to have minimal impact on our street.

A longer term objective is to encourage our children to stay on the Eastern Shore, in Cape Charles, by providing opportunities for a small business on our property. Some of the permitted by-right uses match their interests and may be their career paths.

- *Bicycle Infrastructure*

The Comprehensive Plan recognizes that Cape Charles is a bicycle friendly town. It mainly discusses infrastructure improvements, many of which are in the works. A bicycle rental business, as we are proposing, supports the initiatives of bicycle use to promote healthy lifestyles and reduce vehicle traffic in the downtown areas.

D. Describe why the proposed rezoning is necessary.

The CR designation confirms the property's use as a bed and breakfast, and approves Fig Street Inn as a commercial entity in a residential area, without need for a conditional use permit. It recognizes the current mix of commercial and residential that already exists on our block, and has for much longer than we have owned the property.

With a CR designation, the immediate plan we have is to offer bicycle rentals that would be available to the public (not just our guests). This is not a "shop" and would not require an additional structure or building. This would be 2 bike racks located on our property – one within the off-street parking area, and the other around the corner from it along the fence line on Tazewell Avenue. Each rack can hold up to 5 bicycles. Bicycles are reserved on a mobile app with payment made to an outside company. After someone reserves, they receive a code on their phone to unlock a bicycle; they are provided a helmet; and after use, return the bicycle to lock back up at the rack(s). This is a self-serve operation with minimal impact, but offers an amenity that complements Cape Charles's character.

The outside company collects payment and remits payment to us after taking a commission. The outside company assumes liability and covers the insurance. Our responsibility is inventory and maintenance.

Bicycles would be maintained and repaired as needed on our existing property. We do not anticipate any need for an additional structure to support this business.

We expect that most users would walk to pick up bicycles or may have someone drive them to our location. We do not have the capacity to provide off-street parking for bicycle renters, but we do not anticipate a significant impact on street parking along Tazewell Avenue. Currently, on any given day, there are not many cars parked on Tazewell so street parking is usually readily available.

A “bicycle shop” is a conditional use permit use with CR designation. Although this would not be a shop, we understand we would need a conditional use permit for a bicycle rental business.

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

There is no need for any buildings at this time.

The bicycle rental business would be one rack located at the end of our off-street parking area towards Tazewell Avenue. The second rack would be around the corner from the first rack, in front of the fence along Tazewell Avenue. Their placement makes them visible to the public from Tazewell without altering the block’s character.

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

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 ZONE: X
COMMUNITY NO.: 510106
PANEL: 0285F DATED: MARCH 2, 2015

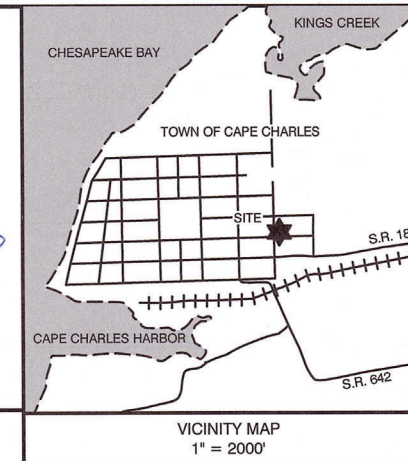
FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

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

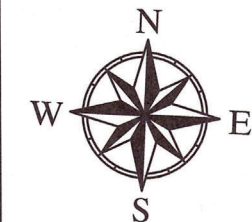
THIS PLAT IS BASED ON A CURRENT FIELD SURVEY HAVING A CLOSURE EXCEEDING 1:41,642.

BUILDING WALLS SHOWN HEREON REPRESENT THE FOUNDATION FOOTPRINT.

I, HEREBY CERTIFY THAT THIS BOUNDARY IS BASED ON A CURRENT FIELD SURVEY, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.



MADE IN AMERICA



Shoreline Surveyors

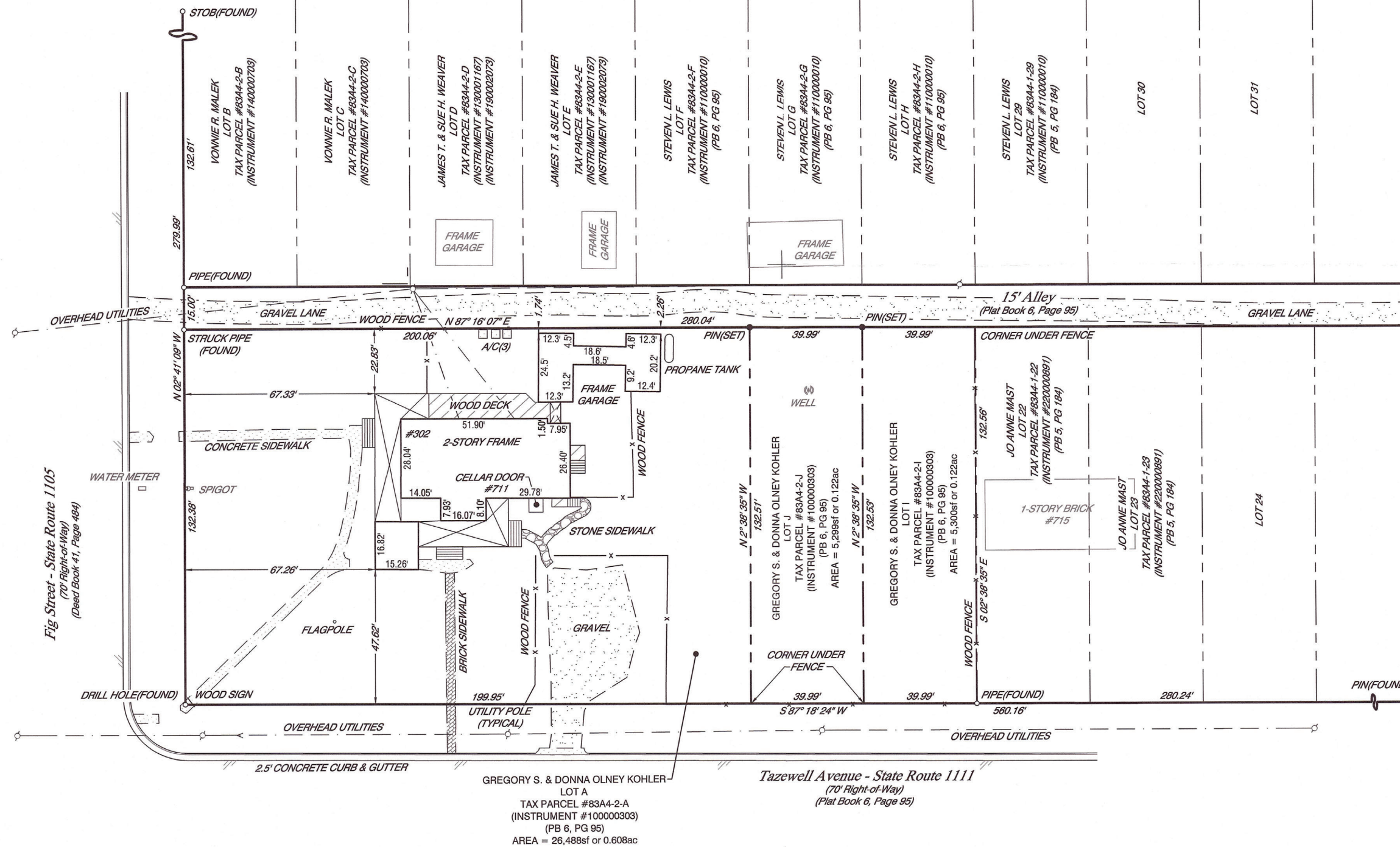
23314 Courthouse Avenue - P.O. Box 735
Accomac, Virginia 23301
PHONE (757) 789-3960 FAX (757) 789-3962

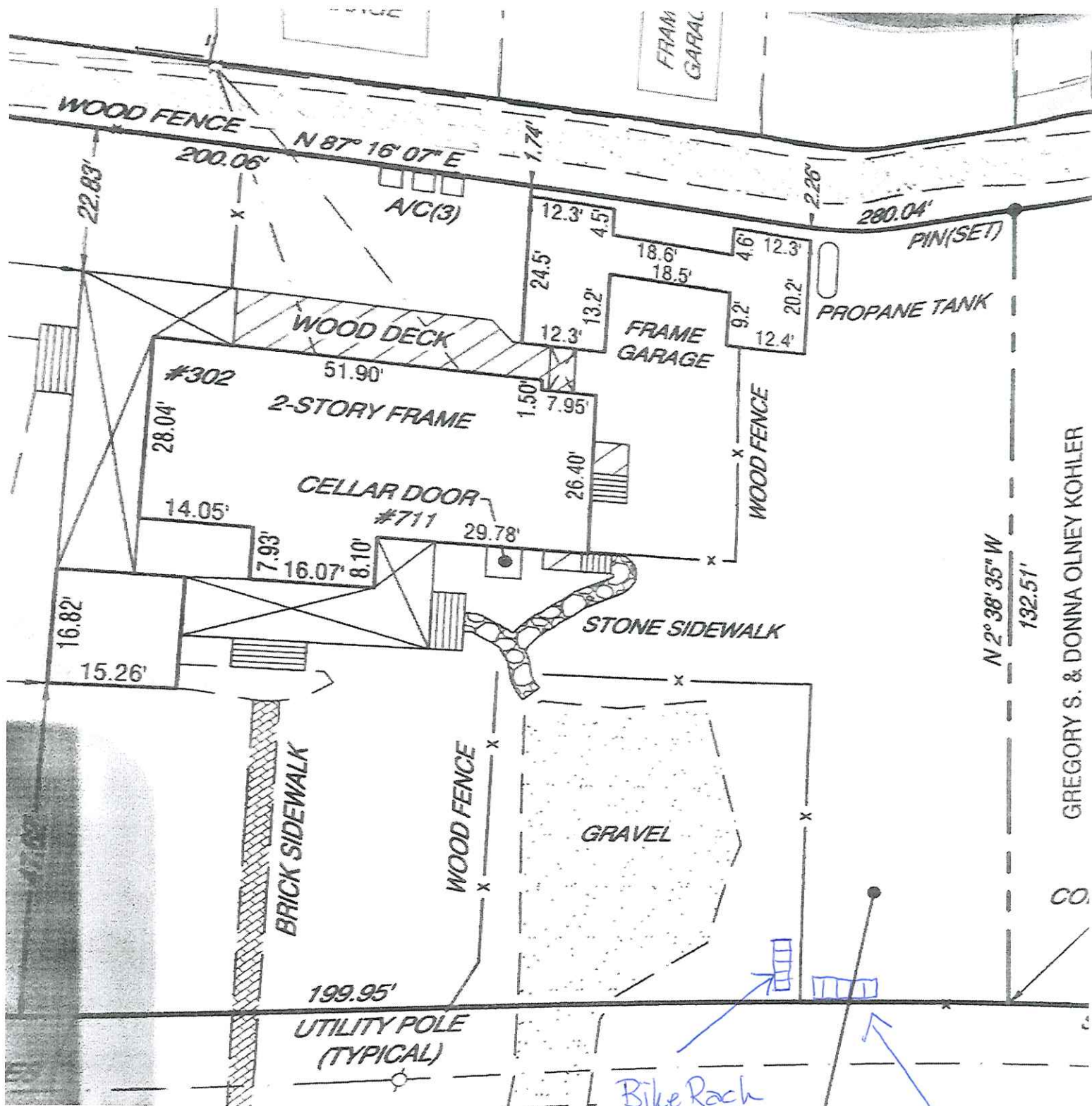
SCALE: 1" = 25'
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FIELD BOOK: 54, PAGES 39 & 40
JOB #24006
SHEET 1 OF 1

