



TOWN COUNCIL

Public Hearing & Regular Meeting

October 19, 2023
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Hearing:
 - A. [Zoning Map Amendments – from General Business/Light Industrial \(GBI H-1\) & Harbor to Harbor only – Tax Parcel #90-A-1A6](#)
4. Recognition of Visitors / Presentations / Recognitions
 - A. None
5. Public Comments (3 minutes per speaker for topics not subject to this evening's public hearing)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of August 31, 2023 Financial Report](#)
7. Unfinished Business:
 - *A. None
8. New Business:
 - *A. [Zoning Map Amendments – from General Business/Light Industrial \(GBI H-1\) & Harbor to Harbor only – Tax Parcel #90-A-1A6](#)
 - *B. [Resolution of Intent - Rezoning of Tax Parcels #83A3-1-644 & 83A3-1-641](#)
 - *C. [Reappointment of Board of Zoning Appeals Member](#)
 - *D. [Reappointment of Wetlands & Coastal Dune Board Member](#)
 - *E. [Reappointment of Planning Commissioner](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - October 24, 2023 – Town Council & Planning Commission Joint Work Session
 - October 26, 2023 – Town Council Work Session
 - November 2, 2023 – Town Council & Planning Commission Joint Work Session
 - November 7, 2023 – Offices closed for Election Day
 - November 10, 2023 – Offices closed for Veterans' Day
 - November 11 & 12, 2023 – Vets & Pets Dock Dogs Classic, Central Park
 - November 16, 2023 – Town Council Regular Meeting
12. Adjournment

TOWN OF CAPE CHARLES
Town Council – Public Hearing

The Cape Charles Town Council will hold a public hearing on Thursday, October 19, 2023 at 6:30 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following requests:

- A. A Zoning Map Amendment (ZMA) 2023-03 application from Cherrystone Investments, LLC to rezone Tax Map #90-A-1A6 from General Business/Light Industrial (GBI H-1) to Harbor District pursuant to Cape Charles Zoning Ordinance §§ 2.7.2 and 3.9.

The application is available for public review on our website at www.capecharles.org under Agendas and Minutes/Town Council. Please contact the Planning Department at 757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.



PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Meeting Date: October 3, 2023

Item #4A – ZMA-2023-03

Prepared by: Katie H. Nunez, Planning/Zoning Administrator

Date: September 27, 2023

APPLICANT: Cherrystone Investments, LLC

TYPE OF APPLICATION: Zoning Map
Amendment (ZMA) 2023-03

SITE ADDRESS:

SPECIFIC REQUEST: Rezone split-zoned parcel of
Harbor (H) & General Business/Light Industrial (GBI-
H1) to only Harbor (H)

TAX MAP: 90-A-1A6

ZONING ORDINANCE: CCZO Section 2.7.2

LOT SIZE: 1.799 acres

CURRENT ZONING: .329 acres is GBI-H1 & 1.45
acres is Harbor (H)

PROPOSED ZONING: Harbor for full parcel

DATE RECEIVED: August 24, 2023

DATE DEEMED COMPLETE: August 27, 2023

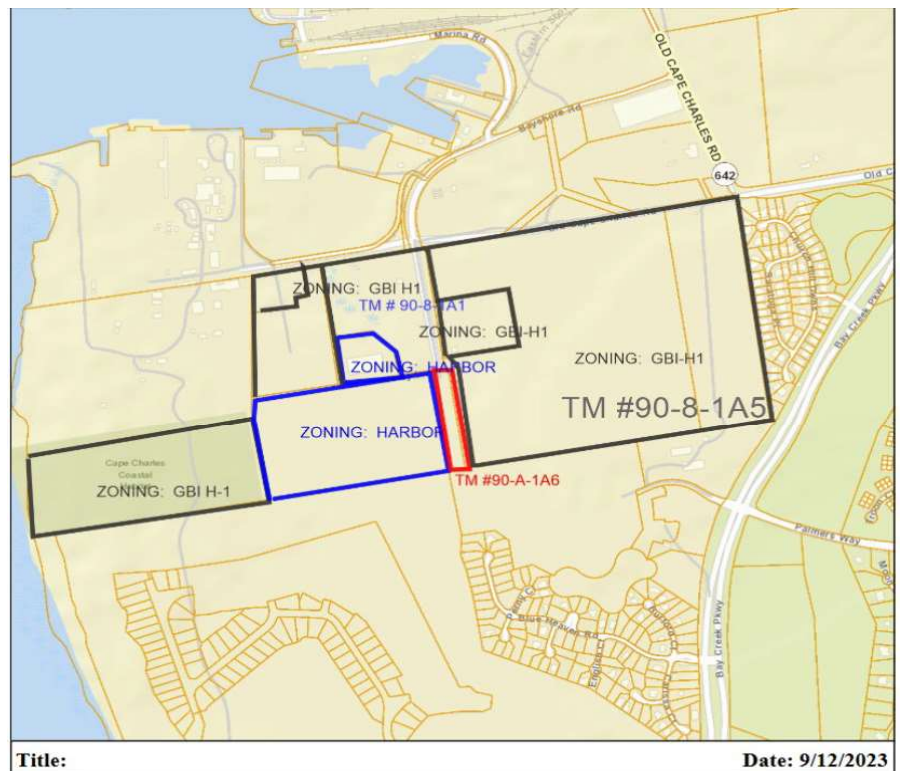
LEGAL DEADLINE: 100 days from 1st Receiving Application: December 4, 2023

NARRATIVE OF PROPOSAL

An application was filed on August 24, 2023 by Cherrystone Investments, LLC seeking to rezone Tax Map #90-A-1A6, totalling 1.799 acres (parcel outlined in red), from a split zoned parcel of Harbor (H) & General Business/Light Industrial (GBI-H1) to only Harbor (H).

The applicant has not indicated on the application as to a specific use of the property beyond a live-work business but has indicated in conversation with me that he is considering a golf cart path from the Bay Creek properties that would connect with Bay Shore Road.

Town Council passed a Resolution of Intent at their September 21, 2023



meeting, acknowledging the application and authorizing staff to schedule the necessary public hearings for both the Planning Commission (October 3, 2023) and Town Council (October 19, 2023).

