

Town Council

Public Hearing

&


Special Meeting Agenda

August 23, 2012

Cape Charles Fire Hall

6:00 P.M.

1. Call Public Hearing and Special Meeting to Order; Roll Call
 - a. Read advertisement
 - b. Hear Public Comment on the following:
 - i. The proposed rezoning from O-S (Open Space) to R-1 (Residential) of the area bounded on the north by Madison Avenue, on the east by Plum Street, on the south by parcel 83A3-1-23 and on the west by parcel 83A3-1-287 (lot 287) – the area contains parcels 83A3-1-281, 83A3-1-282, 83A3-1-283, 83A3-1-284, 83A3-1-285, 83A3-1-286 (lots 281 through 286), a portion of the area that was originally North Park Row, and the Old Cape Charles High School Building (collectively, the “Old School Area”).
 - ii. The Conditional Use Permit submitted by Echelon Resources Inc. to rehabilitate and use the Old School Area for an Adaptive Reuse. The proposed Adaptive Reuse includes the historic rehabilitation of the Old School Area for use as 17 residential apartments in accordance with applicable guidelines.
2. Close Public Hearing portion and move to Special Meeting
3. Order of Business
 - a. Whether to enact an ordinance rezoning the Old School Area from O-S to R-1 as described above and a vote thereon by the Town Council; and
 - b. If the ordinance rezoning the Old School Area is enacted, whether to grant the Conditional Use Permit for Adaptive Reuse as described above and a vote thereon by the Town Council.
4. Adjourn

 TOWN OF CAPE CHARLES	AGENDA TITLE: Ordinance Rezoning Old School Area		AGENDA DATE: August 23, 2012
	SUBJECT/PROPOSAL/REQUEST: Review public comment and Planning Commission recommendation and consider enactment of Ordinance rezoning the Old School Area		ITEM NUMBER: 3A
	ATTACHMENTS: Exhibit A, Resolution 20120628, Ordinance 20120823		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Town Council of Cape Charles, by Ordinance 20120614, approved the sale of certain property owned by the Town, collectively called the "Old School Area", to Echelon Resources, Inc. ("Echelon"). Echelon intends by adaptive reuse to rehabilitate the Old School Area and convert it to seventeen residential apartment units and surrounding grounds (the "Old School Rehabilitation").

The Old School Area is defined as the area bounded on the north by Madison Avenue, on the east by Plum Street, on the south by parcel 83A3-1-23 and on the west by parcel 83A3-1-287 (lot 287) – the area contains parcels 83A3-1-281, 83A3-1-282, 83A3-1-283, 83A3-1-284, 83A3-1-285, 83A3-1-286 (lots 281 through 286), a portion of the area that was originally North Park Row, and the Old Cape Charles High School building (Exhibit A).

The Town Council adopted Resolution 20120628 to refer to the Planning Commission the proposed amendment of the zoning map for public necessity, convenience, general welfare, and good zoning practice and for consideration of the rezoning of the Old School Area from Open Space (O-S) to Residential (R-1).

The current zoning of the Old School Area as O-S does not allow for the Old School Rehabilitation (Section 3.15.B). The zoning district R-1 allows, by conditional use permit, for the Old School Rehabilitation as an Adaptive Reuse.

DISCUSSION:

The Open Space zoning district does not allow for adaptive reuse. The open space zone is intended for open air types of activities.

The Old School Area was originally part of a street (North Park Row) and residential lots (281-287). A former Town Council bought the residential lots and built a school when space ran out of the Monroe Avenue building. The park, as designed by Bauman and Scott, was made into the school yard area for football, baseball and other activities.

An earlier Planning Commission zoned the school yard and school area Open Space and the school was allowed to continue as a non-conforming use (grandfathered). When a non-conforming use ceases for four years the "grandfathering" ceases and the subsequent use must conform to the zoning ordinance. The TEA-21 Grant Project restored the Park as Phase I of the project.

The R-1 zone requires a CUP for Adaptive Reuse of existing structures within the R-1 zone.

These permitted uses, conditional uses and definitions, as well as public necessity, convenience, general welfare, and good zoning practice require consideration of rezoning of the Old School Area from Open Space to R-1.

On July 26, 2012, the Planning Commission held a public hearing followed by a special meeting. Ten citizens spoke during the public hearing. After some discussion, the Commissioners were in agreement that the rezoning was necessary for anything to be done to the former school building, other than demolition.

