

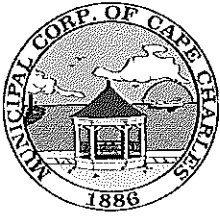
# **Planning Commission**

## **Regular Session Agenda**

**April 2, 2013**

**6:00 P.M.**

1. Call to Order – Planning Commission Regular Session
  - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
  - a. Approval of Agenda Format
  - b. Approval of Minutes
  - c. Reports
5. Old Business
  - a. Density – Revisions
6. New Business
  - a. Conditional Use Permit – 712 Randolph – Residential over commercial use
7. Announcements
8. Adjourn



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Town Hall**  
**March 5, 2013**

At approximately 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Vice Chair Mike Strub and Commissioners Andy Buchholz, Dan Burke, Joan Natali and Sandra Salopek. Commissioner Bill Stramm was not in attendance. Also present were Town Planner Tom Bonadeo, Assistant Town Clerk Amanda Hurley and Officer Jim Pruitt. There was 1 member of the public in attendance.

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

**PUBLIC COMMENTS**

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

**CONSENT AGENDA**

**Motion made by Joan Natali, seconded by Mike Strub, to accept the agenda format as presented. The motion was approved by unanimous consent.**

The Commissioners reviewed the minutes for the February 5, 2013 Regular Meeting.

**Motion made by Mike Strub, seconded by Andy Buchholz, to approve the minutes from the February 5, 2013 Regular Meeting as presented. The motion was approved by unanimous consent.**

**REPORTS**

Tom Bonadeo reported the following: i) The Planning Commissioners were registered for the Virginia Certified Planning Commissioner Program scheduled for March 25<sup>th</sup> and 26<sup>th</sup> and hotel rooms were booked. Tom Bonadeo recommended the Commissioners ask other Commissioners there about the Sign Ordinance; ii) The Northampton County Planning Commission Agenda was included in the packet; iii) VDOT was progressing on the sidewalk repair project and was currently working on the lower portion of Tazewell Avenue; iv) Carpet had been installed in the new Library and shelving had been ordered. Once the shelving arrival date was available, they could start planning the move process. There would be three or more volunteer work sessions including painting, sanding, etc. The Library Gala fundraising event sold out even though the Barrier Islands Center Oyster Roast was the same night; v) The Climate Adaptation Working Group (CAWG) would be offering community outreach programs for citizens on the shore to learn about climate change including sea level rise and the impact it would have on flood insurance in the future and how to plan for those challenges. The Biggert-Waters Flood Insurance Reform Act of 2012 was included in the packet. Tom Bonadeo referred to the flood maps of Cape Charles. FEMA would have map updates available by the end of the month and adjustments may be necessary to the flood hazard zones of Cape Charles to protect the citizens in Town. Boundaries were expected to get worse; vi) There were a number of projects for tax rehabilitation. Among them was a building in the 300 block of Mason Avenue which would be used by a glass etching artist and was proposed to open by summer; vii) Plans for the old Delisheries building had been submitted and connection fees were expected to be paid in the near future; and viii) The new owners of Aqua had repainted and raised the banquette around the windows to provide better views. Aqua was expected to open Easter

Weekend. The shops would not reopen, but would be utilized as a banquet hall for catering and events. Plans for a deck off the back had been proposed; and viii) There were a number of house sales in Town.

#### OLD BUSINESS

##### A. *Sign Ordinance Work Session -- Combined Ordinance*

Tom Bonadeo explained that the international ordinance had been utilized to update and improve the Town's existing Sign Ordinance. Signs were supposed to have a sign permit and a sign permit number. Presently, Andy Buchholz was the sign maker, but in the past the permit process posed a difficult task as there was no sign maker in Town. In the current ordinance, if an individual was not in compliance, a letter was mailed stating an individual had 30 days to respond, but this was not effective enforcement of temporary signs. Other towns had the capability to remove signs immediately if they were deemed dangerous or if there were no numbers associated with the sign. First amendment rights prohibited a town from being able to censor what the sign said, however they could control the size, location and how they were put together. There was much discussion among the Commissioners regarding where a sign permit sticker would be placed. Andy Buchholz was concerned that placing a sticker on the front of a sign would conflict with what was on the sign and suggested placing the permit sticker in a visible place in the shop. The Commissioners were more in favor of placing the sticker on the back of the sign. Tom Bonadeo commented that signs that were not printed here, such as political signs, would be problematic because if these temporary signs required a permit number under the revised ordinance, they would be difficult to monitor.