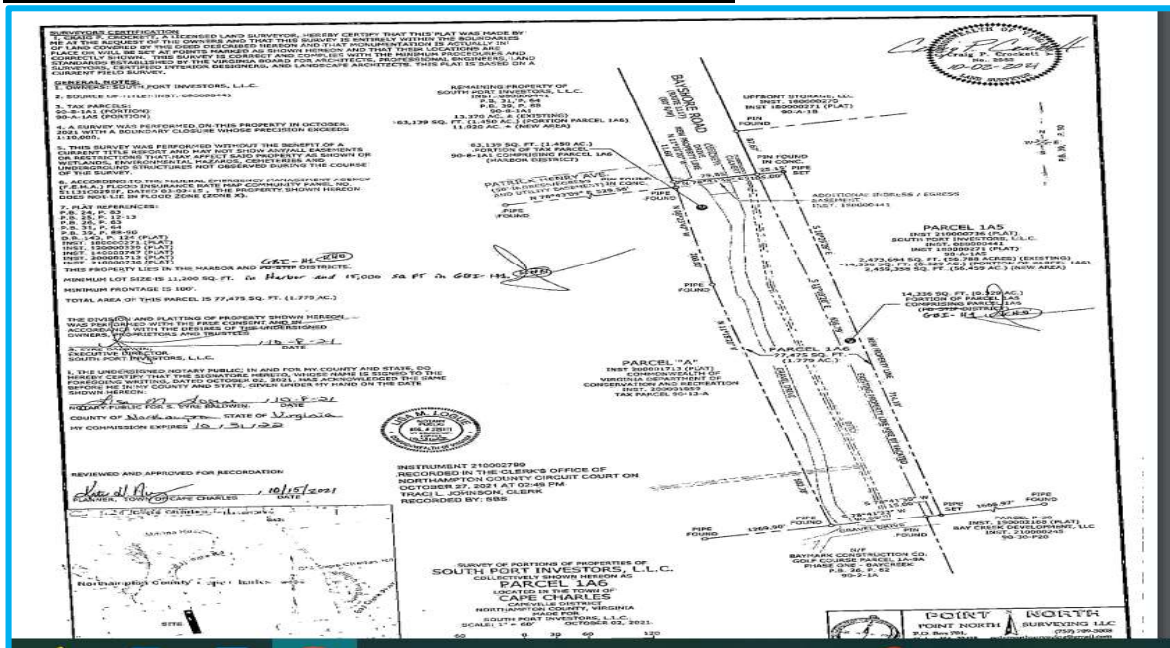
BACKGROUND

In mid-summer 2021, Southport Investors began the process of a subdivision plat to create new parcel (Parcel #90-A-1A6) by taking approximately .329 acres from Tax Map 90-8-1A5 which they owned and was, at that time, zoned GBI-H1 and 1.45 acres from Tax Map 90-8-1A1 which they owned and was, at that time, zoned Harbor.

The subdivision plat was finally approved by the Town on October 15, 2021 which created a new parcel – Tax Map #90-A-1A6 totalling 1.799 acres – which had Harbor zoning on the majority portion of the lot and GBI-H1 zoning on the smaller, remaining portion of the lot.

However, in the interim, in the fall of 2021, the Town approved rezoning of Tax Map 90-8-1A1 from Harbor to GBI-H1 but the subdivision plat had carved out and created a new parcel (Tax Map #90-A-1A6) which was not included in the rezoning application made on the “majority parent tract” and the in-process subdivision plat was not re-examined in light of the changing zoning designations south of the harbor as to what zoning designation would be on this new parcel beyond inheriting the original zoning from its parent tracts.

SUBDIVISION PLAT CREATING TAX MAP #90-A-1A6



Subsequently, in a Deed of Distribution made on December 27, 2021, Southport Investors, LLC conveyed Tax Map #90-A-1A6 to Cherrystone Investments, LLC.

REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

South of the harbor, the Future Land Use Map has designated the land one of three classifications:



Conservation/Open Space: These areas are intended for the conservation of natural resources and protection of open space. These areas include parks, recreational areas, preserved land, and wetlands.

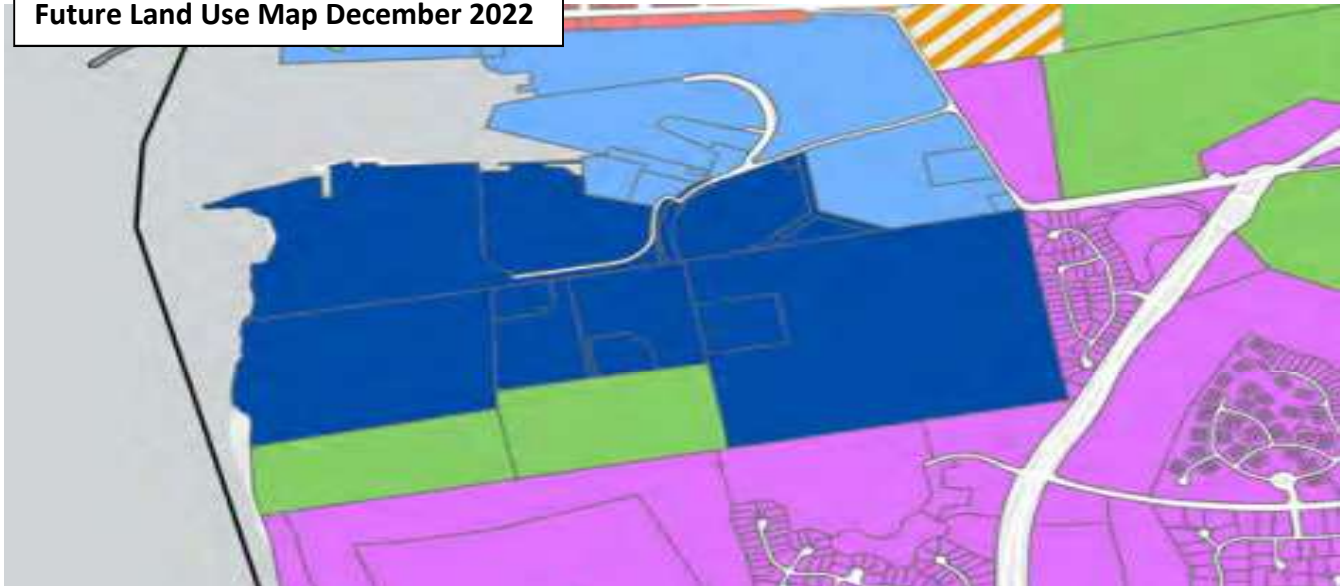


Harbor District: Further master planning will be conducted to create a strong vision for the Harbor District. The area is intended to develop in a way that mirrors the success of Mason Avenue and nearby historic residential blocks. The district could include a mix of uses on an extension of the highly walkable street grid. Specific Harbor District design guidelines should be developed with particular attention to how buildings address the streetscape and the harbor front to create a lively and attractive extension of historic Cape Charles.



Harbor District Industrial: This category is for existing and future commercial and industrial uses along the southern area of the harbor. Although these uses may be intense, the proximity to the deep water harbor is necessary for their function and for the economic diversity of the Town.

Future Land Use Map December 2022



I have enclosed for your review the detailed descriptions of the two classifications dealing with industry to assist in your deliberations on this matter.

REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

Directly to the south of the parcel is the Bay Creek Development which is zoned various designations of Planned Unit Development (PUD), including PUD Open Space & PUD R-2. Further to the north on the west side is 3 parcels zoned Industrial (M-2) and the parcels that hug Cape Charles Harbor are zoned Harbor. To the east, there are two parcels that are owned by Virginia Department of Conservation and Recreation (DCR) and have been placed in a permanent conservation easement; however, they have never petitioned the Town to rezone these two parcels since the zoning is relatively irrelevant to DCR's use and management of the property which are in accordance with the conservation easement. At some point in the near future, the Town may wish to put forth its own zoning map amendment for the 2 DCR parcels (one parcel is GBI-H-1 and one is Harbor) to Open Space.