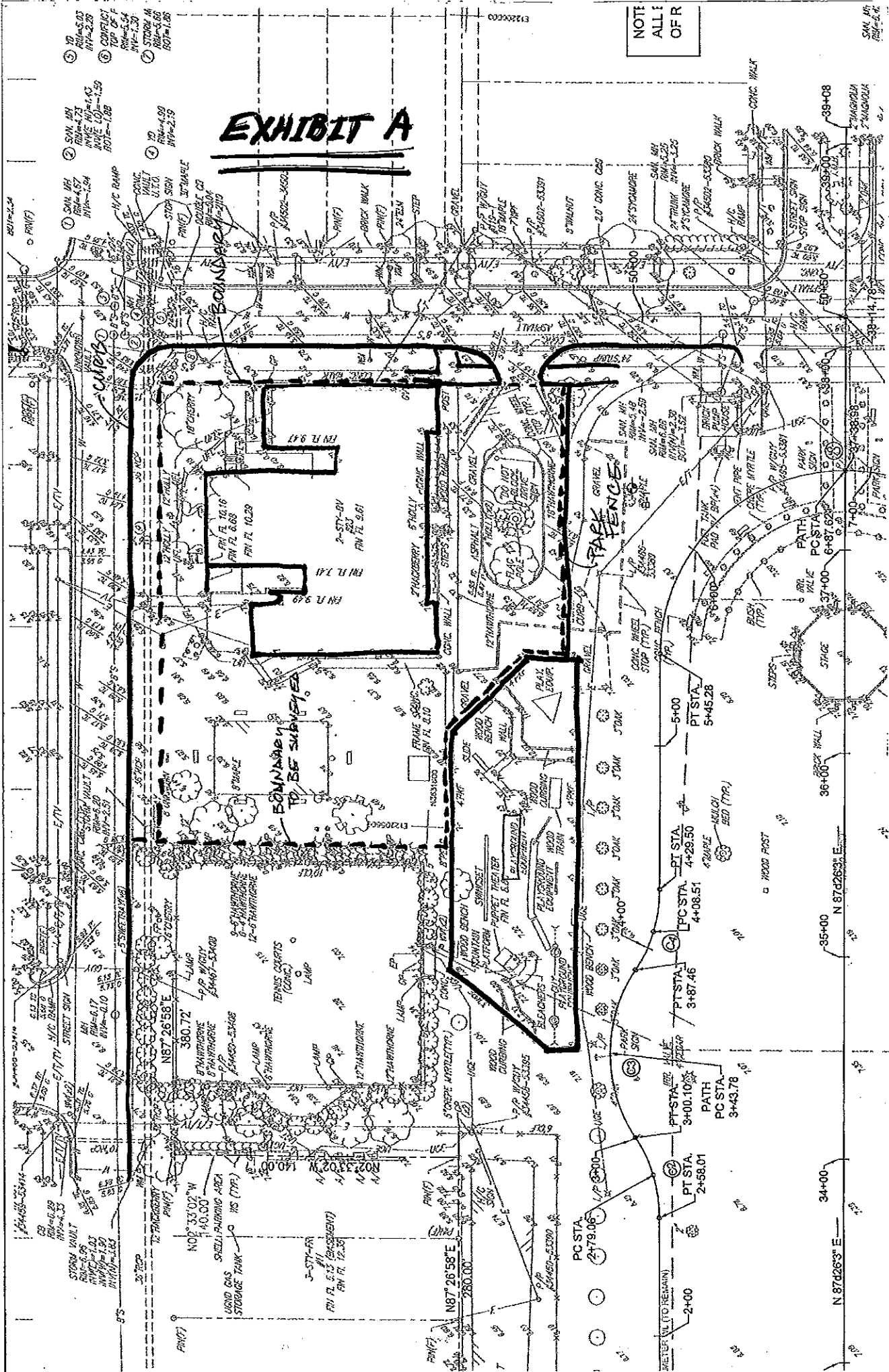
The Planning Commission recommended by unanimous vote that the Town Council rezone the Old School Area from Open Space to R-1. Roll call vote: Hayward, yes; McCoy, yes; Natali, yes; Strub, yes.

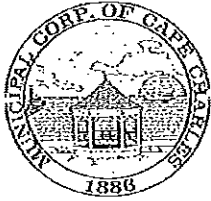
A Public Hearing was held earlier this evening, August 23, 2012, to hear comments on the proposed rezoning from Open Space to R-1.

RECOMMENDATION:

Review the public comments and the recommendation from the Planning Commission and enact Ordinance 20120823 to rezone the Old School Area from Open Space to R-1, if appropriate.

NOTE
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*Municipal Corp. of
Cape Charles*

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

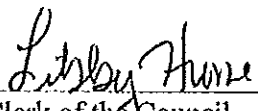
1. A meeting of the Council of the Town (the "Council") was duly called and held on June 28, 2012 (the "Meeting").
2. Attached hereto is a true, correct and complete copy of Resolution 20120628 (the "Resolution") of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by 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 Resolution as set forth below:

Member Name	Present	Absent	Voting		
			Yes	No	Abstaining
Dora Sullivan, Mayor	X				
Chris Bannon	X		X		
Steve Bennett		X			
Bruce Evans	X		X		
Joan Natali	X		X		
Mike Sullivan	X		X		
Larry Veber	X		X		

4. The Resolution 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 29th day of June 2012,

(Seal)


Clerk of the Council
Town of Cape Charles, Virginia

RESOLUTION 20120628
RESOLUTION TO REFER TO PLANNING COMMISSION THE
PROPOSED AMENDMENT OF THE ZONING MAP AND RELATED CONDITIONAL
USE PERMITS AS TO THE PROPERTY GENERALLY LOCATED AT THE CORNER
OF MADISON AVENUE AND PLUM STREET