PHYSICAL SURVEY
OF
Lots 4, I & J
OF
"G. L. Webster Co., Inc."

(PLAT BOOK 6, PAGE 95)
TAX PARCELS #083A4-(02)-00-000A,
#083A4-(02)-00-0001 & #083A4-(02)-00-000J
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA

FOR
Donna Kohler
FEBRUARY 22, 2024

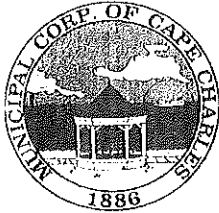




GREGORY S. & DONNA OLNEY KOHLER

Bike Rack
located in
parking lot
area

Bike rack
located at
fence
visible from
Tazewell



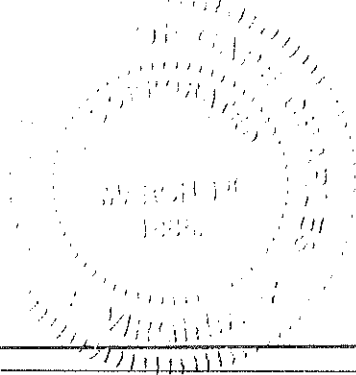
MUNICIPAL CORPORATION OF CAPE CHARLES

Date Issued: February 11, 2010

Issued to: Gregory S. & Donna O. Kohler For Property: 302 Fig Street
4650 Harris Hill Road Cape Charles, VA 23310
Williamsville, NY 14221

Conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after the date of approval. If not acted upon within one year, the conditional use permit shall become null and void, unless construction is substantially underway during such one-year period or unless an extension of time not exceeding one year is approved by the Town Council for good cause shown before the expiration of such one-year period.

Project Description: Operation of a 6 bedroom Bed & Breakfast (5 bedrooms in main house, 1 bedroom in accessory building).



Libby Hume
Town Clerk

2/11/10
Date

VIDEOS IMAGES



Adult Urban Bike Adjustable Fit Sy Integrated Taillig Women

Color: Matte Blue

Size: Large(23.2"-24.0")

1x Available
Add to Cart
Apply to

Color: Matte Blue



Size:

Large(23.2"-24.0")

Size Chart

Brand

Color

Age Range Adult

(Description)

Size Large(23.2"-24.0"/59-61cm)

Special Feature Rear Light, Lightweight, Adjustable Strap

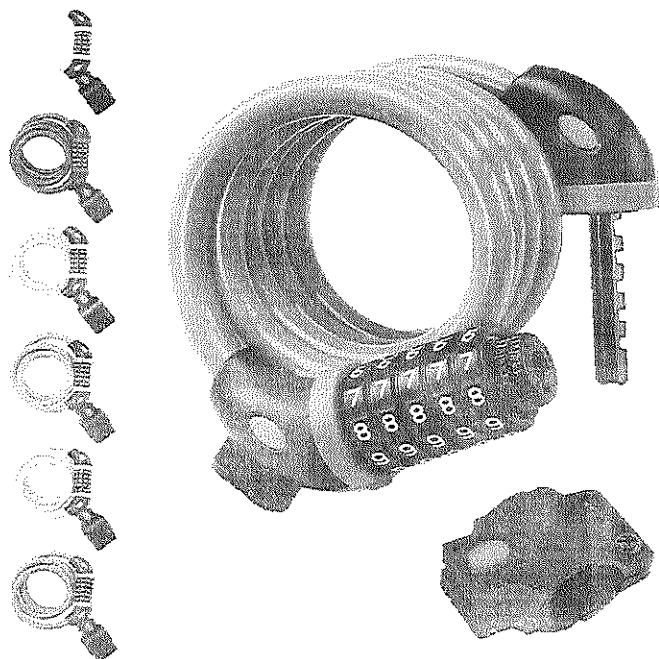
Add to List

About this item

- **FASHION URBAN STYLE** - Built for urban riders and commuters. Fit for men and women.
- **DUAL CERTIFIED** - Meet US & EU safety standards.
- **LIGHTWEIGHT & BREATHABLE** - Built using integrated construction to reduce weight. Integrated polycarbonate shell with EPS liner enhancing durability. 5 large vents offer good air-flow.
- **SIZE ADJUSTMENT SYSTEM** - This bike helmet suitable for most adults head circumference. M size (21.7-22.8inch / 55-58cm) , L size (23.2-24inch / 59-61cm)
- **SAFETY REAR LIGHT** - Rechargeable USB rear light with 3 lighting options. Fully charged in 2 hours. Last for about 6-8 hours.

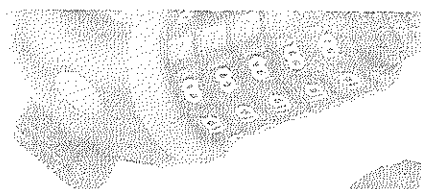
Report an issue with this product or seller

VIDEOS IMAGES



NDakter Bike Locks Cable, High Digit Resettable (Coiling Bicycle Lock Duty Anti Theft C with...

Color: Blue



400+ bought in past

\$13.95

Prime Returns

on Business, you would have \$6 in the last year. In 2014, you can save up to 5% today.

Buy Now

Amazon.com
Amazon.co.uk
Amazon.ca
Amazon.de
Amazon.fr
Amazon.it
Amazon.es
Amazon.in
Amazon.jp
Amazon.nl
Amazon.pl
Amazon.se
Amazon.uk

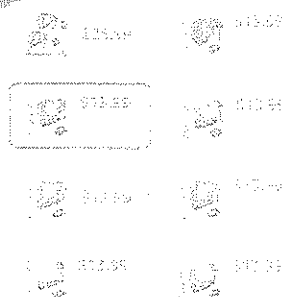
Add a gift receipt for easy returns

Add to list

Save up to 5% on this product with Business-only pricing.

Save up to 5% on this product with Business-only pricing.

Create a free account



Brand NDakter
Special Anti Theft, Heavy Duty, Resettable
Feature
Lock Type Combination Lock
Item 6 x 6 x 1.6 inches dimensions
L x W x H
Material Vinyl, Steel, Polyvinyl Chloride

About this item

- **SECURE & RESETTABLE:** Smart 5-digit resettable combination chain lock, much safer than other 4 digit locks. Easy to set your own personalized number combination.

Attachment 2

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

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 ZONE: X
COMMUNITY NO.: 510106
PANEL: 0285F DATED: MARCH 2, 2015

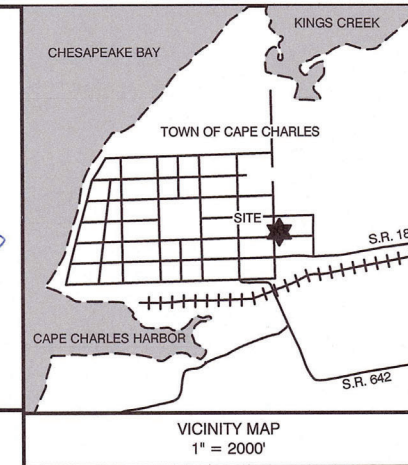
FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