Andy Buchholz pointed out that there was no size specified for sandwich boards and Tom Bonadeo stated that menu and sandwich boards needed to be classified as the same and the size specified at 10 square feet per side at 2' x 5'. The square footage was a concern for blocking sidewalk space. Another concern was the number of temporary signs that should be allowed per business. The Commissioners discussed the businesses that were on Strawberry Street that currently put sandwich boards on Mason Avenue to attract customers because those businesses were not as visible. Tom Bonadeo drew a map and explained that the businesses on Strawberry Street did not own property in front of their building. The businesses on Mason Avenue however, owned seven feet in front of the building. Joan Natali recommended adding a sign at each intersection to identify the businesses down that street.

Tom Bonadeo discussed the Walkability Tour study that was conducted in Cape Charles, Chincoteague, Exmore, Onancock and Onley by Dan Burden of Eastern Shore Health who gave suggestions on how to improve the Town. Each Commissioner would receive a copy.

The Commissioners felt that limiting the quantity of sandwich boards was important and there was discussion on controlling placement of signs. There was comparison between Mason Avenue in Cape Charles and Market Street in Onancock. The side streets in Town, such as Strawberry Street, were at a disadvantage because a pedestrian on Mason Avenue may not see the businesses there so those businesses relied on signs to bring people to them. Tom Bonadeo proposed a Town sponsored way finding sign that indicated there were more businesses in order to direct people to them. Tom Bonadeo felt that one sandwich board per business was adequate especially since most had relatively small store fronts and recommended to take out the 10 square feet and leave 2' x 5'.

Tom Bonadeo recommended that individuals get a permit from the Zoning Administrator to submit to the sign maker before a sign was made to ensure the sign would be made within the specifications of the ordinance. A sign required zoning clearance. There was no charge for residential, but there was a \$50 fee for commercial. The applicant was to attach a drawing of the proposed sign to the sign permit form so the Zoning Administrator could make the calculations to the square footage and size to meet the requirements of the zoning ordinance. An approval

process was necessary for signs made in Town. Signs made outside of Town could not be controlled and therefore would not get a permit number. Tom Bonadeo stated that once the revisions were completed on the sign ordinance, it would be sent to VML for review.

The only temporary stick signs that were allowed were real estate signs, contractor signs and events done by certain agencies. These were the most difficult to control and enforce. Joan Natali questioned the enforcement and violation parameters of signs and it was agreed that additional information was necessary for this section. Tom Bonadeo read an excerpt from another city's sign ordinance regarding the violations of signs. Storage was not a problem for signs that were removed and there would be a fee per day associated with storage. After 30 days, a sign would be discarded.

The Commissioners agreed to take out the phrase "constant motion" under patterned illusionary movement on page one of the sign ordinance.

Dan Burke asked for clarification on dark sky compliant lighting fixtures. Tom Bonadeo explained that dark sky compliant was a set of standards that indicated light must be pointed down.

**NEW BUSINESS**

There was no new business to review.

**ANNOUNCEMENTS**

Tom Bonadeo reported the following: i) Andy Buchholz was awarded Northampton County Business of the Year; ii) A CUP was expected for a residence over commercial in the C1 district. Second floor retail space with no elevator was not very advantageous. There was still demand for small apartments; iii) Certified Planning Commissioner Program was scheduled for March 25<sup>th</sup> and 26<sup>th</sup>. The second portion of the program was scheduled for June 10<sup>th</sup> and 11<sup>th</sup>; iv) Tom Bonadeo was planning to retire no later than October 1<sup>st</sup>.