Directly to the northeast, there is the property where Fujifilm WAKO Chemicals USA Corporation building is located and its zoning is still Harbor. Otherwise, the remaining, directly touching properties (excluding Bay Creek to south) are all zoned GBI-H1)

The Cape Charles Zoning Ordinance provides a statement of intent or purpose for the current 2 zoning districts that are on this parcel as follows:

Harbor District: *Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.*

General Business/Light Industrial H-1 (GBI H-1): *Purpose of the District. The GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County 2. Create family-wage employment and training opportunities for local residents 3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture 4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers 5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.*

Rezoning this parcel to only be Harbor allows a small buffer from the truly open space land to the east to the General Business/Light Industrial Harbor-1 (GBI H-1) zoned properties to the west and north.

STAFF RECOMMENDATION

Staff is requesting the Planning Commission to convene and hold the public hearing and consider all comments received and determine if there are additional issues raised that were not considered by staff which may need to be considered. Staff supports rezoning the full parcel to Harbor zoning.

POSSIBLE PLANNING COMMISSION MOTION

I would recommend the following motion for the Planning Commission's consideration: ***Motion to recommend the rezoning of Tax Map Parcel # 90-A-1A6 from GBI-H1 which is the zoning on a portion of the parcel (.329 acres) to fully designating this parcel as Harbor zoning only which is supported in the Comprehensive Plan Future Land Use section.***

Attachments:

Attachment 1 – ZMA Application

Attachment 2 – Land Use Designation Descriptions Harbor and Harbor Industrial



Zoning Map Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-2036
planner@capecharles.org

Revised 03/2023	
Taxes	✓ pd LL
Violations	
pd chk Fee # 1048	\$ 550
Decision	

Budget Code: MISPL 100-3100-1070

PART 1: APPLICATION NOTES

1. A pre-application conference is mandatory prior to submission of an application for a zoning map amendment.
2. A zoning map amendment application should be consistent with the Comprehensive Plan and therefore, may also require a Comprehensive Plan amendment, which should be approved prior to the zoning map amendment application.
3. The Town Council may not add conditions of approval to a zoning map amendment application.
4. If proffers are being offered, the proffer statements may not be less restrictive than the requested base zoning district standards.
5. If proffers are being offered, proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent. The applicant may voluntarily offer proffered conditions as part of their application, which must be listed in a separate voluntary proffer statement using the template found on our website.
6. Fees: \$1000 + \$50/acre plus any actual costs for advertising & adjacent property owner notification mailings *PD or Conditional Rezoning*
\$500 + 50/acre on regular rezoning

PART 2: PROPERTY INFORMATION

Property Address: <i>End Bayshore Rd</i>	Tax Map #: <i>90-A-1A6</i> →
Project name: <i>Southport</i>	Current Zoning District: <i>80% HD 20% JND</i>
Does this application include proffers? ☒ No ☐ Yes, if so, attach separate form	Proposed Zoning District: <i>100% HD</i>

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: <i>Cherrystone Investments, LLC</i>	
Mailing Address: <i>Po Box 395, Eastville, VA 23347</i>	
Email address: <i>eyre1@verizon.net</i>	Phone: <i>757-636-2985</i>

If property is owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

Eyre Baldwin
Furlong Baldwin > contact info same as above

Zoning Map Amendment Application (also referred to as a Rezoning or Conditional Rezoning) may be submitted by a Cape Charles property owner and may be advanced to public hearing, after this application is submitted to Town Council who authorizes said applications to public hearings, first to the Planning Commission in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204.

The applicant will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan

Additionally, the Planning Commission or Town Council may prepare and apply for a zoning map amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

PART 4: Written Description of Request – Answer all questions in this section. Attach additional sheets as needed.

- A) Describe the existing conditions on the property including existing land uses and buildings as well as the land uses and zoning districts on the abutting properties.

HB to the west, Industrial to the east. It is a wooded lot

- B) Describe how existing conditions have changed, thereby making the proposed amendment needed.

Mixed zoning and want all to be harbor district.

- C) Describe how the proposed amendment furthers the objectives of the Comprehensive Plan.

consistency

- D) Describe why the proposed rezoning is necessary.

To create a business opportunity

- E) Describe the proposed use of the rezoned property including a site plan with the proposed types of site improvements and buildings.

live-work businesses

Applicant's signature: _____

Date: _____

Zoning Administrator's Signature: _____

Date: _____

PART 5: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZMA
Planning Commission	Town Council
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:

Northampton County, Virginia

Tax Map #: 90-A-1A6
Owner: CHERRYSTONE INVESTMENTS,
LLC

Details

Billing Address: PO BOX 395
City: EASTVILLE
State: VA
Zip: 23347
Total Acres: 1.78
Land Value: \$80,000
Improvement Value: \$0
Total Value: \$80,000
Deed Book: N/A
Deed Page: N/A
Will Book: N/A
Will Page: N/A
Plat: 210002799
Instrument Number: 210003280
Parcel_Description: PARCEL 1A6 - SURVEY OF
PORTIONS OF SOUTH PORT INV

Northampton County, Virginia

Legend

- County Boundaries
- Town Names
- Route Numbers
- Road Labels
- Parcels
- Driveways



Title: Parcels

Date: 8/31/2023

Feet
0 100 200 300 400
1:4,514 / 1"=376 Feet

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton is not responsible for its accuracy or how current it may be.

Northampton County, Virginia

Legend

- County Boundaries
- Town Names
- Route Numbers
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Title: Parcels