WHEREAS, the Town Council of Cape Charles, by Ordinance No. 20120614, approved the sale of certain real property owned by the Town, described below, to Echelon Resources, Inc. ("Echelon") substantially in accordance with the form of the contract attached to such Ordinance; and

WHEREAS, that the real property to be sold pursuant to the contract is the south west corner of Madison Avenue and Plum Street, the area being bounded on the north by Madison Avenue, on the east by Plum Street, on the south by parcel 83A3-1-23 and on the west by lot 287—the area contains lots 281 through 286, a portion of the area that was originally North Park Row, and the Old Cape Charles High School building (collectively, the "Old School Area"); and

WHEREAS, Echelon intends by adaptive reuse to rehabilitate the Old School Area and convert it to seventeen residential apartment units and surrounding grounds (the "Old School Rehabilitation"); and

WHEREAS, the current zoning of the Old School Area for Open Space does not allow for the Old School Rehabilitation; and

WHEREAS, zoning district R-1 allows, by conditional use permit, for the Old School Rehabilitation as an Adaptive Reuse; and

WHEREAS, zoning district R-1 also allows for a Municipal Community Center and, by conditional use permit, a Neighborhood Community Center; and


WHEREAS, public necessity, convenience, general welfare, and good zoning practice require consideration of rezoning of the Old School Area from Open Space to R-1; now

THEREFORE BE IT RESOLVED by the Town Council of Cape Charles this 28th day of June, 2012 that the issue of amending the zoning map to rezone the Old School Area from Open Space to R-1 be referred to the Planning Commission for an appropriate recommendation following a public hearing; and

BE IT FURTHER RESOLVED that, following application therefor, the Planning Commission consider whether, in the event the rezoning is approved by the Town Council, a

Conditional Use Permit should be granted for the Old School Rehabilitation as an Adaptive Reuse and make a recommendation in connection therewith.

Adopted by the Town Council of Cape Charles on June 28, 2012.

By: 
Mayor

ATTEST:


Town Clerk

ORDINANCE 20120823
ORDINANCE TO AMEND THE ZONING MAP AS TO THE PROPERTY
GENERALLY LOCATED AT THE CORNER OF MADISON AVENUE
AND PLUM STREET

WHEREAS, the Town Council of Cape Charles, by Ordinance No. 20120614, approved the sale of certain real property owned by the Town, described below, to Echelon Resources, Inc. ("Echelon") substantially in accordance with the form of the contract attached to such Ordinance; and

WHEREAS, the subject real property is the southwest corner of Madison Avenue and Plum Street, the area being bounded on the north by Madison Avenue, the east by Plum Street, on the south by parcel 83A3-1-23 and on the west by lot 287—the area contains lots 281 through 286, a portion of the area that was originally North Park Row, and the Old Cape Charles High School building (collectively, the "Old School Area"); and

WHEREAS, Echelon intends by adaptive reuse to rehabilitate the Old School Area and convert it to seventeen residential apartment units and surrounding grounds (the "Old School Rehabilitation"); and

WHEREAS, the current zoning of the Old School Area for Open Space does not allow for the Old School Rehabilitation; and

WHEREAS, zoning district R-1 allows, by conditional use permit, for the Old School Rehabilitation as an Adaptive Reuse and allows for other compatible uses; and

WHEREAS, the Town Council, by Resolution 20120628, referred amendment of the zoning map to rezone the Old School Area from Open Space to R-1 to the Planning Commission for an appropriate recommendation following a public hearing; and

WHEREAS, the Planning Commission has presented the Town Council with a report and recommendation in favor of an amendment of the zoning map to rezone the Old School Area from Open Space to R-1; and

WHEREAS, the Town Council held a public hearing after proper notice on the proposed rezoning on August 23, 2012; and

WHEREAS, the Town Council finds that the amendment of the zoning map is compatible with surrounding uses and is consistent with the Town of Cape Charles Zoning Ordinance and the land use elements of the Town's Comprehensive Plan; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice require rezoning of the Old School Area from Open Space to R-1.

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles this 23rd day of August, 2012 that:


1. The zoning map of the Town of Cape Charles be amended to change the Old School Area from Open Space to R-1.
2. The Town Manager and staff are authorized to take all actions necessary or proper to implement the amendment of the zoning map in accordance with this Ordinance.

Adopted by the Town Council of Cape Charles on August 23, 2012

By: _____
Mayor

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional Use Permit Application from Echelon Resources, Inc.		AGENDA DATE: August 23, 2012
	SUBJECT/PROPOSAL/REQUEST: Approve Conditional Use Permit; if by ordinance the rezoning is enacted.		ITEM NUMBER: 3B
	ATTACHMENTS: Conditional Use Permit Application, Ordinance 20120823A		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Town Council adopted Resolution 20120628 to refer to the Planning Commission the proposed amendment of the zoning map for public necessity, convenience, general welfare, and good zoning practice and for consideration of the rezoning of the Old School Area from Open Space to R-1. The Resolution also requires the Planning Commission to consider whether, in the event the rezoning is approved by the Town Council, a Conditional Use Permit (CUP) should be granted for the Old School Rehabilitation as an Adaptive Reuse and make a recommendation in connection therewith.