**Motion made by Joan Natali, seconded by Andy Buchholz, to adjourn the Planning Commission meeting. The motion was approved by unanimous consent.**

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Chairman Dennis McCoy

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Assistant Town Clerk

# Planning Commission Staff Report

**From:** Tom Bonadeo

**Date:** April 2, 2013

**Item:** 4C – Reports

**Attachments:**

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## Item Specifics

1. The Northampton County website is [www.co.northampton.va.us](http://www.co.northampton.va.us) and contains the updated information from county meetings. The Northampton Planning Commission also meets on this night.
2. The Town Council approved the South Port Harbor Development Certificate for the Cape Charles Yacht Center.
3. The Historic Review Board did not meet in March, no applications were presented. The Town Council received multiple applications for the vacancies on the Board and will be interviewing candidates this week.
4. The Fun Pier has been reopened. An RFP for the placement of beach sand will be advertised soon.
5. Working with VDOT on a sidewalk repair project. The contractor is working both on Tazewell and on Mason Avenue. The plan is to complete Mason Avenue prior to the summer season. Three trees will require removal. Their size, age, condition and placement will not allow the sidewalk and curb repair.
6. The Library shelves are due to be shipped the week of April 15. We will know soon about the move in date.
7. New businesses opened this last week. The new owners of Aqua Restaurant had their opening and Willows Artisan gallery also opened on Thursday. We have a glass artist that will be remodeling a space in the 300 block of Mason Avenue for his new studio and the yogurt shop applied for their permits.
8. The Planner is working with a consultant for Historic District Training when new board members are appointed.
9. The new Flood Insurance Rate Maps (FIRM) are due out in draft this spring. We expect the flood areas to change. They will be reviewed for accuracy and corrections will be sent to FEMA. The new maps go into effect in 2014.
10. Working with land owners on multiple Joint Permit Applications (JPAs) for work around Cape Charles.

# Planning Commission Staff Report

**From:** Tom Bonadeo

**Date:** April 2, 2013

**Item:** 5A – Density in Harbor District Zone – Mason Avenue Corridor

**Attachments:** None

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## Item Specifics

The density issue was last reviewed at the January meeting. The Commission sent a letter to the Town Council and Council wants to move forward. They requested a joint work session be planned.

## Discussion

The Commission reviewed ways to measure density, by Units per Acre and Floor Area Ratio (FAR). FAR is the generally preferred method for measuring density, especially in commercial districts. FAR also takes into account open space and height. Some facts about Harbor District are:

1. 25% open space is required.
2. Parking is not part of open space.
3. Current height regulation is 40' with a CUP for some higher to 55'.
4. The Mason Avenue corridor is between the National Historic District and the Harbor. The Master Plan recommends that this area be treated more like Mason Avenue than like the Harbor.
5. The Harbor District Zone allows residential units over commercial space. It also allows partial use (50%) of the first floor as residential space. All residential space must have its own entrance at street level.
6. There is currently no limitation of the number of units (residential) on a property.

The Commissioners have reviewed the math ratios relative to the floor area ratio and have reached consensus that a FAR of about 1.25 provides the density, open space and height that most resembles the north side of Mason Avenue.

There are several modifications to the ordinance required to implement the FAR concept in Harbor District.

1. The existing Harbor District zoning language does not make any differentiation between any of the areas around the harbor as described on page 18 of the Plan. The areas around the harbor should be delineated in the ordinance so that FAR can be applied to each area differently.
2. These areas should also have the elevation requirements applied differently. The areas along Mason Avenue should be lower heights while the areas on the south side of the harbor should be higher allowances. Eliminate the height averaging formula and require "broken" elevations along Mason Avenue.
3. Parking at levels other than ground level count as floor space.
4. Create a FAR table with smaller ratios (1.25) along Mason Avenue and larger ratios (1.5 to 1.75) on the south side of the harbor.
5. Define lots existing as of today bordering Mason Avenue and bordering the harbor (water) on the south and north sides.

## Recommendation

Discuss the five items above in preparation for the joint work session.

# Planning Commission Staff Report

**From:** Tom Bonadeo

**Date:** April 2, 2013

**Item:** 6. A. – Conditional Use Permit 712 Randolph – Residential over Commercial

**Attachments:** Application, Plot Plan and proposed Floor Plan

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## Background

Conditional use permit application has been received for the use of a dwelling unit over a commercial space at 712 Randolph Avenue. The space is currently designed as offices. The applicant has not been successful in the renting of commercial space and wishes to modify the offices into a dwelling unit. This is allowed in the C-1 zone by Conditional Use Permit.