Date: 8/31/2023

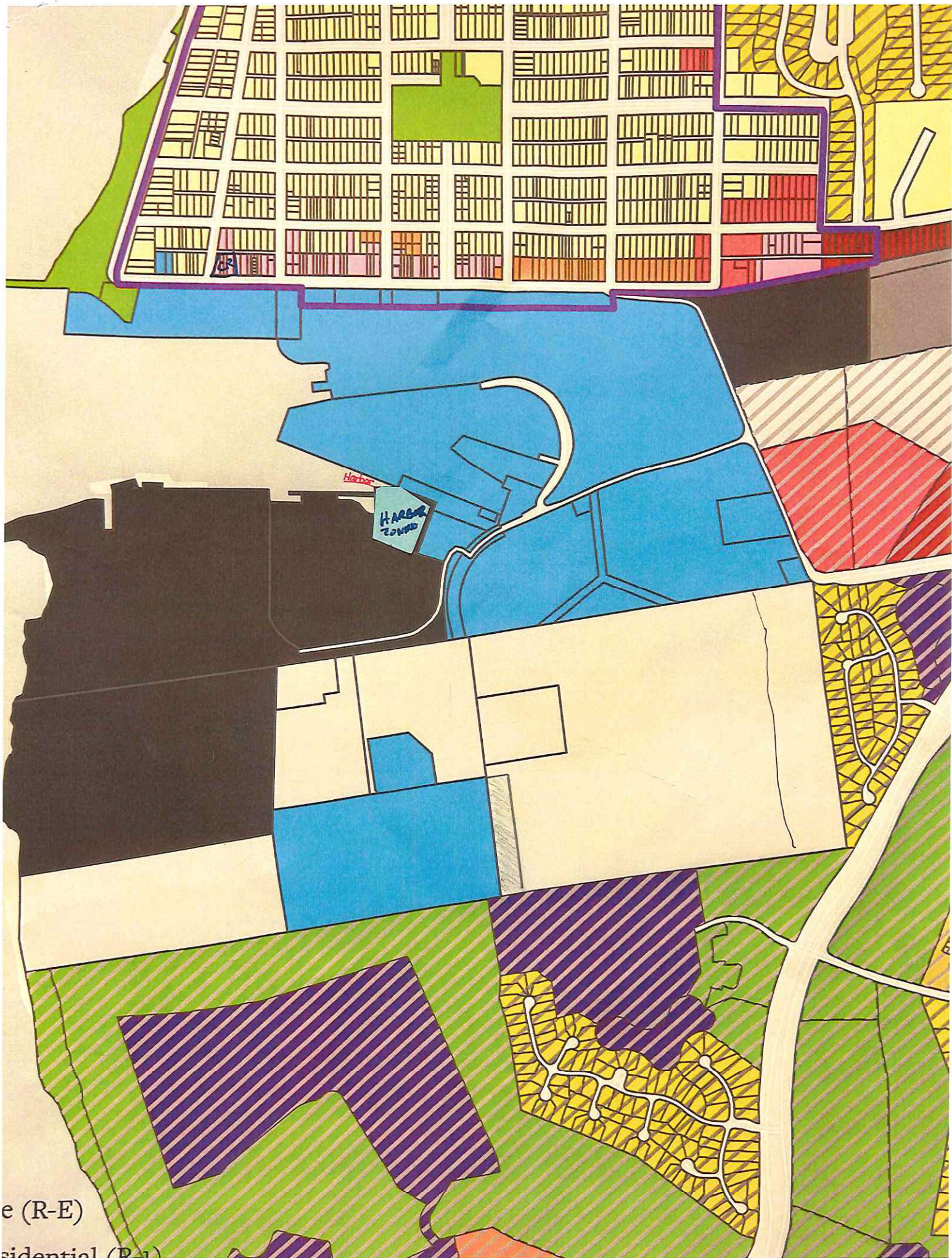
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Northampton County, Virginia

Tax Map #: 90-A-1A6
Owner: CHERRYSTONE INVESTMENTS,
LLC

Details

Billing Address: PO BOX 395
City: EASTVILLE
State: VA
Zip: 23347
Total Acres: 1.78
Land Value: \$80,000
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Will Page: N/A
Plat: 210002799
Instrument Number: 210003280
Parcel_Description: PARCEL 1A6 - SURVEY OF
PORTIONS OF SOUTH PORT INV



e (R-E)

idential (R-1)

SURVEYOR'S CERTIFICATION
I, CRAIG P. CROCKETT, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT THE MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.

GENERAL NOTES:

1. OWNERS: SOUTH PORT INVESTORS, L.L.C.

2. SOURCE OF TITLE: INST. 080000441

3. TAX PARCELS:
90-B-1A1 (PORTION)
90-A-1A5 (PORTION)

4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN OCTOBER, 2021 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.

5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/all EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.

6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51133 C0295F, DATED 03-07-15, THE PROPERTY SHOWN HEREON DOES NOT LIE IN FLOOD ZONE (ZONE X).

7. PLAT REFERENCES:

P.B. 24, P. 63

P.B. 25, P. 12-13

P.B. 26, P. 63

P.B. 31, P. 64

P.B. 39, P. 88-90

D.B. 143, P. 124 (PLAT)

INST. 180000271 (PLAT)

INST. 120000339 (PLAT)

INST. 140000247 (PLAT)

INST. 200001713 (PLAT)

INST. 210000236 (PLAT)

THIS PROPERTY LIES IN THE HARBOR AND PORTER DISTRICTS.

MINIMUM LOT SIZE IS 11,200 SQ. FT. IN HARBOR AND 15,000 SQ. FT. IN GBI-H1.

MINIMUM FRONTAGE IS 100'.

TOTAL AREA OF THIS PARCEL IS 77,475 SQ. FT. (1.779 AC.)

THE DIVISION AND PLATTING OF PROPERTY SHOWN HEREON WAS PERFORMED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, S. FYRE BALDWIN, AND TRUSTEES.

S. FYRE BALDWIN,
EXECUTIVE DIRECTOR,
SOUTH PORT INVESTORS, L.L.C.

I, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR MY COUNTY AND STATE, DO HEREBY CERTIFY THAT THE SIGNATURE HEREON, WHOSE NAME IS SIGNED TO THE FOREGOING WRITING, DATED OCTOBER 02, 2021, HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY COUNTY AND STATE, GIVEN UNDER MY HAND ON THE DATE SHOWN HEREON.

NOTARY PUBLIC FOR S. FYRE BALDWIN,
DATE 10/15/2021

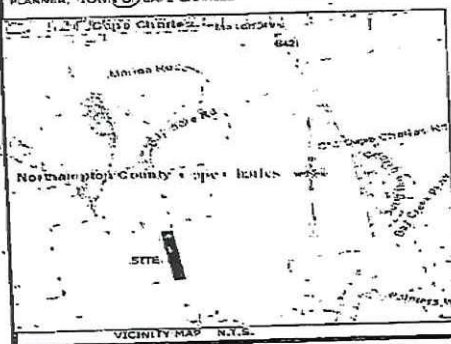
COUNTY OF Northampton STATE OF Virginia

MY COMMISSION EXPIRES 10/31/22



REVIEWED AND APPROVED FOR REGISTRATION

PLANNER, TOWN OF CAPE CHARLES
DATE 10/15/2021



INSTRUMENT 210002799
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY CIRCUIT COURT ON
OCTOBER 27, 2021 AT 02:48 PM.
TRACIL JOHNSON, CLERK
RECORDED BY: SBS

SURVEY OF PORTIONS OF PROPERTIES OF
SOUTH PORT INVESTORS, L.L.C.
COLLECTIVELY SHOWN HEREON AS

PARCEL 1A6
LOCATED IN THE TOWN OF
CAPE CHARLES

NORTHAMPTON COUNTY, VIRGINIA
MADE FOR
SOUTH PORT INVESTORS, L.L.C.
OCTOBER 02, 2021.

SCALE: 1" = 60'
GRAPHIC SCALE 1 INCH = 60 FT.



POINT NORTH SURVEYING, LLC
P.O. Box 701, Chesley, VA 22615
(703) 449-0008
CRAIG P. CROCKETT, LICENSED LAND SURVEYOR, LICENSE NO. 211190



REMAINING PROPERTY OF
SOUTH PORT INVESTORS, L.L.C.
INST. 080000441
P.B. 31, P. 64
P.B. 39, P. 88
90-B-1A1
13,370 AC. ± (EXISTING)
-63,139 SQ. FT. (1,450 AC.) (PORTION PARCEL 1A6)
13,920 AC. ± (NEW AREA)

63,139 SQ. FT. (1,450 AC.)
PORTION OF TAX PARCEL
90-B-1A1 COMPRISING PARCEL 1A6
(HARBOR DISTRICT)

PATRICK HENRY AVE.
150' IN-WEDGEBRESS
(AND UTILITY EASEMENT) IN CONC.
N 78°43'09" E 529.50'

UPFRONT STORAGE, LLC
INST. 180000279
INST. 180000271 (PLAT)
90-A-15

PIN FOUND
25.15' PIPE SET

PIN FOUND IN CONC.