The Planning Commission has received a completed CUP application for the Adaptive Reuse to rehabilitate the Old School Area and convert it to seventeen residential apartment units and surrounding grounds.

The Old School Area is that real property bounded on the north by Madison Avenue, on the east by Plum Street, on the south by parcel 83A3-1-23 and on the west by lot 287 – the area contains lots 281 through 286, a portion of the area that was originally North Park Row, and the Old Cape Charles High School building.

DISCUSSION:

The CUP application and the zoning ordinance require the Planning Commission and Town Council to consider the following items and that the permitted use(s) 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 with in the particular surrounding neighborhood.**
 - a. The residential adaptive reuse will restore the building in accordance with the Guidelines of the Secretary of the Interior for Rehabilitation.
 - b. The neighborhood surrounding the park is R-1 including the houses and apartments on North Park Row.
2. **Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.**
 - a. The historic restoration and adaptive reuse will be an investment of over \$2 million dollars in the neighborhood. This restoration will improve the neighborhood values with a newly rehabilitated building in accordance with the Secretary of the Interior's Guidelines.
 - b. The density of the site will be no more that the western park row site or the underlying zoning of R-1. This property covers the equivalent of 7 town lots or the equivalent space for 7 single family residences. The 4 two - bedroom apartments at 11 Park Row are on a single lot.
 - c. The residential use would require only about 17 spaces of off street parking. This parking will be provided in the area that is currently off-street parking and on the west side of the building.

- d. The historic renovation in either use will be an asset to the improvements in the adjacent Park.
3. **Be in conflict with the purpose of the Comprehensive Plan.**
- a. The current Comprehensive Plan stresses the preservation of contributing historic structures and the Virginia Department of Historic Resources in partnership with the U.S. Secretary of the Interior have promulgated rules and tax credits especially for the adaptive reuse of these contributing structures.
 - b. Page 44 of the Plan specifically sets multiple goals, one of which is to:
 - i. Provide for the adaptive reuse of the school building
 - ii. Other items referring to community center and library are separated in the Comprehensive Plan as past studies have shown that they could not be accomplished in the same building (Schrivver & Holland Study).
 - iii. The requirements are also based on growth expected at about 3%. Cape Charles has not met this growth rate as shown in the last census.

At its meeting on July 17, 2012, the Historic District Review Board discussed the Historic Rehabilitation of the building and the proposed use as apartments. The Board agrees with a Historic Rehabilitation in accordance with the Secretary of the Interior's Guidelines, but they did not agree with the proposed use. In its advisory capacity, the Board does not recommend the use of the old school building as apartments.

The Planning Commission considered these additional points:

- 1. The use is compatible with the permitted uses in the R-1.
- 2. The plan will meet the table of parking standards.
- 3. New utility services will be placed underground.
- 4. The structure is a contributing structure to the National Historic District
- 5. The Historic Review Board agrees with a Historic Restoration but not with the use as apartments.
- 6. Historic District Review Board should have final review and approval of plans (subject to normal procedures for review, recommendation and appeals) prior to any rehabilitation of any such structure.

On July 26, 2012, the Planning Commission held a public hearing followed by a special meeting. Ten citizens spoke during the public hearing. After much discussion regarding the CUP application and comments made by the public, the Commissioners voted, by majority vote, that if the Town Council approved the rezoning of the Old School Area, to recommend the approval of the conditional use permit application submitted by Echelon Resources, Inc. for the adaptive reuse of the former school building into 17 residential apartments with the condition that the basketball court be relocated. Roll call vote: Hayward, yes; McCoy, yes; Natali, yes; Strub, no.

A Public Hearing was held earlier this evening, August 23, 2012, to hear comments on the proposed rezoning from OS (Open Space) to R-1 (Residential) on the "Old School Area" as previously described and the granting of a Conditional Use Permit for Adaptive Reuse if the ordinance rezoning the Old School Area is enacted.

RECOMMENDATION:

If Ordinance 20120823 regarding the rezoning of the Old School Area is enacted, review the public comments and the recommendation from the Planning Commission and consider granting the Conditional Use Permit application for Adaptive Reuse submitted by Echelon Resources, Inc. by adoption of Ordinance 20120823A, if appropriate.

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

Date 7/25/12
*(Attach Plans)

Permit Number _____
Fee: \$300 (pd)

Applicant: Echelon Resources, Inc Signature: T. Miller (for Echelon Resources, Inc)
Address: 16215 Cape Charles, VA, 23310
Telephone: 804 767-5990 Cell Phone: _____

Owner(s): Town of Cape Charles
Address: _____ City: _____ State: _____ Zip: _____

Contractor: TBD
Address: _____ City: _____ State: _____ Zip: _____
Telephone: _____ Cell Phone: _____
Town License: _____ State License: _____

Location of Improvement: Intersection of Plum St & Madison Ave
Lot No.: 087-A2-01-00 Block No.: _____ Lot Size: .91 ac Lot Area: _____
Type of Improvement: 14 UNIT RESIDENTIAL
Proposed Use: APARTMENTS
Estimated Construction Costs: \$2.2 M

