

# TOWN CRIER

This is the 9th issue of what will be a periodic communication to the citizens of Cape Charles. John Burdiss is solely responsible for the content.

Topics addressed in this issue (January 9, 2008) are:

1. **Re-zoning and conditions uses approved for Harbor Development**
2. **Other matters on the agenda at the 1/8/08 meeting**
3. **Constituents are invited**

## Council approves development in harbor area

Council unanimously approved the zoning change and the conditional use permits for property owned by Harbor Development Group (HDG) - about 20 acres - that fronts on the south side of the Town Harbor. Council accepted the recommendations of the Planning Commission and added some additional elements to the approval, including providing a continuous buffer (essentially via the boatel building(s) proposed by HDG) and a vegetative screen - between HDG's proposed hotel/residential development and the adjacent property of Bay Shore Concrete. HDG will also, as is customarily required by VDOT, perform a traffic study to measure the impact of the project.

During the public comment period of the earlier public hearing on this matter, Bay Shore Concrete, HDG's neighbor to the west, again made its plea to Council that HDG's planned project be denied. Southport Partners LLC, the prospective developer of the former STIP (which adjoins Bay Shore Concrete on the east side) and the property which includes the Town's dock and other Town property which adjoins the HDG property on its east side, offered no objection to HDG's plans.

Over the past several months, and perhaps years, many community leaders and citizens have participated in meetings regarding the Town's comprehensive plan in general and the development of the harbor area particular. The consensus of those attending the meetings and the resulting plans for the Town, including the harbor area was that mixed uses, including a residential component where appropriate, would be favored.

The Town's Planning Commission had spent several months in open public meetings analyzing and critiquing HDG's plans before they reached the conclusion that resulted in the recommendations which Council acted upon last night. HDG's requests for more density, higher structures and an extended period to act upon the conditional uses which HDG had made directly to Council after the Planning Commission had concluded its work and made its recommendations were not approved by Council.

Another part of the overall plan to affect control of the development in the harbor was the establishment of the Historic Harbor Review Board. This board, which has been appointed, includes 2 Planning Commission members, 1 member of the Historic District Review Board, 1 member of Council and 3 members from the public at large. This board will be required to issue a certificate of appropriateness regarding HDG final plans - and to any future developments in the harbor area.

I remain very positive about all the activity in and around the harbor. I respect Bay Shore Concrete's position regarding HDG and as always, I remain a strong supporter of Bay Shore and I recognize and appreciate its long history in Cape Charles, its very positive contribution to the local economy and the jobs it provides.

Finally, there will be an ongoing need to consider the impact and means to address the changes in traffic flow and volume on the Old Cape Charles Road and Rt. 184/Fig St. and the "hump" that are being affected by and will be affected by not just HDG, but also: Southport, Bay Shore Concrete, Bay Coast Railroad, Bay Creek and the Keck property. Considerations of a roundabout at Fig Street, the on-grade crossing to extend Fig Street, the establishment of a new entry road to the former STIP, upgrading the Old Cape Charles Road, developing a new entrance from Rt. 184 to Bay Creek and the surrounding areas, and even the location of the rail spur are all among the mix of things to be considered.

### **Other matters on the 1/8/08 agenda, including action taken after a closed session**

- Council unanimously approved:
  - the ownership option for Southport (or its Sugar Run, LLC) on Parcel 83A3-20 which was identical to the one previously granted on the adjacent Town owned parcel, both of which are subject to an existing lease;
  - formally exploring the benefits of a regional water and waste water system; and
  - recommending that VDOT make a 4-way stop at Fig and Randolph.
- Council was advised that negotiations continue regarding the annexation agreement and the funds to be contributed by Baymark toward the costs of water and waste water systems.
- After a closed session was conducted, by a vote of 4 to 2 (Burdiss and Evans - "no") Council agreed to structure an agreement with Creative Property Development (CPD) to provide waste water treatment for property located on Rt. 13 in front of Tower Hill and across from Hardees. CPD desires to develop the property commercially and needs to provide for the disposal of sewage in order to achieve County approval before an anticipated zoning change would likely prohibit the project. The prospective agreement with CPD must be reviewed by the Town's attorney and must contain adequate provisions to protect the Town's interest. CPD proposes to expend substantial sums of money to the benefit of the Town in exchange for this agreement to process its sewage.

While it *may* be inevitable that this area and others on Rt. 13 - *which are currently zoned commercial* - will develop as CPD proposes, the new County comprehensive plan would not favor this development. I cannot support this prospective agreement unless the financial benefits to the Town can be quantified, they are significant and the payment of the funds can be assured, all of which must then be balanced against the impact of this prospective development upon businesses actually in or planning to be in "Town". Since terms aren't finalized the actual agreement will be give further consideration by Council.

### **You are invited!**

My office is at 117 Mason Ave., Suite E (next to Kelly's Pub) - 5:15 - 6:15 PM on Tuesday, January 15<sup>th</sup>. This is your opportunity to come, voice opinions, ask questions and learn more about what your Town government and your Council are doing to honor our duty to you by always striving to serve the best interests of the Town with each action we take. ***Please come; we will all benefit.*** Your responses and/or inquiries to anything in the Town Crier or about "Town" business are welcome at [johnburdiss@baycrk.net](mailto:johnburdiss@baycrk.net)