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PARCEL 1A5
INST. 210000271 (PLAT)
SOUTH PORT INVESTORS, L.L.C.
INST. 080000441
INST. 180000271 (PLAT)
90-A-1A5
2,473,694 SQ. FT. (56.788 ACRES) (EXISTING)
-14,336 SQ. FT. (0.329 AC.) (PORTION OF PARCEL 1A6)
2,459,358 SQ. FT. (56.459 AC.) (NEW AREA)

14,336 SQ. FT. (0.329 AC.)
PORTION OF PARCEL 1A6
COMPRISING PARCEL 1A6
(HARBOR DISTRICT)
G-02-H1

PARCEL "A"
INST. 200001713 (PLAT)
COMMONWEALTH OF
VIRGINIA DEPARTMENT OF
CONSERVATION AND RECREATION
DIST. 200001859
TAX PARCEL 90-13-A

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This instrument prepared by:
C. A. Turner, III, Esquire
Virginia State Bar #27856
P O Box 878
Eastville VA 23347

CLERK'S NOTE: This deed is exempt from recordation taxes pursuant to
Virginia Code §§58.1-811.A-11 and 58.1-811.C-1

Parcel Identification # 90-A-1A (part of), 90-8-1A1 (part of)
RPC# n/a
For Identification Purposes Only

THIS DEED OF DISTRIBUTION, made this 27th day of December, 2021, by and
between **SOUTH PORT INVESTORS, L.L.C.**, a Virginia limited liability company, Grantor,
and **CHERRYSTONE INVESTMENTS, L.L.C.**, a Virginia limited liability company,
Grantee, having an address of P. O. Box 395, Eastville, VA 23347.

WHEREAS, Grantor has resolved to convey the property hereby conveyed to the Grantee
as and for a distribution.

WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00), cash in
hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged
by the Grantor, the Grantor does hereby grant and convey with **GENERAL WARRANTY** and
ENGLISH COVENANTS OF TITLE unto the Grantee, its successors and assigns, the following
described real estate, to-wit:

Parcel 1: That certain tract or parcel of land identified as "Parcel 1A6,
77,475 SQ. FT. (1.799 AC.)" on a certain plat dated October 2, 2021, made by
Point North Surveying LLC, entitled "SURVEY OF PORTIONS OF
PROPERTY OF SOUTH PORT INVESTORS, L.L.C. COLLECTIVELY
SHOWN HEREON AS PARCEL 1A6 LOCATED IN THE TOWN OF CAPE
CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY,
VIRGINIA MADE FOR SOUTH PORT INVESTORS, L.L.C.", and
recorded in the Clerk's Office of the Circuit Court of Northampton County,
Virginia 210002799.

Parcel 2: That certain tract or parcel of land identified as
"REMAINDER OF TAX PARCEL 90-A-1A, 669,737 SQ. FT., 15.375 AC. "
on a certain subdivision plat dated February 20, 2021, made by Point North
Surveying LLC, entitled "SUBDIVISION OF PROPERTY OF
SOUTHPORT INVESTORS, LLC SHOWN HEREON AS PARCEL 1A5
LOCATED IN THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA MADE FOR SOUTHPORT
INVESTORS, LLC", and recorded in the Clerk's Office of the Circuit Court
of Northampton County, Virginia 210000736.

TOGETHER WITH the privileges and appurtenances unto said lot or parcel of land
belonging or in anywise appertaining.

12/22/21, 10:24 AM

Deed Calculation - DODS

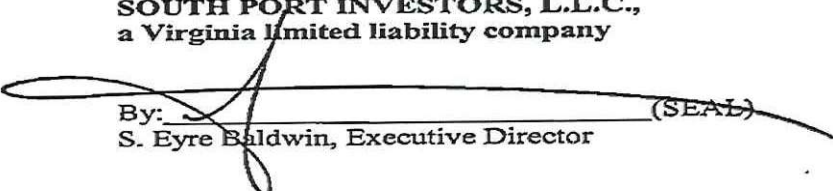
Circuit Court Deed Calculation for NORTHAMPTON COUNTY CIRCUIT COURT

Deed Type:	DODS --> DEED DISTRIBUTION														
Grantor Exempt:	N														
Grantee Exempt:	N														
Consideration Amount:	\$0.00														
Assume/Value Amount:	\$0.00														
Locality Percent:	100 %														
Pages:	4														
O/P:	0														
Date:	12/22/2021														
<table> <tr> <th>Fee</th><th>Amount</th></tr> <tr> <td>VIRGINIA OUTDOOR FOUNDATION (035);</td><td>3.00</td></tr> <tr> <td>TECHNOLOGY TRST FND (106);</td><td>5.00</td></tr> <tr> <td>VSLF (145);</td><td>3.50</td></tr> <tr> <td>TRANSFER FEES (212);</td><td>1.00</td></tr> <tr> <td>CLERK RECORDING/INDEXING FEE (301);</td><td>14.50</td></tr> <tr> <td>Total:</td><td>\$27.00</td></tr> </table>		Fee	Amount	VIRGINIA OUTDOOR FOUNDATION (035);	3.00	TECHNOLOGY TRST FND (106);	5.00	VSLF (145);	3.50	TRANSFER FEES (212);	1.00	CLERK RECORDING/INDEXING FEE (301);	14.50	Total:	\$27.00
Fee	Amount														
VIRGINIA OUTDOOR FOUNDATION (035);	3.00														
TECHNOLOGY TRST FND (106);	5.00														
VSLF (145);	3.50														
TRANSFER FEES (212);	1.00														
CLERK RECORDING/INDEXING FEE (301);	14.50														
Total:	\$27.00														
*Clerk and Deed Processing Fees do not apply to any agency of the Commonwealth of Virginia. **The Technology Trust Fund fee does not apply to any federal, state, or local government.															

This conveyance is made subject to any easements, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title, which have not expired by a time limitation contained therein or have otherwise become ineffective, and to matters visible upon inspection.

WITNESS the following signature and seal:

**SOUTH PORT INVESTORS, L.L.C.,
a Virginia limited liability company**

By:  (SEAL)
S. Eyre Baldwin, Executive Director

STATE OF VIRGINIA,

COUNTY OF NORTHAMPTON, to-wit:

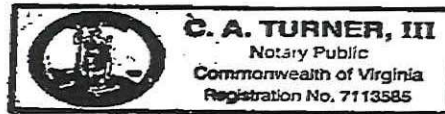
The foregoing instrument was acknowledged before me this 27th day of December, 2021 by S. Eyre Baldwin, Executive Director of South Port Investors, L.L.C., a Virginia limited liability company, on behalf of the company.

My Commission Expires:

7/31/2024

Registration # 7113585

 (SEAL)
Notary Public



**INSTRUMENT 210003280
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY CIRCUIT COURT ON
DECEMBER 29, 2021 AT 12:06 PM
TRACI L. JOHNSON, CLERK
RECORDED BY: MWD**

Entity Information

Entity Information

Entity Name: Cherrystone Investments, L.L.C.