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
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: T. Miller (for Echelon Resources, Inc)

TOWN OF CAPE CHARLES
 Administration Department
 CAPE CHARLES, VA 23310-3241
 (757) 331-3259

CASH RECEIPT		Date <u>July 5, 2012</u>		006154	
Received from <u>Waukeon Development LLC</u>					
Address <u>230 E. 6th St. Portsmouth, VA 23803-3322</u>					
for <u>CEC Application</u>		Dollars \$ <u>300.00</u>			
		Check # <u>1081</u>			
		<u>Samuel Williams</u>			
AMOUNT		HOW PAID			
AMT. OF ACCOUNT		CASH			
AMT. PAID		CHECK	<u>300.00</u>		
BALANCE DUE		AMOUNT PAID			

Echelon Resources, Inc
16215 Wolf Creek Road
Montpelier, VA 23192

June 21, 2012

Town of Cape Charles
Planning Department
2 Plum St.
Cape Charles, VA 23310

ATTN: Tom Bonadeo, Town Planner

RE: Letter of Application, Conditional Use Permit
Old Cape Charles School

Mr. Bonadeo,

Attached please find the contents that comprise the completed application for a Conditional Use Permit for the adaptive reuse of the Old Cape Charles School.

Proposed Use of the Property

Our intent is to redevelop the property into 17 market rate apartments. Echelon Resources will totally rehab the structure interior and exterior, installing all new systems and complying with all code requirements. All work will be done in accordance with the Secretary of the Interior Standards for Rehabilitation.

Effect of Changes on the Surrounding Area

There will be no physical net change to surrounding properties, except for the subdivision described herein, and additional paving of the proposed parking areas. We believe that the finished project will add increased vibrancy to the neighborhood, and will bring new life to this deteriorated historic structure.

Reason for the Request

Section 3.2(C)(6) of the Cape Charles Zoning Ordinance requires this application per its adaptive use zoning guidelines.

I look forward to the meeting of the Planning Commission July 10.

Sincerely,



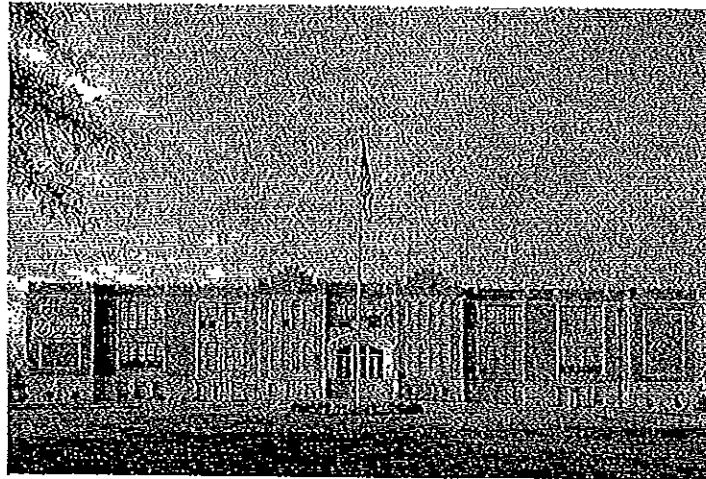
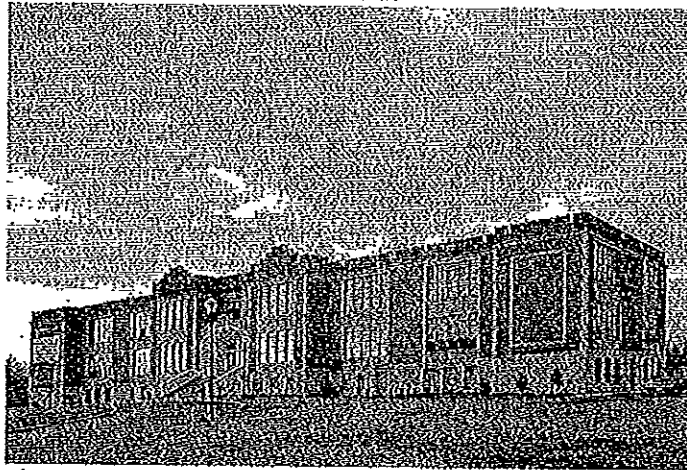
J. David McCormack
Echelon Resources, Inc.