## Item Specifics

The location of the building is the upper floor of 712 Randolph Avenue, the upper floor of the Mosher Rehabilitation building. The conditional use process requires that several criteria be met. The requirements for conditional use are set forth in Article IV, Section 4.3 of the Zoning Ordinance. The Planning Commission will review the application and set a public hearing. After hearing public comments the Planning Commission will review the application, comments and the three Conditions for Issuance. After this consideration the Commission will make a recommendation to Town Council. The Town Council will also review the application and hold a public hearing, review the comments and the Planning Commission recommendation and then allow or deny the application with or without such conditions as it determines necessary to carry out the intent of the ordinance.

The use will not:

1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect the other land uses within the particular surrounding neighborhood.
2. Be detrimental to the public welfare of injurious to the property or improvements in the neighborhood.
3. Be in conflict with the purpose of the comprehensive plan of the town.

The applicant currently owns the neighboring property with a conditional use permit for dwellings over a commercial space. While this is a commercial area there are already residents in the next building and apartments have been in these buildings for some years.

The ordinance requires that the use meet the table of parking standards. Since the current use of professional office space requires 1 parking space per 300 square feet of area and the use of residential requires 2 spaces per dwelling unit, the use meets the table of parking standards.

The comprehensive plan also promotes mixed use in all the commercial zones as a way of promoting economic development. Empty commercial space provides no economic growth while a full residential apartment creates purchasing power and income for the landlord, town and county.

The Commission should set a public hearing to receive comments on the proposed use change, review the comments after the public hearing (at the next meeting) and make a recommendation to the Town Council.

**Recommendations**

The Planning Commission should discuss the application and the process then set a public hearing for May 7, 2013.



Municipal Corporation of Cape Charles, Virginia  
Application for Conditional Use Permit

Date 3-4-12  
\*(Attach Plans)

Permit Number \_\_\_\_\_  
Fee: 309.64

Applicant: John Hechler Signature: John F. Hechler  
Address: 35 Viburnum Court, Cville NJ 08648 Cape Charles, VA. 23310  
Telephone: 609 896 4457 Cell Phone: 609 937 4360

Owner(s): John IES Holdings, LLC  
Address: c/o John Hechler City: Lawrenceville State: NJ Zip: 08648

Contractor: Quality Structures (Sean Ingram)  
Address: PO Box 2020 City: Chariton State: NJ Zip: 23316  
Telephone: \_\_\_\_\_ Cell Phone: 757-615-0335  
Town License: 12-0038 State License: VA 2705-142263A

Location of Improvement: 2nd floor of 712 Randolph Ave, Cape Charles, VA 23210  
Lot No.: 243A, 38 Block No.: 083A4 Lot Size: 120x140 Lot Area: .78 A  
Type of Improvement: Conversion from office to an apartment  
Proposed Use: Apartment  
Estimated Construction Costs: \$40,000

**NOTE!** Three additional off-street parking spaces to be added behind building.  
Adjacent property owners: we own 718 Randolph on East side; Town of Cape Charles owns ~~part~~ adjacent property on west and south sides

Conditional Use Permit Checklist  
(Applicant must attach items 1-7)

1.  completed application
2.  payment of fees (\$300.00 + \$25.00 per acre)
3.  letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4.  concept plan (see attached information for recommended contents)
5.  plot plan of property
6.  disclosure statement signed and notarized verifying ownership TAD units
7. \_\_\_\_\_ names and addresses of adjacent property owners
8.  Zoning Administrator's review of documentation

CERTIFICATION OF APPLICANT

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

Signature of Owner/Agent: John F. Hechler, owner/Manager

2173 . 1

Northampton County 2004 REASSESSMENT

TCC 083A4-((0A))-00-002

RANDOLPH AVE 712

3 LOTS

TracSz:

LMAT:

TRAC:

MHS:

INCLUDES PARCELS 3A & 3B  
BLDG CONDEMNIED 172000  
FEE SIMPLE RE03 TOWN OWNS 0B

Topo: LEVEL

Units: ALL PUB

Strt: PAVED

Deed: 331-300

Will:

Plat:

RD: 4

Zoning:

CLSC: 4

IES HOLDINGS LLC

7287 CHESAPEAKE DR

EXMORE VA 23050

AcctNum

31908

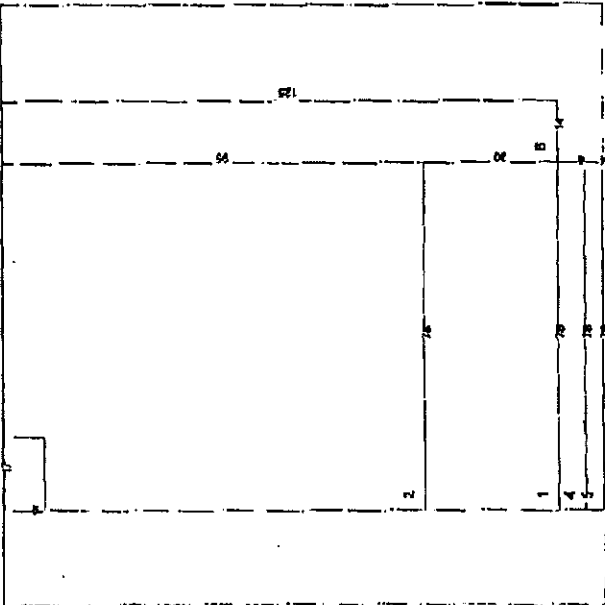
List: SP 2/22/2002 Info Exp: E

Review: FP 8/22/2003

Appeal: / / Rpt: 1/11/2005 14:38

Values

Assessed Value	Cost/Acre	Hst	0
Land: 80,000		9,750.00	
Bldg: 265,400		UseVal	0
Other: 0			
Total: 345,400			
Sale: Q 4/7/2001	70,000	Tracts:	0
MBHR: 2.100/1.15/1.15			



Building Info

Crst: COMMERCIAL	YrBlt: 1921
DBA:	YrRmd: YrEff: 1960
Fuel: OIL	PhysC: 2
Fndt: CONC BLOCK	FEDP: 0
Roof: FLAT	DEPO: 0
Wall: UNFINISHED	SndVal: BR:
Flo: CONCRETE	Rms:
Rfrnt: TAR & GRVL	

Sub Description	Mth	Clas	Grid	Size	Depth	BaseFt	AcRRate	Use Value	Mkt Value
1 COMMUNDRY	F	40	P	120.00	140.00	600	658	79027	500
2 PUB WATER	A	70	A	1.00		500	500	500	500
3 PUB SEW	A	71	A	1.00		500	500	500	500

Building	Attic/Basement	Area	Value	Class	Grid	ExtFin	HeatAC	Num	Value	Chm	Num	Value	Plumbg	Num	Value
100 1	RETAIL	34 D	SOLID BRK AC C/H/T/	2340	1.00	14.00	78339	1990	70113				3FXBT/	1	1350
100 2	SERVICE GARAGE	48 D	BR VENEER STOVE	7257	1.00	1.00	132273	1990	118385				2FXBT/	3	2700
100 3	TYPICAL OFFICE	81 D	BR VENEER/EL/BB	153	1.00	1.00	4841	1990	4423						
100 4	PATIO	111 D		468	1.00	1.00	1872	2002	1944						
100 4	1 WOOD DECK	112 D		468	1.00	1.00	3738	2002	3683						
100 5	PATIO	111 D		312	1.00	1.00	1248	1990	1117						
100 6	STORAGE ROOM	113 D	BR VENEER	1750	1.00	1.00	30961	1990	27621						

Openings:

Area	Sty	Wht	Rep	Sty	Wht	FE	Value
4050							3624

Other Features

Section	Description	Class	Grid	Comments	Sty	Area	BaseRt	Cond	YrBlt	Value
1	COMM BLDG	90	S	REDS OWNED BY TOWN	1.00		1.00		2	



MUNICIPAL CORPORATION  
OF CAPE CHARLES  
2 PLUM STREET  
CAPE CHARLES, VA 23310

**REAL PROPERTY TAX BILL**

BILL DATE: 10/26/12  
DUE DATE: 12/05/12

MAP/PARCEL/UNIT: 083A4-0A-00-002

LOCATION: 712 RANDOLPH AVE

LEGAL DESCRIPTION:

3 LOTS

IES HOLDINGS LLC  
35 VIBURNUM COURT  
LAWRENCEVILLE, NJ 08648

Office Hours  
Monday through Friday  
8:00 a.m. - 5:00 p.m.