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

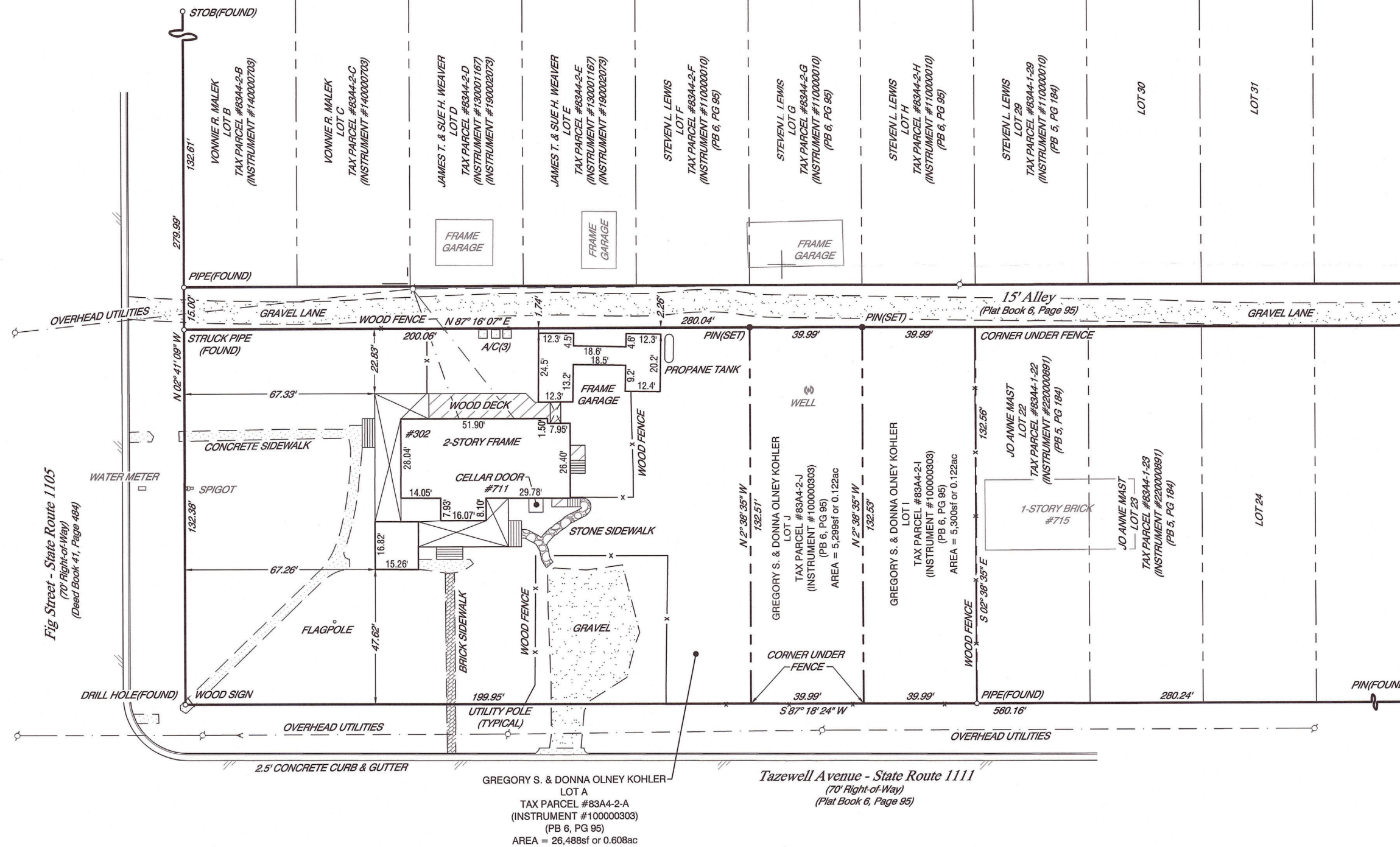
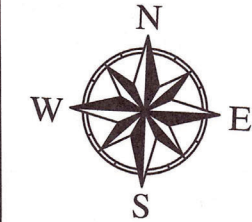
THIS PLAT IS BASED ON A CURRENT FIELD SURVEY HAVING A CLOSURE EXCEEDING 1:41,642.

BUILDING WALLS SHOWN HEREON REPRESENT THE FOUNDATION FOOTPRINT.

I, HEREBY CERTIFY THAT THIS BOUNDARY IS BASED ON A CURRENT FIELD SURVEY, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.



MADE IN AMERICA

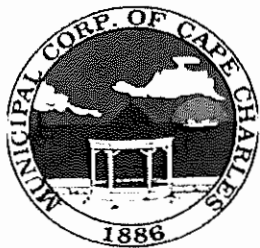


Shoreline Surveyors
23314 Courthouse Avenue - P.O. Box 735
Accomac, Virginia 23301
PHONE (757) 789-3960 FAX (757) 789-3962

PHYSICAL SURVEY OF
Lots 4, I & J
OF
"G. L. Webster Co., Inc."
(PLAT BOOK 6, PAGE 95)
TAX PARCELS #083A4-(02)-00-000A,
#083A4-(02)-00-0001 & #083A4-(02)-00-000J
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA
FOR
Donna Kohler
FEBRUARY 22, 2024

SCALE: 1" = 25'
DRAWN: MAS
FIELD BOOK: 54, PAGES 39 & 40
JOB #24006
SHEET 1 OF 1

Attachment 3



MUNICIPAL CORPORATION OF CAPE CHARLES

Date Issued: February 11, 2010

Issued to: Gregory S. & Donna O. Kohler
4650 Harris Hill Road
Williamsville, NY 14221

For Property: 302 Fig Street
Cape Charles, VA 23310

Conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after the date of approval. If not acted upon within one year, the conditional use permit shall become null and void, unless construction is substantially underway during such one-year period or unless an extension of time not exceeding one year is approved by the Town Council for good cause shown before the expiration of such one-year period.

Project Description: Operation of a 6 bedroom Bed & Breakfast (5 bedrooms in main house, 1 bedroom in accessory building).


Libby Hume
Town Clerk

2/11/10
Date



PLANNING COMMISSION

Regular Meeting

Town Hall

February 2, 2010

At 6:10 p.m. in the Town Hall, Chairwoman Joan Natali called to order the Regular Meeting of the Planning Commission. In addition to Chairwoman Natali, present were Commissioners Eileen Cobb, Bruce Evans, Malcolm Hayward, Dennis McCoy and Roger Munz. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were two (2) members of the public in attendance.

PUBLIC COMMENTS

There were no public comments nor any comments submitted in writing prior to the Regular Meeting.

CONSENT AGENDA

The agenda was approved as presented by unanimous consent.

The Commissioners reviewed the minutes for the January 5, 2010 Public Hearing and Regular Meeting. Dennis McCoy stated that he felt that the minutes were rather vague in regards to the information on the CUP process on page 3. There was some discussion regarding this issue and the Commissioners agreed that no change needed to be made to the minutes but that this issue would be discussed later in more detail. Joan Natali pointed out two typographical errors on page 3. There were no other comments regarding the minutes.

The minutes for the January 5, 2010 Regular Meeting were approved as amended by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) The Town is reviewing the Keck Property for a test well; ii) The Breakwater Project contract has been signed and mobilization is expected to start next week; iii) FEMA representatives again visited the Town to review the damage to the beach. This group deals only with beaches. Pre-storm and post-storm measurements have been provided and beach maintenance work was discussed. The review should take approximately two weeks; iv) The Central Park Trail Project is underway but work is being hindered due to the weather. This January was the wettest January on record. The water retention feature in the northwest portion of the park will be the first order of construction and should help reduce the amount of water in the rest of the area. There is also a possibility to lay sod over the area vs. seeding which is preferred; and v) The Cape Charles Town Council met with Cheriton Town Council to discuss possible boundary adjustments. This issue will be reviewed in more detail later in this meeting.

OLD BUSINESS

302 Fig Street – Conditional Use Permit – Bed & Breakfast

Tom Bonadeo stated that there had been no changes to the application and that he had been talking to the applicants and they may install a new door and new siding sometime in the future. The application is for a six (6) bedroom bed & breakfast with five (5) bedrooms in the main house and one (1) bedroom in an accessory building on the property. There is substantial parking available on the property. All requirements in the ordinance have been met. Ms. Kohler

explained that initially the bed & breakfast will open with only the five (5) bedrooms in the main house and they will work on the sixth bedroom at a later date. Tom Bonadeo informed the Commissioners that the purchase contract for the property was contingent upon approval of the CUP and the closing was currently scheduled for February 19th. A Joint Public Hearing was held earlier this evening with the Town Council and there were no public comments heard. Once the Commissioners vote on their recommendation to the Council, the Council will review and vote on the CUP at their February 11th meeting. The applicant does not have to be in attendance at the February 11th Council meeting.

Motion made by Bruce Evans, seconded by Dennis McCoy and unanimously approved to forward a recommendation to the Town Council for approval of the Conditional Use Permit to operate a six (6) bedroom bed & breakfast at 302 Fig Street.

PD-STIP Heights – Zoning Change

Tom Bonadeo explained that the area around the Cape Charles Harbor and the now defunct Sustainable Technology Park (STIP) has changed in the past few years. The marine industry uses in the Harbor District allow building heights up to 55’ with a CUP but the PD-STIP District limits the height of any building to 40’. A Joint Public Hearing was held earlier this evening with the Town Council regarding increasing the height limit to 55’ in the PD-STIP District with a CUP. There were no public comments heard.

Motion made by Malcolm Hayward, seconded by Roger Munz and unanimously approved to forward a recommendation to the Town Council for approval of the increase in maximum building heights in the PD-STIP District to 55’ with a Conditional Use Permit.

Conditional Use Permit Process Modification

Tom Bonadeo explained that currently Section 4.3.D of the Zoning Ordinance only allows a CUP to be valid for one (1) year from the date of approval with allowance of a one (1) year extension but the ordinance is vague on additional extensions. In commercial development, one (1) year is not enough time to sufficiently “act on” the CUP since there are often many additional permits to obtain prior to the start of construction. The Town Council tasked the Commissioners with modifying the current CUP process.

Tom Bonadeo reviewed his proposed CUP process as follows: i) The application for the CUP would include a list of required permits and expected completion dates for each permit. The applicant shall prepare a Permit Completion Report within the first nine (9) months after the Town Council approval of the CUP; ii) The completed application is acted upon by the Planning Commission within the allotted 100 days and no changes to the list of permits can be made after this time; iii) The application is forwarded to the Town Council for final action including the list of required permits and the Council approval will include an expected timetable for additional permit applications and approval. Staff will review the Permit Completion Report with the Town Council and will advise Council of the start date of the one (1) year CUP process, if approved; iv) During the one (1) year CUP timeframe, the applicant may apply for a one (1) year extension of the CUP if a good reason for non-compliance is present. There was much discussion regarding “good reason” and it was agreed that it would be up to the Town Council to decide what constitutes a “good reason;” v) Council shall allow only one (1) one-year extension of the CUP; vi) No permit for the same use may be reviewed within one (1) year of the expiration of the CUP or the one-year extension of the CUP, if granted. There was much discussion regarding this one (1) year requirement for an applicant to submit a new CUP application for the same use and Dennis McCoy suggested adding “whichever is less” at the end of this item. Malcolm Hayward did not agree with the one (1) year moratorium for a new CUP. Tom Bonadeo read the current language from § 4.3.E of the Zoning Ordinance as follows: “No application for a use permit for

the same conditional use on a lot, parcel, or tract shall be considered by the Town Council within a one-year period from its last consideration. The provisions, however, shall not impair the right of the Town Council to propose a use permit on its own motion if it finds that there is public benefit to be gained.” Malcolm Hayward stated that he was okay with the proposed language since the current Zoning Ordinance allows the Council to move forward with approval of a CUP if they so chose.