CONCEPT PLAN

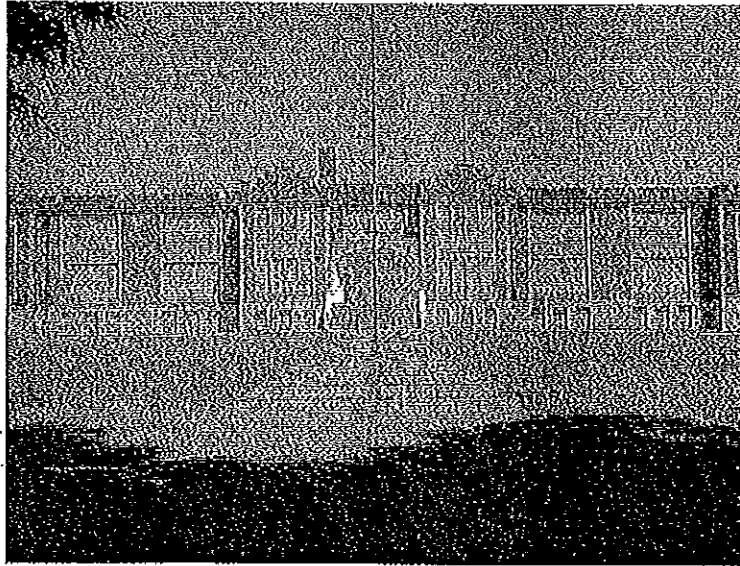
Echelon Resources will convert the Old Cape Charles School into 17 market rate apartments. There is ample space for parking compliant with the Town of Cape Charles zoning ordinance, and all work will be in accordance with the Secretary of the Interior Standards for Rehabilitation.

Below: The Developer's rehabilitation of the James E Mallonee High School in Hopewell Virginia. The concept exterior finish of the Old Cape Charles School is very similar to this project.

AFTER

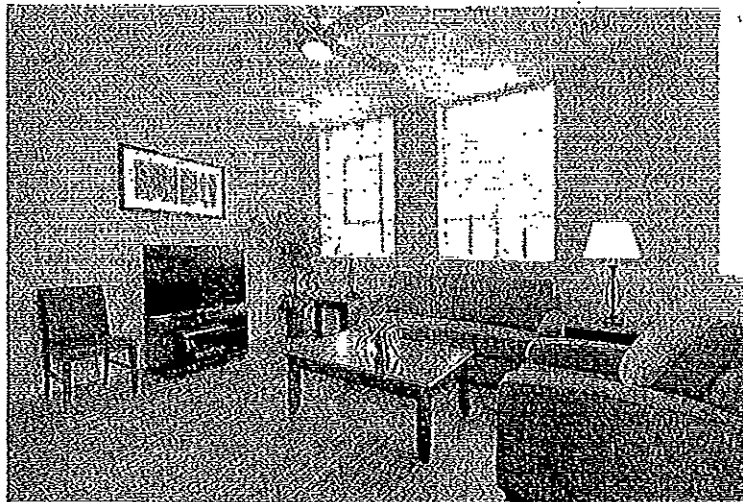


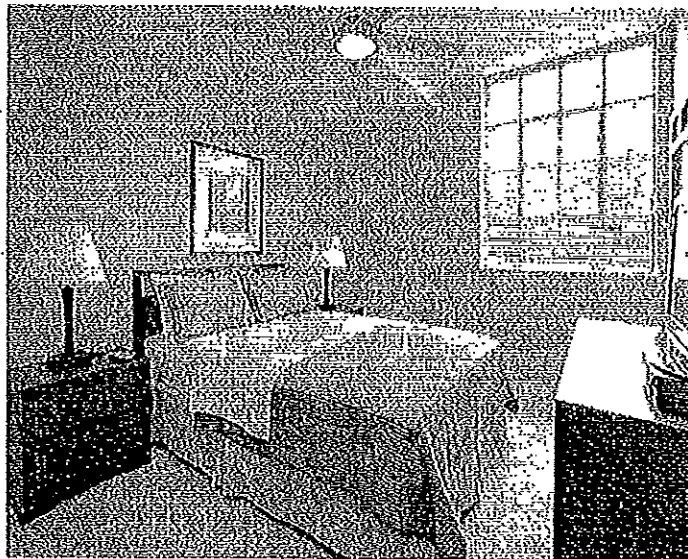
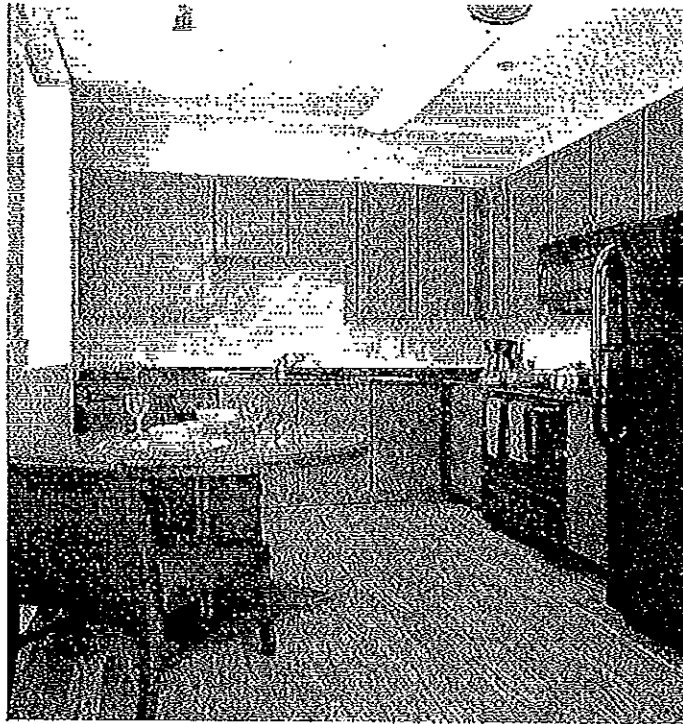
BEFORE



INTERIOR CONCEPT

In the finished interior, the Developer will seek to preserve as much as the historic fabric as possible, while at the same time creating beautiful interior spaces for market rate residences. All work on the interior of the building will be done in accordance with the Secretary of the Interior Rehabilitation Guidelines.