10% PENALTY AND 10% INTEREST WILL BE IMPOSED AFTER DUE DATE.  
IF NOT PAID, A CIVIL WARRANT OR LIEN MAY BE ISSUED.  
THIS IS THE ONLY BILL THAT WILL BE ISSUED.

PROPERTY VALUE ASSESSMENTS

LAND VALUE: 120,000  
IMPROVEMENT VALUE: 449,300  
EXEMPT VALUE: 0  
NET VALUE: 569,300

DATE: 10/26/12

DESCRIPTION: Previous Balance  
TAX Property Tax - Real

RATE: 0.182800

AMOUNT: 0.00  
1,040.68

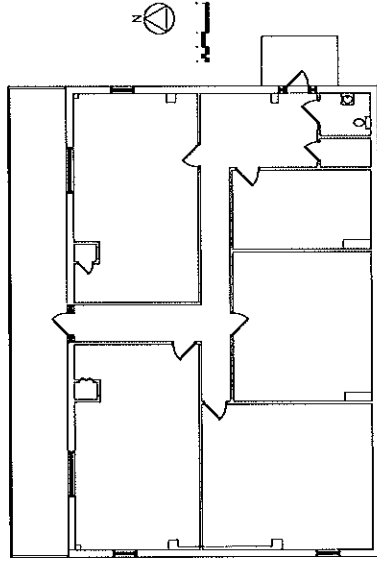
*Pat. 12/12/12  
OK #1055*

Property taxes are billed in arrears on a tax year from January 1st to December 31st for payment by December 5, 2012.  
For questions regarding the payment of your tax, call Town of Cape Charles Treasurer's Office at (757)331-3259 x21, x11 or x23.

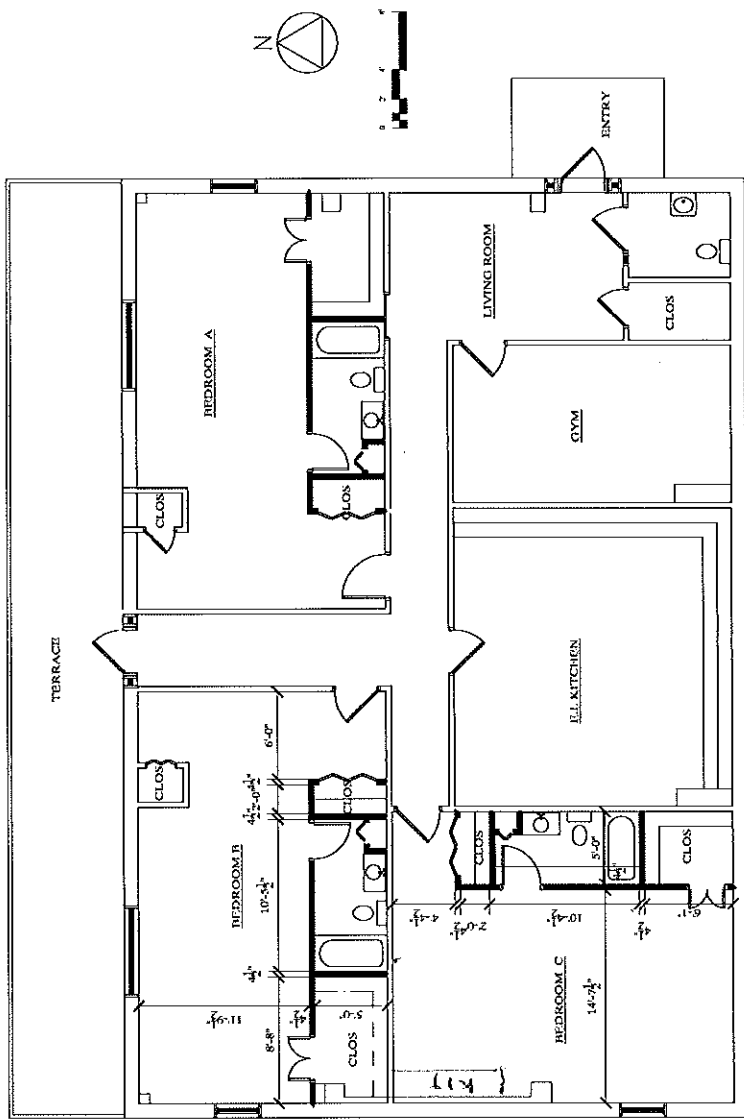
For questions regarding the assessment value of your property or if you do not receive a Northampton County bill, please call the Northampton County Commissioner of Revenue office at (757)678-0446.