Motion made by Eileen Cobb, seconded by Roger Munz and unanimously approved to forward a recommendation to the Town Council for approval of the proposed modifications to the Conditional Use Permit process as discussed.

NEW BUSINESS

Text Change – Name Change STIP and PD-STIP Zones

Tom Bonadeo explained that the STIP and PD-STIP Zones were named for the Sustainable Technologies Industrial Park. The STIP zone is the industrial area outside the Planned Unit Development (PUD) and the PD-STIP zone is the industrial zone within the original area of the PUD. Since the Sustainable Technologies Park is now defunct, the Commissioners discussed the possibility of a name change for these two (2) zones at their December meeting. The recommendations were: i) PD-STIP would be renamed “General Business Light Industrial – H1 (GBI-H1)” which reflects the type of uses in this zone more closely; and ii) STIP would be renamed “Industrial – M2” which reflects the more industrial nature of this zone. These are only text changes for the names of the zones and no uses will be changed except for the modifications to the PD-STIP District as discussed earlier in this meeting.

Motion made by Roger Munz, seconded by Dennis McCoy and unanimously approved to schedule a public hearing for March 2, 2010 prior to the Planning Commission Regular Meeting to hear comments regarding these text changes.

Rezoning of County – DCR Property 90A-4-C

Tom Bonadeo explained that the Cape Charles Coastal Habitat Natural Area Preserve is a wildlife area of approximately 23-29 acres located within the Town limits and is currently owned by Northampton County. It was formerly part of the STIP and was rezoned PD-STIP along with the other land within the PUD industrial park. At the December meeting, the Commissioners suggested rezoning this area as Open Space since a wildlife easement has been established in perpetuity for this area. In the very near future, the land will change ownership to the Department of Conservation and Recreation (DCR). Staff has reviewed this zoning change with Northampton County and the DCR and neither has objections to this change which will better reflect the use of the land.

Motion made by Bruce Evans, seconded by Roger Munz and unanimously approved to schedule a public hearing for March 2, 2010 prior to the Planning Commission Regular Meeting to hear comments regarding this zoning change.

Boundary Adjustment Information

Tom Bonadeo stated that the Cape Charles and Cheriton Town Councils met in January to discuss possible boundary adjustments and agreed that it could be in the Towns’ mutual interest to work together on a boundary adjustment vs. working separately and possibly against each other. Cheriton needs land for new businesses because there is no place for new businesses downtown and many lots are not buildable due to the septic tank problems. Cape Charles’ concern is mainly the type of businesses to be approved for the Route 13 corridor between the two towns. The process needs to be worked through with Cheriton. A sub-committee was appointed, comprised of Councilmen Burdiss and Veber and Tom Bonadeo representing Cape

Charles and Vice Mayor Spencer, Councilman Larry LeMond and Consultant Beverly Harper representing Cheriton, to work on this issue in more detail. The sub-committee decided that a Memorandum of Agreement (MOA) would be of value and that a press release should be published to help citizens understand the process. Tom Bonadeo went on to explain that as part of the sub-committee, he would be doing research on parcels, property values, tax implications, service provisioning and legal issues. The sub-committee has agreed that most of the work would be handled and reviewed by the respective Town Planning Commissions.

The Commissioners reviewed the draft MOA and several minor revisions were made.

There was much discussion regarding opposition from property owners in Tower Hill and Kings Creek regarding tax implications. Tom Bonadeo stated that typically there is a 10-year period to phase in taxes, services, etc. Bruce Evans asked Tom Bonadeo to check to see if after the 10 years whether the taxes could be abated. Bruce Evans added that in his opinion, the most valid reason for this boundary adjustment was that both subdivisions have been approved for well and septic which are bad for the environment and with the County's new reassessment, the property assessments will come down tremendously.

Tom Bonadeo stated that he will prepare a list of everything that is involved in this process and that the process would take approximately 10-11 months. It is important for the process to be orderly.

ANNOUNCEMENTS

There were no announcements.

Motion made by Malcolm Hayward, seconded by Roger Munz and unanimously approved to adjourn the Regular Meeting of the Planning Commission.

Chairwoman Joan Natali

Town Clerk



PLANNING COMMISSION & TOWN COUNCIL Joint Public Hearing

Town Hall
February 2, 2010
6:00 p.m.

At approximately 6:05 p.m. Chairwoman Joan Natali called to order the Public Hearing of the Planning Commission. In addition to Chairwoman Natali, present were Commissioners Eileen Cobb, Malcolm Hayward, Dennis McCoy and Roger Munz. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were two (2) members of the public in attendance.

Vice Mayor Chris Bannon called to order the Public Hearing of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bannon, Bennett, Burdiss, Elliott and Veber. Councilman and Commissioner Evans arrived at 6:08 p.m.

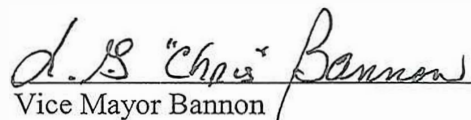
Joan Natali read the public hearing advertisement, which appeared in the January 20th and 27th issues of the Eastern Shore News, announcing the evening's public hearing was to hear public comment on the Conditional Use Permit (CUP) Application for a Bed & Breakfast at 302 Fig Street, Modifications to § 3.14-PD-STIP District and § 4.3.D-Conditional Use Permits of the Cape Charles Zoning Ordinance.

PUBLIC COMMENTS:

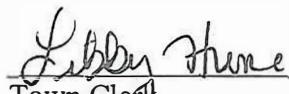
There were no public comments to be heard and no written comments were submitted prior to the hearing regarding any of the issues included in this public hearing.

Joan Natali introduced Donna and Gregory Kohler, the applicants for the CUP for the bed & breakfast at 302 Fig Street. Ms. Kohler informed the Council that she and her husband recently sold their bed & breakfast in Rhode Island and after extensive research of various areas, decided to settle in Cape Charles for their next bed & breakfast. Ms. Kohler added that they were looking forward to growing their business in Cape Charles.

Hearing no objections, Chairwoman Natali and Vice Mayor Bannon adjourned their respective public hearings.


Vice Mayor Bannon


Chairwoman Natali


Town Clerk

Attachment 4



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
February 11, 2010
Immediately Following Public Hearing

At 7:05 p.m. Mayor Dora Sullivan called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Bennett, Burdiss, Evans and Veber. Councilman Elliott was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Consultant Bob Panek and Town Clerk Libby Hume. The Department Heads were also in attendance along with five members of the public.

PUBLIC COMMENTS:

Mr. Tom Bonadeo, 579 Mason Avenue, addressed the Council requesting support for the Rosenwald School Restoration Initiative. Tom Bonadeo continued by reading a letter dated February 11, 2010 regarding the Cape Charles Rosenwald School Restoration Initiative. (see attached)

Ms. Valentine Evans, Jefferson Avenue, addressed the Council stating that she was a former student of the Rosenwald School in Cape Charles. There is an initiative to place a historic marker that identifies the historic nature of the school.

There were no further comments from the public in attendance nor any written comments submitted prior to the meeting.

Councilman Veber stated that he would like to compliment the members of the Cape Charles Volunteer Fire Department for their quick action when a tree fell on the roof of a house in the 500 block of Monroe Avenue and thanked them for all their hard work.

CONSENT AGENDA:

Mayor Sullivan stated that beginning this month; Combination Inspector Jeb Brady would be giving monthly updates on the Central Park Trail project. Mayor Sullivan added that she would like to add this report to the beginning of the Report Presentations before Item 5A.

Motion made by Councilman Bennett, seconded by Councilman Veber to approve the agenda as amended. Hearing no objections, the motion was approved by unanimous consent.

The Town Council reviewed the minutes of the January 11, 2010 Joint Work Session with the Cheriton Town Council, the January 14, 2010 Public Hearing, the January 14, 2010 Regular Meeting and the January 28, 2010 Work Session.

Motion made by Councilman Burdiss, seconded by Councilman Bennett to approve the minutes for the January 11, 2010 Joint Work Session with the Cheriton Town Council, the January 14, 2010 Public Hearing, the January 14, 2010 Regular Meeting and the January 28, 2010 Work Session. Hearing no objections, the motion was approved by unanimous consent.

REPORT PRESENTATIONS:

A. Code Enforcement / Central Park Trail Update

Combination Inspector Jeb Brady stated that the Central Park Trail Project was at a slow crawl due to the weather. At least two inspections are made daily to check the progress. Weekly

construction meetings have started and are used as a guide for any outstanding issues and to discuss future work. The flooding during the last storm became a problem on the corner of Park Row and Strawberry Street but was taken care of immediately once the weather cleared up. The first Best Management Practice (BMP) on the northwest corner of the park is being dug and water is being pumped to establish the BMP.

Heather Arcos thanked Jeb Brady and Tom Bonadeo for their hard work on this project and asked that the minutes from the weekly construction meeting be included in the monthly Town Council packets.

B. *Town Manager's Report:*

Town Manager Heather Arcos reported the following: i) The Public Works and Public Utilities crews did a great job in preparing and maintaining the roads before and after the snow storm last weekend. The Police Department also did a great job taking care of the safety of the citizens and visitors. Thank you all for the hard work; ii) The Breakwater Project is under contract and in the process of mobilization. Staff is working on the schedule of work which is behind due to the weather. Once the work has started, the contractor has 150 days to complete the project; and iii) The Virginia Port Authority meeting which was scheduled for today, was postponed until 10:00 AM February 16th.

C. *Treasurer's Report:*

Treasurer JoAnna Leatherwood reported that the Treasurer's Report dated January 31, 2010 showed \$827,662 in the Bank of America checking account and \$2,874,061 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$3,701,723.

Motion made by Councilman Bennett, seconded by Councilman Bannon to approved the Treasurer's Report as presented. Hearing no objections, the motion was approved by unanimous consent.