Entity ID: S2433185

Entity Type: Limited Liability Company

Entity Status: **Active**

Series LLC: No

Reason for Status: Active

Formation Date: 12/10/2007

Status Date: 02/09/2023

VA Qualification Date: 12/10/2007

Period of Duration: Perpetual

Industry Code: 0 - General

Annual Report Due Date: N/A

Jurisdiction: VA

Charter Fee: N/A

Registration Fee Due Date: Not Required

Registered Agent Information

RA Type: Individual

Locality: NORTHAMPTON COUNTY

RA Qualification: Member or Manager of the Limited Liability Company

Name: FURLONG BALDWIN

Registered Office Address: 16464 COURTHOUSE ROAD, EASTVILLE, VA, 23347 - 0000, USA

Principal Office Address

Address: 16464 COURTHOUSE RD, EASTVILLE, VA, 23347 - 0000, USA

(https://www.scc.virginia.gov/civ/civ_contact.aspx)

[Filing History](#) [RA History](#) [Name History](#) [Previous Registrations](#) [Protected Series](#)
(<https://www.facebook.com/VirginiaStateCorporationCommission>) (<https://twitter.com/VASateCorpComm>)

[Garnishment Designees](#) [Image Request](#)

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[Return to Results](#)

[Back to Login](#)

Customer Name:		CHERRYSTONE INVESTMENTS, LLC	
Account Number:	4685	Account Status:	Active
Bill To Address:	PO BOX 395	Account Balance:	\$0.00
		Current Year Balance:	\$0.00
		Prior Year Balance:	\$0.00
	EASTVILLE	VA	23347-0395
Primary Phone:		Allow Advertising:	True
Email Address:		Allow Late Listing:	True
Social Security #:		Cash Only:	False
Other Social Security #:		Bankrupt	False
DL Number:		Allow Interest:	True
Employer:		Allow Penalty:	True
County #:	10003664	Tax Exempt:	False
		Circuit Breaker:	False
Bill Comment:			
Pay Comment:			

Real Properties

Prop Address	Real Pin	Prop Value	Building Value
BAYSHORE RD	1664000090080000001A	\$80,000.00	\$0.00
	6		
PARCEL 1A - SUBDIV	12632000900A00000001	\$768,800.00	\$0.00
OF SOUTHPORT	A		
INVESTOR			

Harbor District

Further master planning will be conducted to create a strong vision for the Harbor District. The area is intended to develop in a way that mirrors the success of Mason Avenue and nearby historic residential blocks. The district could include a mix of uses on an extension of the highly walkable street grid. Specific Harbor District design guidelines should be developed with particular attention to how buildings address the streetscape and the harbor front to create a lively and attractive extension of historic Cape Charles.

Note: Refer to the Harbor Area Conceptual Master Plan and Design Guidelines, once developed.

a. Function

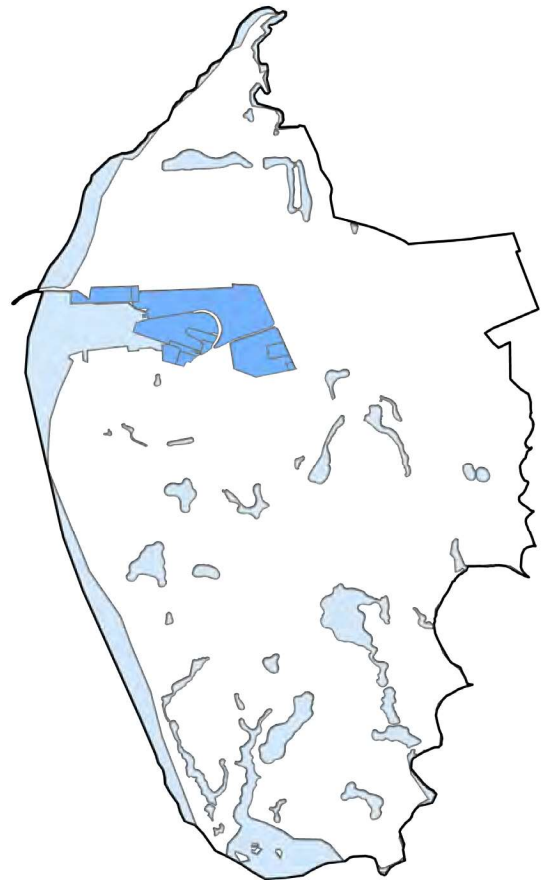
1. To provide a vibrant working waterfront that is both a strong economic benefit to the Town and encourages compatible new industry and employment uses.
2. To provide places with strong public and recreational value, with public gathering places and access to the water.
3. To provide a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its historic traditions.

b. Preferred Uses

1. Land uses in this district should be mixed, including resort and tourism-related retail, waterfront industrial and employment, associated residences, and accessory uses and should support the existing harbor uses.
2. In general, residential uses should be located above the first floor, reserving first floor storefront space for activity-generating uses such as retail shops, restaurants or recreational amenities.
3. Berthing and marina uses should correspond to the available water depth that exists in the Harbor.
4. Open space and recreational uses, such as walkways, greenways, and public plazas and promenades, that provide access to the water should be provided.

c. Design Character and Scale

1. Harbor Mixed-Use projects should be architecturally and visually compatible with the Town's historic built fabric and design character, with a fine-grained land use pattern at a human scale, while still reflecting the best contemporary design and development practices. Blocks should generally not be more than 600 foot long.
2. Development should combine uses vertically, as well as horizontally (i.e. mixing uses among buildings and within individual buildings), to achieve convenience, variety and walkability in the district.
3. Building edges should be set similar to the existing section of Mason Avenue to create a more orderly pattern of buildings and develop an urban "main street" character.



4. Public access and views to the waterfront should be integrated in a way that is compatible with the function of the maritime activity.
5. Vehicular, pedestrian and bicycle circulation should tie the district together internally and with surrounding areas and should recognize the unique historic and waterfront environment of the site.
6. Alleys, thoroughfares, and service ways should be utilized to ensure trash pickup and deliveries for commercial establishments do not take place along public right of ways.
7. Design elements should be integrated with wide sidewalks, street trees, benches, and entrances to buildings at the edges of street rights-of-way. Bicycle facilities, on street parking, and usable public spaces should be provided.
8. Landscaping should be provided according to the approved Town landscaping requirements.
9. Most of the site may be developed as building, parking or paved plaza and access areas. However, there should generally be 20-30% of the site in amenity open space, as public plazas, landscaping or decoratively-paved wider sidewalks or sitting areas.
10. Development on the north side of the harbor should be of a scale similar to that of the Historic Downtown Mixed Use Category, while taller heights may be allowed on the south side of the harbor with a gradual height transition between the north and south sides.

d. Building Design

1. Architecture should be compatible with and reflective of character, materials, and form of the existing traditional residential, commercial and industrial buildings in the Town of Cape Charles.
2. Structures and improvements on the site should generally be clustered and compactly designed to allow for minimal disturbance and extensive open space and public areas.
3. The traditional gridded layout of streets in the Harbor Area should be reinforced through the placement and design of buildings, travelways, and landscape elements. New streets should extend the existing historic street grid of the Town.
4. Development along new or existing public streets should foster a walkable and enjoyable pedestrian environment. New development should avoid large expanses of blank walls, should provide frequent street level entries, and should provide sidewalk amenities such as street furniture and lighting that encourage year-round pedestrian use.