PENALTY: 0.00  
TOTAL DUE: 1,040.68

PLEASE DETACH AND RETURN PORTION BELOW WITH PAYMENT



EXISTING CONDITIONS SECOND FLOOR 1/16" = 1'



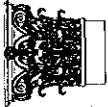
SECOND FLOOR

LP	2/13/13	SK-4
	1/4" = 1'	

201303

712 RANDOLPH AVE. CAPE CHARLES, VA  
 IES HOLDINGS, LLC-JOHN HUCHLER  
 1-3 BEDROOM APARTMENT 2ND FLOOR

**PARHAM**  
 405 TAZEWELL - CAPE CHARLES VIRGINIA 23110-3217  
 757.331.8133 - PARHAM@GMAIL.COM  
 LEON FULLER PARHAM - ARCHITECT, R. A. NCARB



# Prime Location: Office Space

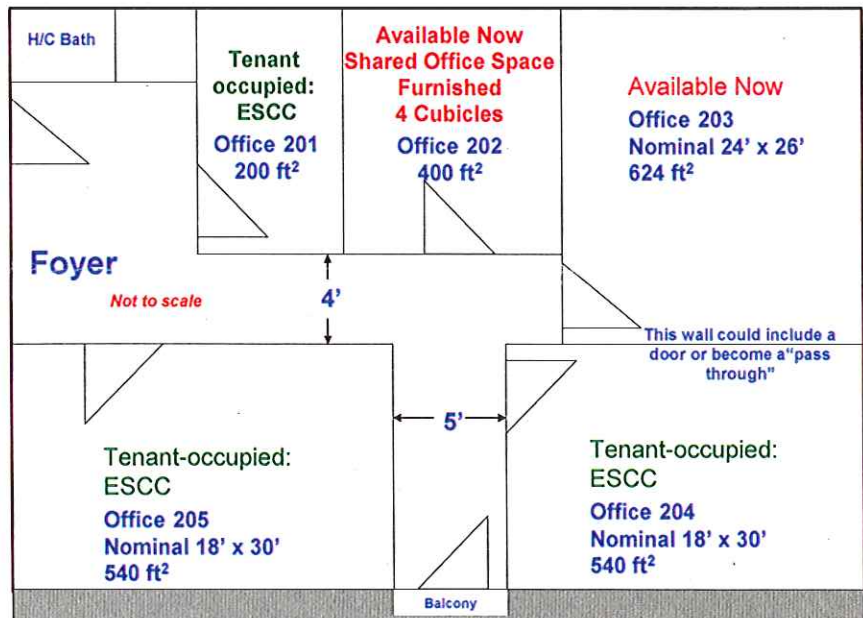


TOWNE CENTRE - 712 Randolph Avenue

Located on Route 184, the main access to the historic Town of Cape Charles, the public harbor, the new Kings Creek Marina and Bay Creek Development.

## Now Leasing - Second Floor Office Space

- All new construction
- Cat 5e wiring for telephone and internet network
- Central heat and air conditioning
- Off-street parking
- Rent includes electricity, heat, water, sewer and garbage
- Shared office space available - short or long term lease
- On-site manager



Randolph Avenue

IES Holdings, LLC ♦ 712 Randolph Avenue ♦ Cape Charles, VA 23310  
 John Huchler ♦ Cell: 609-937-4360 ♦ huchler@verizon.net