D. *Library Report:*

Librarian Ann Rutledge reported the following: i) The Friends of the Cape Charles Memorial Library will be presenting *Slammin' at the Hall, a Family Poetry Slam* on February 13th at 1:00 PM at the St. Charles Parish Hall; ii) An Identity Theft Workshop has been scheduled for February 25th at the St. Charles Parish Hall; iii) This month's book display is "Valentine's Day;" iv) A customer checked out a John Grisham book and found a deposit slip along with \$200 in cash inside. The customer took it to the Bank of America in Town but they could not identify the account and told her she could keep the money. The customer came back and gave the Library \$100 as a donation; v) Storytime is being held in the Baptist Church Hall; vi) The old doors of the Library do not close completely and the building is very drafty. The Library ran out of gas recently since it cannot be kept warm. New doors are needed.

E. *Recreation Report:*

Community Events / Recreational Coordinator Jen Lewis reported the following: i) The Health Department will be giving free H1N1 shots from 12:30 – 2:00PM on February 16th at the Fire Hall; ii) There will be a Valentine's Day Gift Exchange on February 13th at 2:00 PM at Aqua; iii) Arts and Crafts at Heritage Acres has been rescheduled to February 12th due to the snow.

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber reported the following: i) He met with FEMA representatives and paperwork was signed for monetary assistance to repair a portion of the boardwalk and mitigation repairs for the pier; and ii) The Public Works crew is working on the Library doors. The doors are not historical and it is time to replace them. Councilman Evans

added that the Historic District Review Board would need to review replacement doors for the building. Dave Fauber distributed the Task Order Summaries and Updates for water and wastewater adding that task orders #8, 9 and 10 for wastewater were very brief and would be updated at a later date. Councilman Evans brought up the issue with VDOT cutting back the crape myrtle trees in Town. They were cut back too drastically which was not necessary. These trees were over 16 years old and over 20' tall and were not in the VDOT right-of-way and felt that a letter needed to be sent to VDOT regarding this issue. Heather Arcos stated that she spoke with Mr. Fitchett of VDOT and that she will also send him a letter. Councilman Evans added that he would also send a letter as an individual. Councilman Veber asked about the number of houses in Town that had broken pipes. Dave Fauber responded that approximately 9 or 10 had confirmed broken pipes and 14 or 15 residences had very high meter reads. Many of these properties are not full time residences. Dave Fauber added that the Town is losing a lot of money by making adjustments to water bills and may want to revisit the subject of adjustments. Currently, one adjustment is permitted on a property every three years. Mayor Sullivan asked how the Town determines where the problem lies and Dave Fauber stated that if the water goes through the meter, the leak is within the property owner's realm of responsibility.

G. Harbor Report:

Heather Arcos mentioned that Harbor Master Smitty Dize was not able to attend this evening's meeting and added that the Third Annual Blessing of the Fleet was scheduled for April 9th and 10th.

H. Planning Commission / Historic Review Board / Harbor Area Review Board Report:

Town Planner Tom Bonadeo reported the following: i) He received a letter from VDOT explaining their requirements regarding traffic studies and denying the Town's request to reduce the speed limit on Old Cape Charles Road to 25 MPH. There was some discussion regarding the letter and the Council agreed that the Town should continue in the efforts to get the speed limit reduced and that another letter should be sent to include the issue of golf cart usage in the Town; and ii) He has been informed by Heritage Acres that they are interested in remodeling.

OLD BUSINESS:

A. Cape Charles Harbor "No Wake Zone"

Tom Bonadeo stated that a public hearing was held earlier this evening to hear comments regarding the proposed changes to Section 14-32 of the Town Code entitled "No Wake Zone for Vessels" removing references to specific boundaries and generalizing the area "as designated by the Department of Game and Inland Fisheries" (DGIF) since the area controlled by the DGIF was subject to change. Ordinance #20100211 was reviewed by the Council.

Mayor Sullivan moved for adoption of Ordinance #20100211-Modifying Section 14-32 of the Cape Charles Town Code Regarding the Cape Charles Harbor "No Wake Zone." Ordinance #20100211 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Evans, yes; Veber, yes.

B. Collection of Delinquent Taxes Prior to Permit Issuance

Jo Anna Leatherwood stated that a public hearing was held earlier this evening to hear comments regarding the proposed addition of Section 66-4 to the Town Code entitled "Payment of Delinquent Real Estate Taxes Prior to Issuance of Any Permits" and the proposed changes to Article II, Section 2.4.2.A. of the Cape Charles Zoning Ordinance entitled "Permits" requiring that all delinquent real estate taxes owed to the Town must be paid in full before any permits would be issued on a property. Ordinance #20100211A was reviewed by the Council.

Mayor Sullivan moved for adoption of Ordinance #20100211A-Requiring That All Delinquent Real Estate Taxes Be Paid Prior to the Issuance of Any Conditional Use Permit, Variance, Rezoning or Other Land Disturbing Permit, Building Permits and Erosion and Sediment Control. Ordinance #20100211A was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Evans, yes; Veber, yes.

C. *Conditional Use Permit Application for a Bed & Breakfast at 302 Fig Street*

Tom Bonadeo stated that a Conditional Use Permit (CUP) application was received to operate a six-bedroom bed and breakfast at 302 Fig Street. A joint public hearing with the Planning Commission was held and no public comment was heard regarding this application.

Motion made by Councilman Burdiss, seconded by Councilman Bennett to approve the CUP as forwarded by the Planning Commission for the applicant to operate a six-bedroom bed and breakfast at 302 Fig Street. Hearing no objections, the motion was approved by unanimous consent.

D. *Modifications to §3.14 – PD-STIP District of the Cape Charles Zoning Ordinance*

Tom Bonadeo stated that the Planning Commission recommended allowing building heights in the PD-STIP District to be over 40' but less than 55' with a CUP which is the same as what is permitted in the Harbor District. The proposed changes to Section 3.14.C of the Zoning Ordinance were reviewed. A joint public hearing with the Planning Commission was held and no public comment was heard regarding this issue.

Motion made by Councilman Evans, seconded by Councilman Veber to approve the changes to Section 3.14.C of the Cape Charles Zoning Ordinance as presented. Hearing no objections, the motion was approved by unanimous consent.

E. *Modifications to §4.3.D – Conditional Use Permits of the Cape Charles Zoning Ordinance*

Tom Bonadeo stated that at the request of the Council, the Planning Commission recommended the following modifications to Section 4.3 of the Zoning Ordinance: i) The application for CUP will include a list of additional permits and their approximate time requirements; ii) The Planning Commission will review, hold a public hearing and make their recommendations to the Council; iii) The Council will review, hold a public hearing and approve or deny the permit; iv) If the permit is approved the applicant will have time to obtain the other permits listed in the application; v) The applicant will be required to submit a progress report to the zoning administrator within the first nine months after approval of the CUP and the zoning administrator will report the ongoing status to the Council; vi) Once the other permits have been obtained, staff will advise Council of the start date of the one-year CUP; vii) Requirements for the permit being "acted upon" during the year would include the following: obtaining a building permit, payment of connection fees and approved building plans properly authorized by a Virginia Licensed Professional; viii) The applicant may apply for one CUP extension not exceeding one year for good cause shown before the expiration of the original one-year period. There was much discussion regarding this process and any recourse for the Town if an applicant were to "stall" in obtaining the other permits that may be required. Councilman Evans suggested having legal counsel review the proposed revisions.

Motion made by Councilman Bannon, seconded by Councilman Burdiss to approve the proposed modifications to Section 4.3 of the Cape Charles Zoning Ordinance as recommended by the Planning Commission. The motion was denied with Councilmen Bannon and Veber voting for and Councilmen Bennett, Burdiss and Evans voting against.

Motion made by Councilman Evans, seconded by Councilman Bannon and unanimously approved to table the decision regarding the modifications to Section 4.3 of the Cape Charles Zoning Ordinance until after review by legal counsel.

NEW BUSINESS:

A. *FEMA Beach Report*

Tom Bonadeo stated that he and Dave Fauber met with engineers from FEMA regarding the Town's request for monetary assistance regarding the damages to the beach caused by the November nor'easter. The Town's request for funding was denied due to a technicality in that the Town did not have an official beach management plan which called for regular sand replenishment. Tom Bonadeo reviewed FEMA's requirements for beaches and beach maintenance to qualify for aid as follows: i) The beach was constructed with imported sand of the proper grain size. The Town met this requirement by using local sand that was .38 to .30 mm in grain size; ii) A maintenance program involving periodic nourishment with imported sand that has been adhered to by the applicant. The Town did not meet this requirement in that beach nourishment was not funded in the last budget cycle and the Town did not have an official beach maintenance program; and iii) The program preserves the original design. The Town's measurements and data supported the original design and sand requirements referenced the original design but since the nourishment was not funded, the Town did not maintain the original design. FEMA recognized the "good faith" efforts of the Town and offered recommendations on the development of an official maintenance plan. Staff will implement an Official Beach Nourishment Plan and will submit such plan to Council for funding in the new budget. Dave Fauber added that the FEMA representatives strongly recommended that the Town appeal the decision to Richmond stating that they feel that the Town does have a plan in place.

B. *Boundary Adjustment Committee Update*

Tom Bonadeo informed the Council that the Boundary Adjustment Committee met on January 25th and reviewed the Northampton County Zoning Map showing the Cheriton / Route 13 area and their classifications and agreed to spend time looking at maps and to analyze the pros and cons of taking in the additional area. The Committee agreed that the process should begin with a Memorandum of Agreement between the two towns and the publication of the press release. Since that time, numerous emails and calls have been received from concerned County citizens that are not aware of the process involved regarding a boundary adjustment and seem to believe that the Towns and the County Board of Supervisors can easily approve a boundary adjustment at any time. These citizens were notified of the Council meeting this evening, but are not in attendance.