Adjacent Property Owners to the School

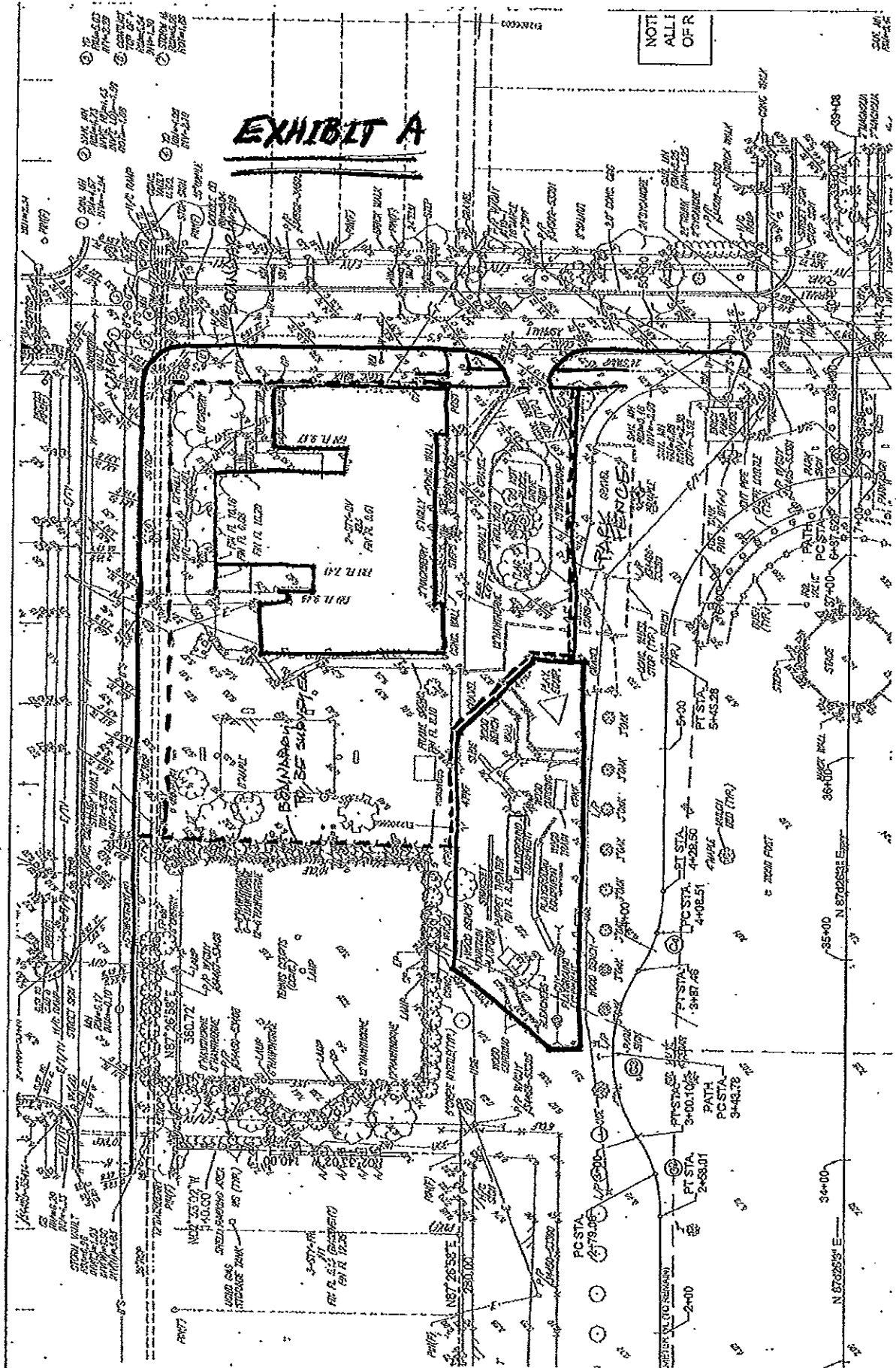
Name	Address	Parcel No.
Peter Bauman	239 Monroe Ave Cape Charles, VA 23310	83A1-6-296
Tidewater Farm	4375 White Tail Ln Machlpongo, VA 23405	
Janet Dudley	303 Madison Ave Cape Charles, VA 23310	83A1-1-194
Karen & John Silbert	3807 Winding Hollow Dr Fredericksburg, VA 22408	83A1-1-394
Ralph Giannini	428 Plum St Cape Charles, VA 23310	83A3-10-A
600 Group LLC	5802 Nicholson Ln, Apt 708 Rockville, MD 20852	83A3-10-B
John Peterman	121 Powhatan Hampton, VA 23661	83A3-10-C
Robert Carpenter	204 Chestnut Linwood, PA 19061	83A3-10-D
Dennis Pickron	5837 Wyndham Circle #302 Columbia, MD 21044	83A3-1-279
TOCC		83A3-1-174 83A3-1-175 83A3-1-178 83A3-1-179
Oscar Ewell	300 Strawberry St Cape Charles, VA 23310	83A1-1-182
Jenny Hattorf	7103 Senn Way Dr Mechanicsville, VA 23111	83A3-1-378
Cheryl Vichness	3208 Montebello Rd Baltimore, MD 21214	83A3-1-289