Harbor District Industrial

This category is for existing and future commercial and industrial uses along the southern area of the harbor. Although these uses may be intense, the proximity to the deepwater harbor is necessary for their function and for the economic diversity of the Town.

a. Function

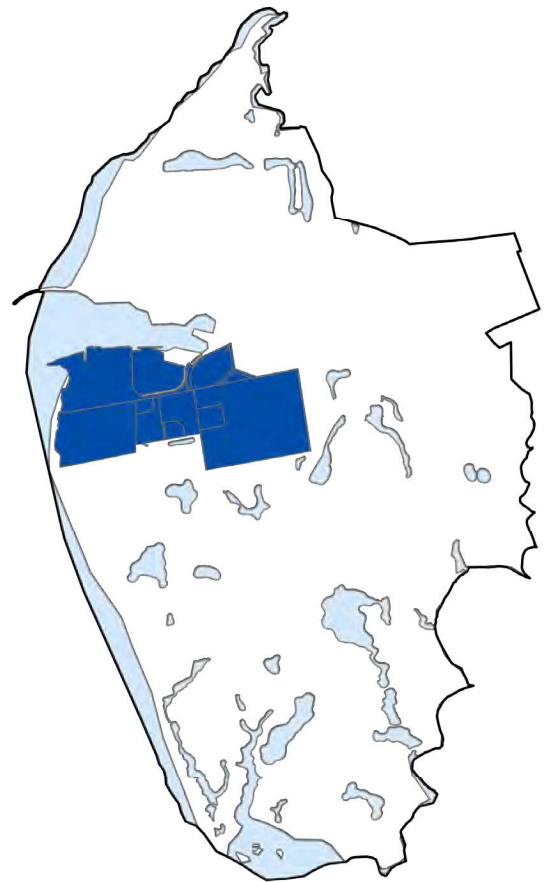
1. To provide a broad spectrum of non-tourist related local and regional employment that offers living wage jobs and supports a balanced tax base.
2. To encourage cost effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.
3. To serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers.

b. Preferred Uses

1. Land uses in the designation should consist of office and flexible industrial uses, including corporate headquarters, emerging technologies facilities, and appropriate manufacturing, that support local and regional employment opportunities consistent with the Town's small town historic character.
2. Residential mixed-use areas should be encouraged to complement existing and future employment opportunities.
3. Open space and recreational uses, such as walkways, greenways, and public plazas and promenades, should be maintained as an important amenity to the Town.

c. Design Character and Scale

1. Vehicular, pedestrian and bicycle circulation should tie the district together internally and with surrounding areas.
2. Office buildings should be located close to the roadways with parking behind, or underneath and/or located in the interior of the development, so that building fronts and entrances face on the street.
3. Development along new or existing public streets should foster a walkable and enjoyable pedestrian environment. New development should avoid large expanses of blank walls, should provide frequent street level entries, and should provide sidewalk amenities such as street furniture and lighting that encourage year round pedestrian use.
4. Most of the site may be developed as building, parking or paved plaza and access areas. However, there should generally be 10-20% of the site in amenity open space, as buffers, landscaping, greenways or recreational facilities.



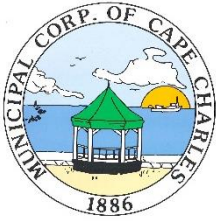
5. Alleys, thoroughfares, and service ways should be utilized to ensure trash pickup and deliveries for commercial establishments do not take place along public right of ways.
6. The use of landscaping and screening devices should be used to the maximum extent feasible adjacent to public rights of way.

d. Building Design

1. Architecture should be compatible with and reflective of character, materials, and features of Cape Charles, while still reflecting the best contemporary design and development practices.
2. Structures and improvements on the site should generally be clustered and compactly designed to allow for minimal disturbance and extensive open space and public areas.
3. Along major street frontages, buildings may be taller and should decrease in height as they become less visible from the street.
4. Building facades should have compatible architectural detail when visible from public areas.



Industrial uses adjacent to Cape Charles Harbor.



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
September 21, 2023
6:30 PM

At approximately 6:30 p.m. Mayor Adam Charney, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Councilmen Buchholz, Butta, Follmer, and Grossman, and Councilwoman Holloway. Vice Mayor Bennett was not in attendance. Also, in attendance were Project Manager Bob Panek, Planner/Zoning Administrator Katie Nunez, Interim Treasurer Manager Jerry Murphy, Police Chief Jim Pruitt, Assistant to the Town Manager Julie Pruitt, Officer Thomas Lynch, and Town Clerk Libby Hume. Town Manager John Hozey participated via conference call from Alaska. There were 6 members of the public physically in attendance, and 6 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

A. Certificate of Commendation for Officer Thomas Lynch:

Mayor Charney presented a Certificate of Commendation and an award to Officer Thomas Lynch for his heroic actions above and beyond the call of duty, using his police vehicle to stop a fleeing vehicle driving through Central Park. Officer Lynch put his own safety aside to ensure the safety of the Town's citizens and visitors on August 29, 2023.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Sam Jones, Cape Charles property owner/resident

Mr. Jones thanked the Mayor and Council for their continued support to keep the Cape Charles Memorial Library on Mason Avenue. (Please see attached.)

There were no other comments to be heard nor any comments received in writing prior to the meeting.

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. August 17, 2023 Town Council Regular Meeting
 - ii. August 21, 2023 Town Council & Planning Commission Joint Work Session
 - iii. August 31, 2023 Town Council Executive Session
- C. Approval of July 31, 2023 Financial Report

Motion made by Councilman Buchholz, seconded by Councilman Butta, to approve the Consent Agenda as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. Resolution of Intent-Consideration of Zoning Map Amendment Application:

Planner/Zoning Administrator Katie Nunez stated that in late August, an application for zoning map amendment was received from the owner of Tax Map #90-A-1A6 requesting the rezoning of a portion of this parcel from General Business/Light Industrial (GBI H-1) to Harbor. In October

2021, Southport Investors LLC subdivided approximately .329 acres from Tax Map #90-8-1A5 which was zoned GBI H1 and 1.45 acres from Tax Map #90-8-1A1 which was zoned Harbor. This subdivision created a new parcel, Tax Map #90-A-1A6 totaling 1.799 acres. In December 2021, Southport Investors conveyed this parcel to Cherrystone Investments, LLC, which is desirous of eliminating the dual zoning on this parcel and having the entire parcel zoned as Harbor. The Town's Zoning Ordinance and Virginia Code § 15.2-2286 (A) (7) required a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map. Consideration and approval of the resolution of intent did not constitute approval of any change to the Town's Zoning Map. It merely identified that a Zoning Map Amendment Application was received, and the application identified that sufficient public necessity, convenience, general welfare or good zoning practice existed within the proposed application to conduct a public process to more fully explore the proposed change. The resolution would formally establish that the proposed changes met the requirements to be referred to the Planning Commission for public hearing and their recommendation. The Planning Commission's recommendation would be presented to the Town Council and a public hearing would be scheduled, followed by their consideration and vote on the application.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt Resolution of Intent #20230921 Zoning Map Amendment 2023-03 Application from Cherrystone Investments, LLC for Tax Map #90-A-1A6 from General Business/Light Industrial (GBI H-1) and Harbor to only Harbor Zoning. Mayor Charney moved for adoption of Resolution of Intent #20230921 as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll call vote: Buchholz, yes; Butta, yes; Follmer, yes; Grossman, yes; Holloway, yes.