C. *Potential Regional Wastewater System*

Consultant Bob Panek stated that, at the request of the Virginia Secretary of Natural Resources, a working group was formed with Northampton County and Cheriton officials to explore the possibility of implementing a regional wastewater system to serve Cape Charles, Cheriton and the surrounding area of Northampton County. A similar working group has been formed in the northern section of the county near Exmore and Nassawadox. Last week, the County Administrator submitted the application for the planning grant to the Virginia Department of Housing and Community Development. After completion of the preliminary engineering report, the application to USDA Rural Development for the grant and loan package for the final engineering and construction of the sewer collection, pumping and pipeline systems must be submitted in June 2010 to allow for the grant award by September 30, 2010 which is the expiration of the American Recovery and Reinvestment Act of 2009 (ARRA) funds. The existing county Public Service Authority (PSA) will need to be appropriately modified to function as the grantee by June 2010. A meeting was held on February 3rd to discuss the PSA concept. Representatives from the County, Exmore, Nassawadox, Cheriton and Cape Charles

attended the meeting and the consensus of the group was to form a coordinating committee, consisting of a representative and alternate from each of the four towns and the county, to recommend the necessary modifications to the existing county PSA. The final recommendation of the committee would be brought to each governing body for approval after appropriate public notice. Bob Panek added that the Council needed to designate a representative and alternate to serve on this committee.

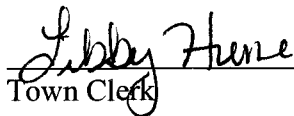
Motion made by Councilman Veber, seconded by Councilman Burdiss, and unanimously approved to designate Councilman Bannon and Staff Consultant Bob Panek as representative and alternate, respectively, to the PSA coordinating committee.

ANNOUNCEMENTS:

- February 15, 2010 Town Offices closed for Presidents' Day
- February 13, 2010 Poetry Slam at the Cape Charles Memorial Library
- February 25, 2010 ID Theft Workshop presented by Officer Nick Braatz at St. Charles Parish Hall
- March 11, 2010 Town Council Regular Meeting

Motion made by Councilman Bennett, seconded by Councilman Bannon to adjourn the Town Council Regular Meeting. Hearing no objections, the Town Council Regular Meeting was adjourned by unanimous consent.


Mayor Sullivan


Town Clerk

THE CAPE CHARLES ROSENWALD SCHOOL RESTORATION INITIATIVE

February 11, 2010

The Honorable Cape Charles Town Council
2 Plum

Hopewell, Virginia 23860

Cape Charles

2331 L

Dear Town Council:

The Town of Cape Charles is overflowing with history that has been carefully preserved for several generations. From the railroad, to the harbor and beautiful homes along tree lined streets, the Town is a living museum. For many years the Town Council, Town employees, business owners, civic organizations and residents have recognized the relationship between historic preservation and tourism. Thousands visit Cape Charles each year to shop in specialized stores and galleries, visit and play at the waterfront, and study the architecture of historic buildings. The heartbeat of this town is historic tourism and the preservation of the historic fabric of the Town is integral to its continued success. The members of the Cape Charles Rosenwald School Restoration Initiative acknowledge this reality and are excited to begin work on the recognition and preservation of the history of the Cape Charles Colored Elementary School, located just 'over the hump' on Old Cape Charles Road.

The construction of the school in the late 1920's was funded through public dollars, the African American community and the Julius Rosenwald Fund. This school is one of the 367 schools built in Virginia to serve African American children in the then segregated south. It is significant for several reasons; first it was a focal point for the African American community. It symbolized unity, leadership and hope. Second, the architecture is impeccable. Most Rosenwald Schools were constructed with wood and therefore have not survived. The Cape Charles School, however, is one of a few schools that are all brick which has helped it maintain its architectural integrity. The restoration of Rosenwald schools has become an important initiative for the National Trust for Historic Preservation. Stories of preservation efforts have been highlighted in Southern Living Magazine and the New York Times in 2009.

The Cape Charles School has been in private ownership since 1968 and vacant since 1977; for some 33 years. While the ultimate vision for the school should be a successful adaptive reuse, the Initiative understands the challenges in bringing this to fruition. However, this does not negate the importance of preserving the history of the school, its alumni and faculty. To that end the first goal of the Initiative is to construct a Virginia Historic Highway Marker that acknowledges the architectural and historical significance of the school.

This application is due to the State on March 1, 2010. Approved applicants will be announced in June of 2010. Funding for the sign is due at that time. The Initiative is requesting contributions from alumni and faculty and will also hold fundraisers to cover the cost of the sign construction and erection. We are asking the Town for support in this effort by allowing the erection of the sign in the public right-of-way adjacent to the School, as required by the State, and a financial contribution towards the endeavor. The total cost of construction and erection of the sign is approximately \$1,350. This sign is the first step to begin recognition of the school, its administrators, teacher and students. We hope you will help us to continue the legacy of historic awareness this Town is known for by partnering with the Initiative.

The next meeting of the Initiative will be held on Saturday, February 20, 2010 (10 am) at First Baptist Church located at 501 Jefferson Street, Cape Charles, Virginia. Please join us.

To learn more about the Cape Charles Rosenwald School Restoration Initiative or to discuss how a partnership for the Historical Marker can be accomplished please contact Tevya W. Griffin at (757) 331-3042 or (804) 318-0607.

Sincerely,

Charles Bell

Delpha Savage

Mr. & Mrs. David Mitchell

Valentine Evans

Bishop James Davis

Clarence Emsw

Dr. Arthur Carter

Vincent Elliott

Harriet Williams

Alice H. White

Margaret Beshett

Edo L. Parris

Thomas Godwin

Jennie King

Mr. & Mrs. Nolan Griffin

MUNICIPAL CORPORATION OF CAPE CHARLES
CASH POSITION
JANUARY 31, 2010

Cash on Hand	12/31/2009	1/31/2010
Bank of America Checking	93,403	827,662
Local Government Investment & Restricted Funds	<u>2,873,521</u>	<u>2,874,061</u>
Total Cash On Hand	<u>2,966,924</u>	<u>3,701,723</u>

The above amounts include a schedule draw
on our VML/VACO construction loan.



Municipal Corp. of Cape Charles

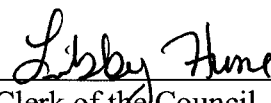
The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the "Town"), hereby certifies that:

1. A meeting of the Council of the Town (the "Council") was duly called and held on February 11, 2010 (the "Meeting").
2. Attached hereto is a true, correct and complete copy of the Ordinance (the "Ordinance") of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
Dora Sullivan, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
John Burdiss	X		X		
Gerald Elliott		X			
Bruce Evans	X		X		
Larry Veber	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 12th day of February 2010.



Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20100211

**MODIFYING SECTION 14-32 OF THE CAPE CHARLES TOWN CODE
REGARDING THE CAPE CHARLES HARBOR "NO WAKE ZONE"**

WHEREAS, in order to protect vessels docked in the Cape Charles Harbor and structures within the Harbor, the Town of Cape Charles made application to the Department of Game and Inland Fisheries to modify the existing "No Wake Zone" within the Harbor;

WHEREAS, a response was received from the Department of Game and Inland Fisheries designating a modified "No Wake Zone" for the Cape Charles Harbor which are subject to change from time to time;

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cape Charles this 11th day of February, 2010 that:

Section 14-32 of the Cape Charles Town Code be modified as follows: Vessels entering, leaving or moving about in the waters of the harbor shall not be operated in such manner as to create a wake or swell disruptive or injurious to other boats or craft anchored, tied up or plying in the harbor or fastened to bulkheads or shorelines, and such area shall be designated a "No Wake Zone" as designated by the Department of Game and Inland Fisheries.

Adopted by the Town Council of Cape Charles on February 11, 2010

By: 
Mayor

ATTEST:


Town Clerk



Municipal Corp. of Cape Charles

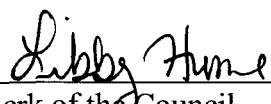
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1. A meeting of the Council of the Town (the "Council") was duly called and held on February 11, 2010 (the "Meeting").
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3. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
Dora Sullivan, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
John Burdiss	X		X		
Gerald Elliott		X			
Bruce Evans	X		X		
Larry Veber	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 12th day of February 2010.



Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20100211A

**REQUIRING THAT ALL DELINQUENT REAL ESTATE
TAXES BE PAID PRIOR TO THE ISSUANCE OF ANY
CONDITIONAL USE PERMIT, VARIANCE, REZONING OR
OTHER LAND DISTURBING PERMIT, BUILDING PERMITS
AND EROSION AND SEDIMENT CONTROL**

WHEREAS, pursuant to the provisions of § 15.2-2286 of the Code of Virginia of 1950, as amended, a town may require that all delinquent taxes be paid prior to the initiation of an application for a special exception, conditional use permit, variance, rezoning or other land use permit;

WHEREAS, The Town Council of the Town of Cape Charles deems such requirement to be reasonable and necessary;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF CAPE CHARLES, VIRGINIA:**

Sec. 1. Authority.

Pursuant to authority contained in § 15.2-2286 of the Code of Virginia of 1950, as amended, the Town of Cape Charles adopts the following ordinance,

Sec. 2. Satisfaction of Delinquent Taxes

Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, the authorizing body shall require the applicant to produce satisfactory evidence that any delinquent real estate taxes owed to the Town which have been properly assessed against the subject property have been paid.

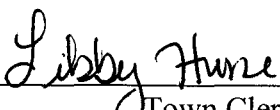
Sec. 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

Sec. 4. This Ordinance shall be effective March 1, 2010.

Adopted by the Cape Charles Town Council on February 11, 2010.