Adjacent Property Owners to the School

Name	Address	Parcel No.
Lenore Mitchell	309 Tazewell Ave Cape Charles, VA 23310	83A3-1-390
Larry Veber	507 Tazewell Ave Cape Charles, VA 23310	83A3-1-391A 83A3-1-392A 83A3-1-377
CPD II Inc	CPD II Inc	83A3-1-288
Betty Ewell	300 Strawberry St Cape Charles, VA 23310	83A3-1-294 83A1-1-170 83A1-1-171
Judi Pelletier	1 North Park Row Cape Charles, VA 23310	83A3-1-293
Jeanna Bouzek	1209 W 48th St Richmond, VA 23225	83A3-1-292
John Caruso	14209 Holly Ave Flushing, NY 11355	83A3-1-291
Mike Hollister	1609 Centerville Pkwy Manakin Sabot, VA 23103	83A3-1-290
Leon G. Laughman	3308 Mt. Carmel Rd Upperco, MD 21155	83A3-1-379 83A3-1-380
Jim Mahaffy	415 Tazewell Ave Cape Charles, VA 23310	83A3-1-381
Mark & Ken Usry	535 West St Bloomsburg, PA 17815	83A3-1-382A 83A3-1-383A
Leon & David Parham	403 Tazewell Ave Cape Charles, VA 23310	83A3-1-384
Stephen Smith	8125 Sinclair Rd Mechanicsville, VA 23111	83A3-1-386A 83A3-1-387A 83A3-1-388A 83A3-1-389
Elwood Morton	27521 Phillips Dr Melfa, VA 23410	83A1-6-A
Cape Charles Christian School	237 Tazewell Ave Cape Charles, VA 23310	83A1-6-393 83A1-6-396

EXHIBIT A

NOTE
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ORDINANCE 20120823A
ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ECHELON
RESOURCES, INC. FOR THE PROPERTY GENERALLY LOCATED AT THE
CORNER OF MADISON AVENUE AND PLUM STREET

WHEREAS, the Town Council of Cape Charles, by Ordinance No. 20120614, approved the sale of certain real property owned by the Town, described below, to Echelon Resources, Inc. (“Echelon”) substantially in accordance with the form of the contract attached to such Ordinance; and

WHEREAS, the real property to be sold pursuant to the contract is the southwest corner of Madison Avenue and Plum Street, the area being bounded on the north by Madison Avenue, the east by Plum Street, on the south by parcel 83A3-1-23 and on the west by lot by 287—the area contains lots 281 through 286, a portion of the area that was originally North Park Row, and the Old Cape Charles High School building (collectively, the “Old School Area”); and

WHEREAS, Echelon intends by adaptive reuse to rehabilitate the Old School Area and convert it to seventeen residential apartment units and surrounding grounds (the “Old School Rehabilitation”); and

WHEREAS, the Town Council, by Ordinance 20120823 amended the zoning map of the Town of Cape Charles to change the Old School Area from Open Space to R-1; and

WHEREAS, Echelon submitted an application for a Conditional Use Permit for Adaptive Reuse of the Old School Area to perform the Old School Rehabilitation; and

WHEREAS, the Planning Commission has presented the Town Council with a report and recommendation stating that, if the Old School Area were rezoned from Open Space to R-1, the Planning Commission would recommend granting a Conditional Use Permit for Adaptive Reuse of the Old School Area pursuant to the application submitted by Echelon; and

WHEREAS, the Town Council held a public hearing after proper notice on the proposed grant of the Conditional Use Permit on August 23, 2012; and

WHEREAS, the Town Council finds that the proposed conditional use will not adversely affect the health, safety or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood; and

WHEREAS, the Town Council finds that the proposed conditional use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and

WHEREAS, the Town Council finds that the proposed conditional use is consistent with the intent of the land use elements of the Town's Comprehensive Plan and will not be in conflict with the purpose of the Comprehensive Plan; and

WHEREAS, the Town Council finds that the proposed conditional use is compatible with surrounding uses and is consistent with the Town of Cape Charles Zoning Ordinance.

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles this 23rd day of August, 2012 that:

1. A Conditional Use Permit be granted to Echelon for an Adaptive Reuse of the Old School Area for up to 17 residential apartment units pursuant to Echelon's application, conditioned on the following:
 - a) Echelon closing on its acquisition of the Old School Area in accordance with the purchase contract between Echelon and the Town; and
 - b) Echelon's continued compliance with the Town's Zoning Ordinance and all applicable statutes, ordinances, rules, and regulations.

Adopted by the Town Council of Cape Charles on August 23, 2012.

By: _____
Mayor

ATTEST:

Town Clerk