

TOWN COUNCIL
Public Hearing
January 10, 2006
7:00 p.m.

At approximately 7:00 p.m. on January 10, 2006 in the Council Chambers, Mayor Frank Lewis called to order the Public Hearing for the Town Council of the Town of Cape Charles. In addition to the Mayor, present were James Davis, Gerald Elliott, Bruce Evans, and Larry Veber. Also present were Town Manager Tim Krawczel, Town Planner Jason Pruitt, Town Clerk Joy Pelletier and approximately fourteen members of the Public. Councilwoman Dora Sullivan arrived just after the gavel and Councilman Brown came in approximately 10 minutes after the Public Hearing was called to order.

Public Comments

To hear comment regarding the following:

Proposed revisions to the Cape Charles Zoning Ordinance, specifically section 4.2E, accessory buildings.

Russ Dunton, representing the Cape Charles Historic District Review Board, spoke to support the changes to Zoning Ordinance section 4.2E. He indicated the changes were not exactly what the Historic District Review Board had requested, but were close enough, so that there were no objections from the Board. Chairman Dunton went on to say a concern for the Historic District Review Board was the use of accessory buildings as additional living space to the main structure or “accessory apartments”. They recommended three additions to the ordinance to prevent this from happening: 1) no accessory building should be used as a dwelling unit for sleeping purposes, for servants quarter or for rental rooms; 2) bathroom facilities should be limited to a lavatory and water closet - shower stalls and bathtubs shall be prohibited; 3) kitchen defined as rooms or areas containing facilities for refrigeration and preparation of food or for the washing of cooking and eating utensils shall be prohibited. Chairman Dunton pointed out there was recently a property in Town advertised for sale with a garage apartment. He further stated the recommendations the Planning Commission had forwarded to Council would put a cap on the size of the building in the terms of square footage and height. However, he added of all the accessory buildings built to date, those regulations would affect only one – the blue building on the corner of Fig and Randolph Avenues. He mentioned the footprint of that building was within the proposed guidelines, but the height would have had to be reduced to no more than two thirds of the main structure to be within the proposed guidelines. On behalf of the HDRB, Chairman Dunton recommend to Council that they consider adding the three other proposed additions to control the use of the accessory buildings and to ensure they are not used as living units.

Northampton Hotel proposed rezoning to Harbor District.

Town Manager Tim Krawczel opened this topic by clarifying a point of procedure. He disclosed a requirement of State Code that any proffers offered by an applicant must be in written form signed and in possession of a party of authority prior to the start of the Public Hearing. Those proffers must be made available to the Public to examine. He then determined that Town Planner Jason Pruitt had been given the signed proffers and that he had made copies available to all Council members and to the Public. Jason Pruitt briefly shared his analysis of the application including the strengths and weaknesses, the three proffers and the Planning Commission's recommendations to approve the application. He further indicated the Planning Commission strongly recommended the following: 1) the Town make the alleys passable; 2) a landscaping plan putting buffers per Section 4.4 of the Zoning Ordinance must be submitted, reviewed and approved prior to any construction taking place; 3) a complete site plan or plot plan must be submitted, reviewed and approved according to the site plan ordinance prior to any construction taking place. He indicated the last two items were required by the Zoning Ordinance, but the Planning Commission wanted to stress these items.

Russ Dunton Mr. Dunton mentioned at this point he was not speaking as a representative of the Historic District Review Board but just as a private citizen. He expressed his disagreement with the zoning change to Harbor District. Mr. Dunton conveyed he supported the hotel and restaurant, but it was his view the rezoning should be Commercial/ Residential District. He mentioned C-R was created to be sure that the businesses in that district were compatible with the adjoining residences and that there is no such requirement in the Harbor district; therefore there would be no control over the hours the restaurant is open. He further noted the differences in the set back requirements between the two districts and the increased alley traffic to access the parking lot.

Laura Calnan Cape Charles property owner. Ms. Calnan spoke in support of the application. She felt the issues brought up at the previous hearing had been addressed; therefore there would be minimal impact to the neighborhood.

Gary Credle Attached letter read into record.

Geneva Smith adjacent property owner. Ms. Smith asked the Town Planner why Mr. Credle was directed towards rezoning to Harbor District rather than Commercial /Residential. Mr. Pruitt responded by saying both districts were considered at the Planning Commission's Regular Session in December, 2005. The Commission agreed on Harbor District because, the property neighbors the current Harbor District and the Harbor District zoning had two levels of review prior to any future construction on that piece of property.

Motion made by Councilman Brown, seconded by Councilman Davis and unanimously approved to adjourn the Public Hearing Session of the Town Council.

Mayor

Town Clerk