By: 
Mayor

ATTEST:


Town Clerk

Standing Staff Report

Planning & Zoning Director



Municipal Corporation of Cape Charles

AUGUST 2024 MONTHLY REPORT

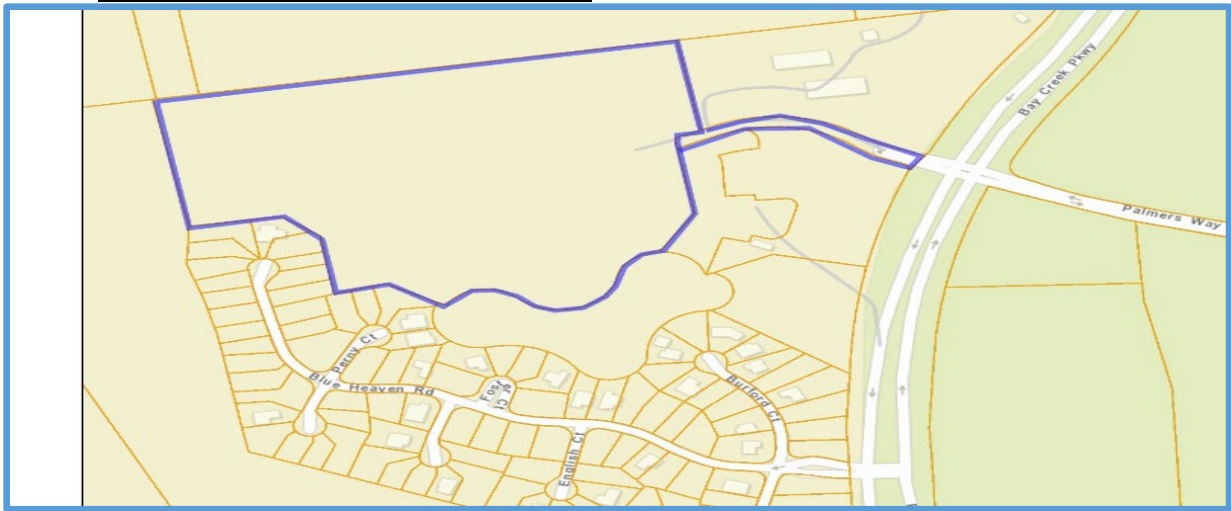
Katie H. Nunez, Planning/Zoning Administrator

This monthly report encompasses the months of February thru July 2024 since the Planning Commission has not held a Regular Session meeting in that timeframe.

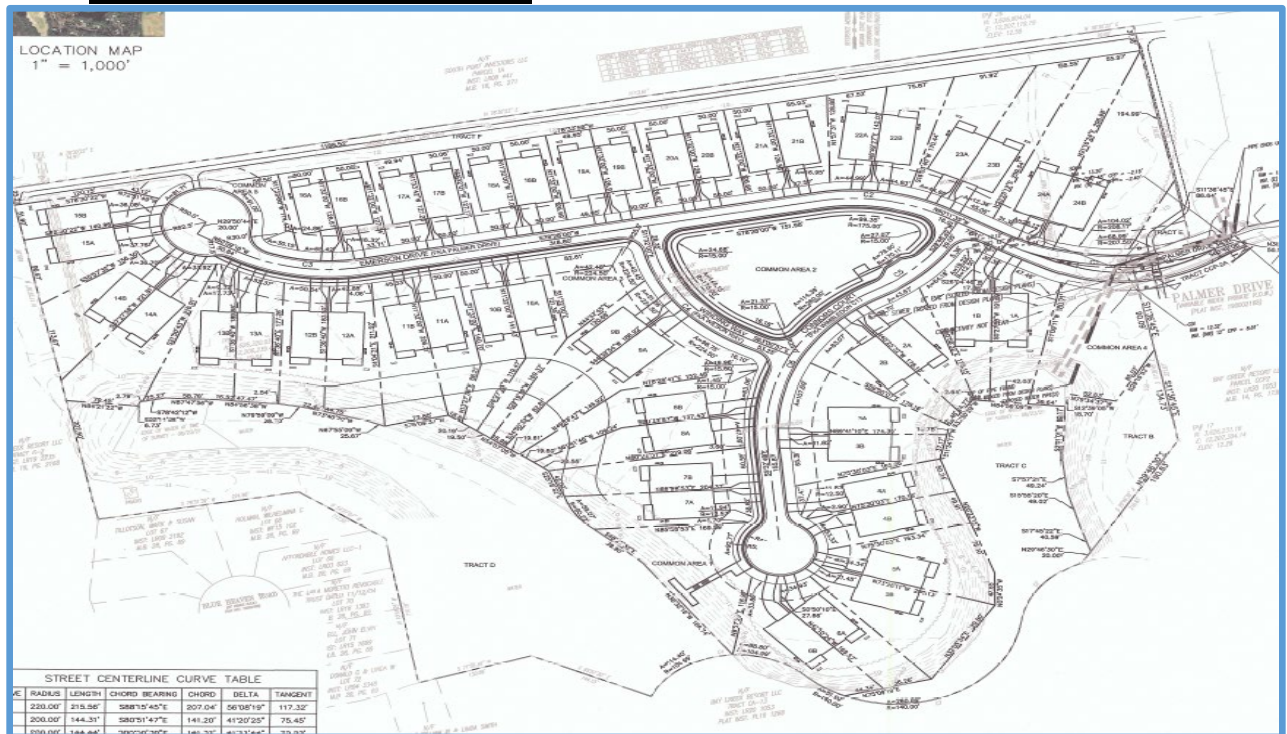
A. SUBDIVISION AGENT:

Village J Preliminary Plat On 7/12/2024, Approved the preliminary plat for 48 duplex unit.

AERIAL MAP (north of The Hollies)



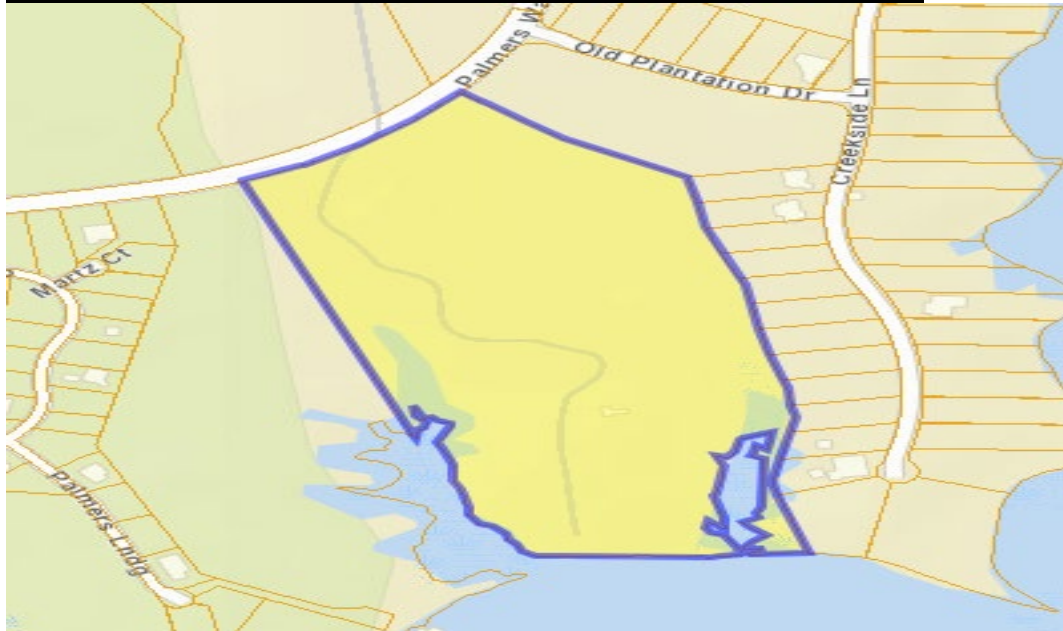
PRELIMINARY PLAT LAYOUT



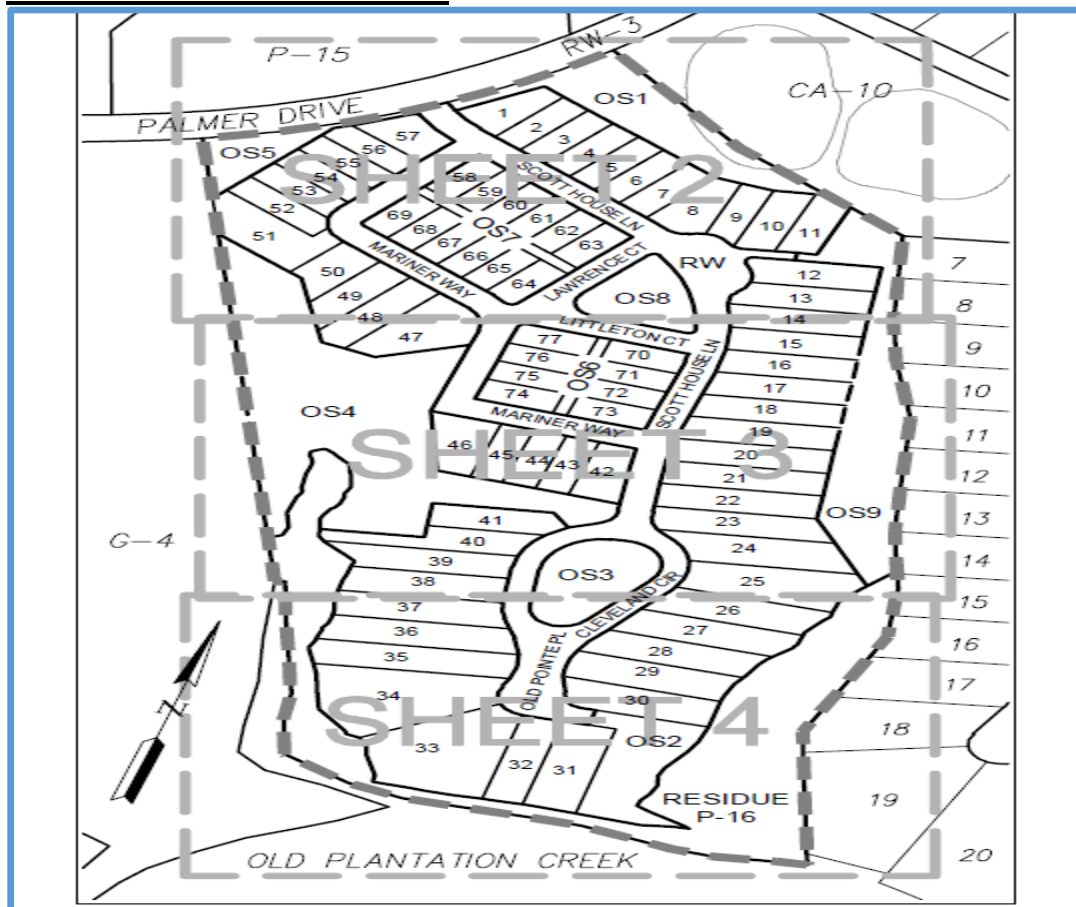
Village F-1

On 5/13/2024, approved the subdivision preliminary plat for 77 lots;

AERIAL MAP (east of The Signatures and west of Plantation Pointe)



