

TOWN CRIER

This is the 15th issue of a periodic communication to the citizens of Cape Charles.

John Burdiss is solely responsible for the content & any opinions in the *Town Crier*.

In this issue (September 12, 2008) are items from the 09/11/08 agenda

Cape Harbor

There were a couple of other important issues during last night's meeting, but the Cape Harbor request for 3 conditional use permits - (hotel, mixed use and height above 40'), as expected and as appropriate dominated the discussion.

Cape Harbor

Hotel This is and was the "easy" one - all members of council expressed support of approving this conditional use; with some reservations about whether the height should be allowed to exceed 40'. A hotel on this property could be an economic boost to town. Based upon my background in commercial lending, I am aware that hotels generally need at least 60% occupancy, preferably 70% or more to succeed. A hotel under any flag in Cape Charles would have to be marketed primarily as a destination location, having limited prospects of attracting highway traffic in any significant numbers.

If the hotel operator could succeed, the benefits would be to bring people to town; those people would not otherwise be here and they may shop, or dine, or as many of us who were smitten by this place, buy property - all good things. As a destination place, an in-town hotel, in a small place like Cape Charles, with limited existing shopping and entertainment opportunities would likely have to cater to small conferences, weddings, family reunions and the like, hoping the options for activities for their guests would grow. Certainly golfing is available and fully prepared to serve the hotel's guests; other eco-friendly, fishing, beach activities and the like exist and these service areas would perhaps grow to meet demand; similarly for restaurants, night spots, arts/theater, etc. As always, the timing, balance and quality of these important attributes may or may not meet the expectations of those who would likely be the hotel's guests.

Mixed use As I said last night, make no mistake about it, the proposal by Landmark Holdings, LLC - with or without considering the hotel - is a residential development. Spaces for commercial uses, many of which can be developed "by right" are minimal. In fact, the ratio of residential to commercial use is about 10 to 1 in square footage as laid out by the Becker Morgan Group for Landmark. Therefore, the requested 425 residential units are driving not just the height requested, but the underground parking. Further, it doesn't really matter to me whether the units are 1,000 SF - thus 425, or 3,000 SF - thus about 140, it is the mass, density and heights needed to "house" these units regardless of the actual "number" (see comments below).

Unlike the hotel, I do not see the prospective addition of 425 housing units as a true economic benefit to the town. Yes, if built, they will add to the real estate tax base, they will pay connection fees and monthly water/sewer/trash fees, but there are many other issues related to this request that either offset those potential benefits or undermine the prospect that such a massive project will ever come to fruition. But first, here are some thoughts about issues that have already been raised by a variety of people:

1. The density, mass, scale and height of the proposed residential structures (beside and overtop of commercial spaces in the 10 to 1 ratio) does not in any way approximate the “neighborhood” or anything else in the town.
2. Mason Avenue is primarily made up of commercial buildings, although several single family residences are interspersed on the East and West ends, including those directly across the street from Cape Harbor.
3. The attractive architectural renderings presented have diverted some people’s attention from the issue at hand – does this development as proposed really fit at this location?
4. As correctly stated during public comments, the Cape Harbor project is under its own regime for approval of architectural matters; however the guidelines – “legislative intent” – of that review (if any development is approved and before it occurs) are not intended to ignore the historic district that is literally across the street. For example, the Conceptual Master Plan and Design Guidelines for the Cape Charles Harbor Area includes this language
 - a. Page 31: Urban Design and Built Form. ... The placement, height, massing, proportion, articulation, and materials of new structures should encourage a vision that supports the idea that the Harbor Area develop into an extension of the adjacent historic Town while establishing its own identity as a new waterfront district.”
 - b. Page 32: Building Composition. a. Height. Building heights should be compatible with surrounding development and neighborhoods. b. Massing. The massing of new development should be compatible with the existing development found in surrounding neighborhoods.
5. The “by right” development – not an issue here or we would not be dealing with these 3 requests – essentially means that structures that contain a by right use can be built to 40’; provided that the “massing, proportion, articulation, and materials” were consistent with the guidelines. In other words, the by right uses do not allow a big box that would be 40’ high, like a Wal-Mart, for example.
6. Again, it is important to remember, just as with the North side of Mason Avenue, 2nd floor residential over commercial is not allowed by right. The harbor district does allow, unlike the opposite side of the street – up to 50% of the ground floor to also be residential – but all such residential uses on either side are subject to conditional use permits, none by right.
7. The project area was never residential in its history; the old terminal building has been estimated to have been 40’ high; the traffic in the “old” days would absolutely have exceeded the likely traffic from the proposed project, but again that traffic was related to an entirely different use and that use – like a hotel could – brought people to town – the destination point.

8. Underground parking, strictly as an engineering issue, does not cause me great concern; however the need for underground parking is driven by the density, which if lessened would likely obviate this concept as being cost prohibitive.
9. Citizens are rightly concerned that this developer or a future developer may not or for financial reasons cannot carry off the proposed multi-million dollar project requested - see the recent news stories about the problems in Norfolk - Granby Towers. Unfortunately, despite well-intentioned suggestions, since this is private property, in many ways our hands are tied. However:
 - a. We can and should require full bonding for all public/infrastructure elements to the maximum degree we are allowed to do so.
 - b. We may ask the developer to provide disclosures about the financial wherewithal of the party(ies) who own and/or who will actually build.
 - c. We may ask them to voluntarily bond or provide letters of credit to assure some minimal stages are completed.
 - d. We can require for any level of conditional approval granted that:
 - i. Only to *this developer* has the permit(s) - with the 12 month clock applicable - *approval would not be assignable*.
 - ii. Only one section of mixed use and/or the hotel is/are approved, requiring new applications for each new section and then having had the benefit of "history" - good or bad.
10. If the Cape Harbor project was something that proposed to bring full-time jobs, not just construction work and hotel jobs, I believe some of the issues that have arisen related to this residential project would be viewed more favorably.

I commend all members of council for speaking about this issue last night. We are the legislative body for the Town and that type of commentary - objectively discussing what one thinks about such issues is what we are elected to do. I look forward to further objective, fact based analysis and discussions related to this matter as we move toward addressing what appears to be a consensus that "some" project is desirable, but perhaps not this one for which these 3 conditional use requests was made.

Note: I did not publish a *Town Crier* nor hold a Constituent's meeting last month.

The Constituent's meeting will be held on
Thursday, September 18th at 5:15 - 6:15 PM.

The meetings are held at my office, at 117 Mason Ave., Suite E (next to Kelly's Pub). It 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.** Responses and/or inquiries to anything in the *Town Crier* or about "Town" business are welcome: johnburdiss@baycrk.net