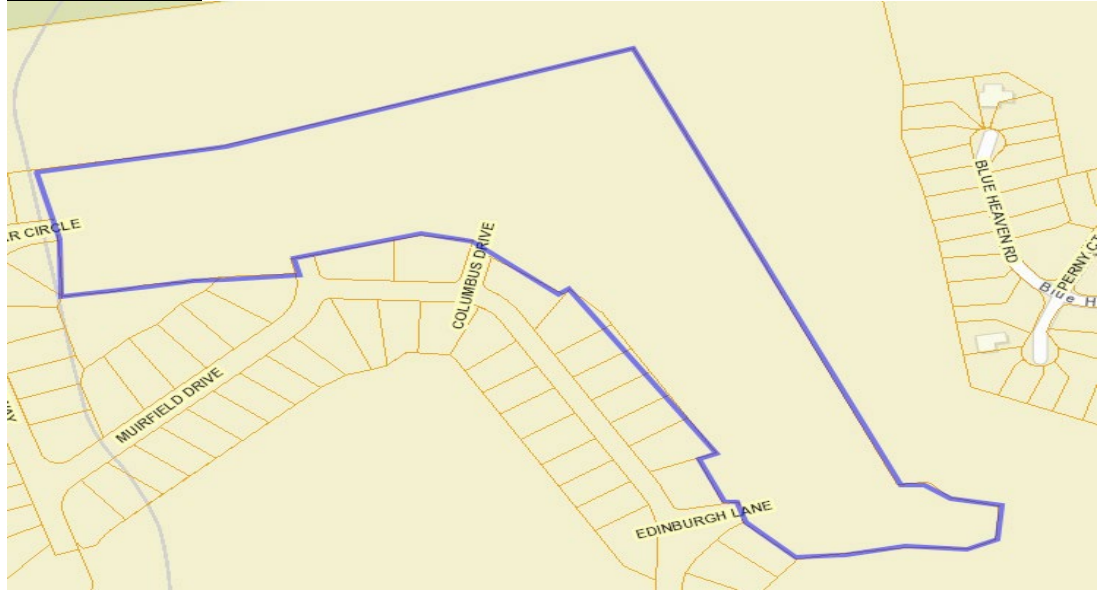
PRELIMINARY PLAT LAYOUT



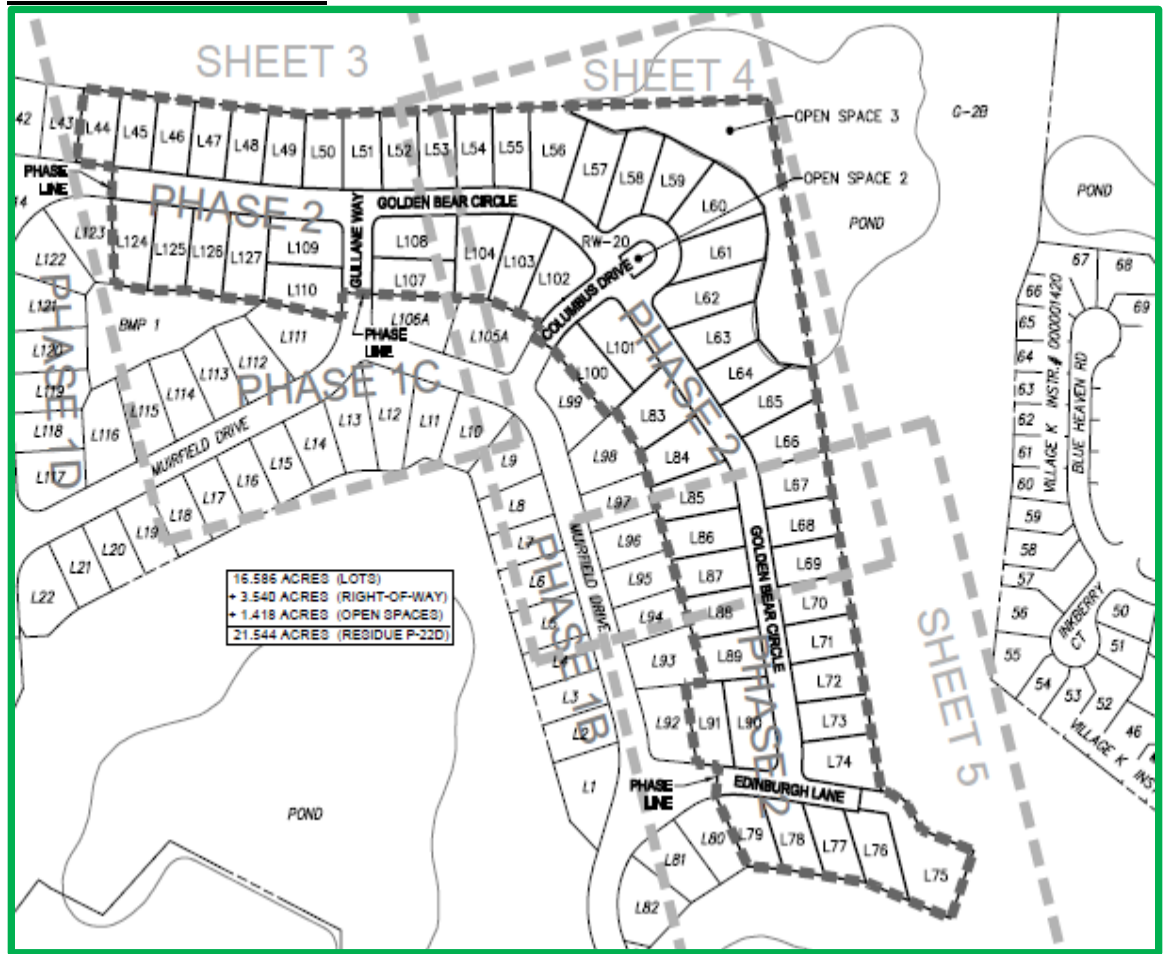
Village L aka Muirfield Village – Phase II

Have received the Final Plat for Village L aka Muirfield Village Phase II on 7/12/2024 – awaiting confirmation on water and sewer testing from Virginia American Water (VAW)

AERIAL MAP



FINAL PLAT LAYOUT

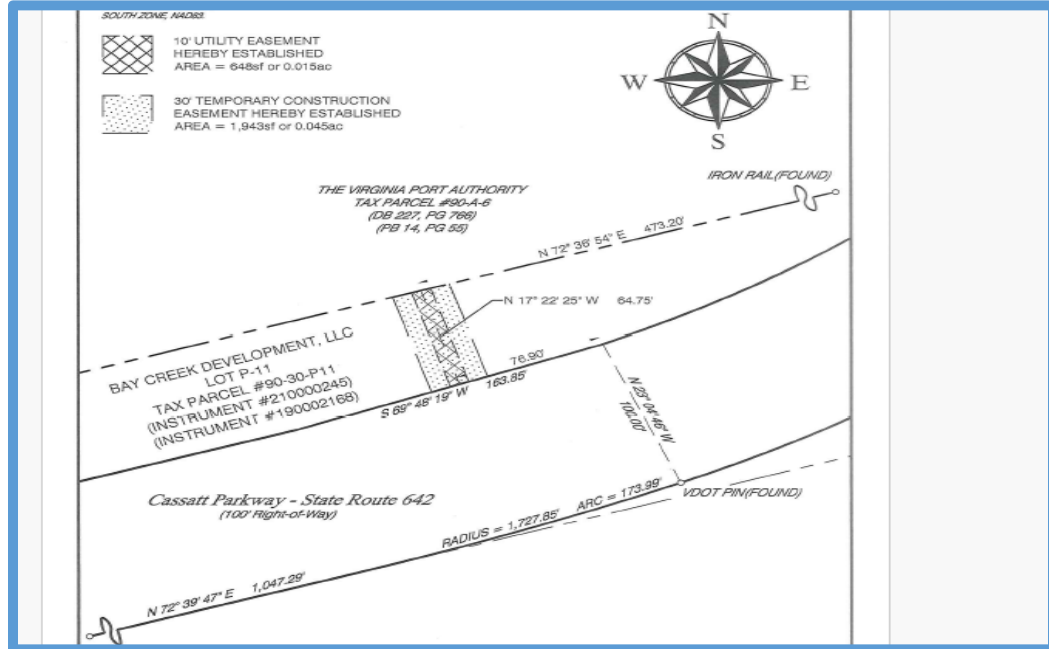


Dreams by the Water

During the month of July , I fielded several calls concerning Dreams by the Water subdivision construction progress – still awaiting confirmation of acceptance of water and sewer lines before paving of road, curb cuts and sidewalk occurs.

OTHER

Subdivision of Tax Map #90-30-P11 (2.5 acres) into 2 parcels by Bay Creek - 5/13/2024



Vacation of Lot Line for Lots 547 & 550 Mason Avenue with both lots at 5,600 square feet, thus bringing the newly created lot to 11,200 square feet; both lots owned by Eric Pulley. – June 7, 2024



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.]

A application appealing a decision of the Zoning Administrator has been filed regarding zoning violations issued on 204 Bay Avenue. This appeal hearing will be held on Tuesday, August 13, 2024 @ 10:00 a.m.

C. HARBOR DEVELOPMENT CERTIFICATES: None.

D. WETLANDS and COASTAL SAND DUNE BOARD: The office received the following Joint Permit Applications (JPAs) filed through the Virginia Marine Resources Commission (VMRC); said applications are all for either boardwalks or piers which are by-right permitted uses pursuant to the Coastal Sand Dunes Act CCZO Appendix C – Section 3 (1) & the Wetlands Ordinance CCZO Section 74.21 (1) and did not require a public hearing by the Wetlands Board but are approved administratively:

- 1) 604 Carousel Place: John and Dorothy Butler – To construct a 119 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
- 2) 614 Carousel Place: Ronald Holt – To construct 120 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
- 3) 616 Carousel Place: Dianne Frantz – To construct a 105 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
- 4) 620 Carousel Place: George R. Semmens – To construct a 90 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
- 5) 624 Carousel Place: Gregg Taylor – To construct a 90 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
- 6) 124 Creekside Lane: Lorraine Buono – To construct a (1) (73'Lx5'W) private pier with a (20'Lx20'W) "L," (2) and a (16'Lx12'W) boat lift slip.