B. *Trash Collection Contract Extension:*

John Hozey stated that the Town awarded a contract for all waste collection and disposal services to P.W. Davis Disposal. The contract was for one year with the option to renew to two additional years, totaling three years. This was the second of the two extensions covering the timeframe from November 1, 2023 through October 31, 2024. Per Mr. Michael Davis, the cost for year three of the contract would remain at \$18.93 per month per receptacle. Sufficient funds were appropriated in the FY 2024 budget to cover this expense.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the second and final extension of the waste collection and disposal services contract with P.W. Davis Disposal from November 1, 2023 through October 31, 2024. The motion was approved by unanimous vote.

C. *Library Building Redevelopment Recommendation:*

John Hozey stated that on February 1, 2023, the Town issued a fairly broad request for proposals (RFP) seeking developer concepts for the redevelopment of the library building. The RFP sought to sell the building but having the library portion remain with the Town through condominium ownership. To increase the potential concepts offered for redevelopment, the Town-owned lots between the library and Randolph Avenue were added to the RFP. Four proposals were received. Most of the developers seized on the Randolph Avenue lot potential and proposed multi-unit residential structures, including the possibility of incorporating workforce housing, on the lot in addition to renovation of the third floor of the library building. Some of the concepts proposed were not anticipated, therefore, a work session with the Town Council was held on June 15, 2023 to obtain further guidance. The two key takeaways from that work session were that there was not much enthusiasm for the look and feel of multi-unit structures facing Randolph Avenue, and that while workforce housing had been identified as a need in town, it was not the most important driver of this project and would provide lower yields to the Town. Using this guidance, the project review committee narrowed the selection to two developers. Both developers were interviewed, and follow-up negotiations were conducted. After careful consideration, the

committee decided to recommend City & Guilds for the project. The City & Guilds final proposal included purchase of the library building and vacant parcels. The Randolph facing lots would be rezoned to Residential-1 and developed with single-family homes. The third floor of the library building would be developed into a single residential unit. The building itself would become a condominium with the Town buying back the library portion. The global price for this purchase was \$1.25M, with a library buy back of \$450K, which the Town would net \$800K on the deal. Due to the unusual nature of this project, the committee requested Council approval of its recommendation for this developer and this approach before formal documents were developed. The final agreements would be developed and brought back to Council for approval.

Motion made by Councilman Grossman, seconded by Councilman Butta, to proceed with the City & Guilds proposal for redevelopment of the library building as recommended by staff and the project review committee. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) Bids were received for the Visitor Center/Restroom project. He was very disappointed as the bids came in significantly over. He would like to schedule a work session on October 5th to review and discuss strategies on moving forward with capital projects. The predominant issue was the lack of subcontractors on the shore. Several members of Council would not be available on October 5th.
- ii) He would also like to schedule a discussion regarding communication protocol and would prefer to discuss both the capital projects and communications during the same work session. He asked everyone to provide their availability to Libby Hume so staff could provide date options for this session.
- iii) The beach nourishment project started moving faster than originally thought which was good for the project but not good for providing public notice. The next area of the beach had to be closed one week sooner than we originally told the public. The test dredging would begin on Saturday, September 23rd, with full dredging starting on September 26th. Mayor Charney noted that he had spoken to the contractor today and due to the predicted storm, the test dredging was moved to Monday, September 24th. John Hozey stated that another public notice would be issued regarding closure of the next section of the beach.

MAYOR AND COUNCIL COMMENTS

Councilwoman Holloway asked whether the Public Works crew was working on the storm drains, etc. in preparation of the upcoming storm. She did not know the proper protocol but wanted to ensure that all preparations were being done in case of a storm surge. John Hozey stated that the Public Works crew was checking the storm drains to ensure they were clear and securing all loose equipment. Mayor Charney asked that a notice be issued asking citizens not to put out lawn debris for the next two days. Councilwoman Holloway added that in the past, the Town had provided sand and bags for the businesses and residents. Councilman Buchholz noted that this was usually done in preparation of hurricanes.

Councilman Butta asked all citizens to subscribe to the alerts from the Town as many people were asking questions that had been sent out previously by the Town as alerts, notices and Facebook postings. Councilman Buchholz suggested “pinning” the notices to the top of Facebook, and Councilwoman Holloway suggested including the notices/information in the utility bills.

Mayor Charney, and Councilmen Buchholz, Follmer and Grossman did not have any additional comments.

Mayor Charney read the announcements.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adjourn the Town Council Regular Meeting. The motion was approved by unanimous vote.

The Regular Meeting adjourned at 6:58 p.m.

Mayor Charney

Town Clerk

DRAFT

**September 21, 2023 Town Council Regular Meeting
Comments and Information Provided in Writing**

Sam Jones, Cape Charles property owner/resident

Mr. Mayor, members of the Town Council, and Town Manager

My name is Sam Jones and my wife, Julie, and I live at 538 Monroe Avenue.

I am here tonight to thank you for your continued support for keeping the Cape Charles Public Library on Mason Avenue. Visitation data from the Town Manager's weekly report confirm the benefits of a library that is central to the community and within easy walking distance for its citizens.

As you look at redevelopment of the library and surrounding properties, I support the rezoning of the lots behind the library and fronting Randolph Avenue to Residential-1. Allowing the vacant lots to be developed as single-family homes manages the density in this area and is consistent with your various planning and zoning documents that call for Randolph to be a residential, rather than commercial, street.

Finally, having the Town maintain ownership of the library, even as part of a condominium arrangement, is important to its long-term viability. Ownership rather than any form of leaseback is preferred.

Thank you for your time and service to the Town and community.

August 2023 Treasurer's Report

Page 1 – Cash Position

- Staff is recording unrealized gains and losses for the VIP 1-3 year investment fund due to current market conditions. However, this fund is expected to recover by the end of the term.
- Facility Fee Reserve cash balance at 8-31-23 is \$3,210,192.

Page 2 – Revenue vs. Expenditures

- These numbers are pending as closing revenue and expense accruals are pending and late invoices past June 30 must be paid before the 2023 fiscal year can be closed on September 30, 2023.
- An interest-only debt service payment (\$21,603.98) was made in August on the VML/VACO 2010 general obligation bond.

Page 3 – Capital Projects

- A progress payment of \$37,415 was made to HBA for architectural services for the new Town offices and Visitors Center.
- A payment of \$13,363 on harbor dock pile guides was processed.

Page 4 – Tax Collection Rate

- This report is omitted until later this fall when tax bills are created and mailed.

Page 5 – Tax Revenue Trends

- Planning and building fee collections are 40% higher than this time last year.
- Transient occupancy taxes are nearly 15% higher over year-to-date FY23.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
August 31, 2023

<u>Cash on Hand</u>	<u>7/31/2023</u>	<u>8/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$247,332	\$478,401	\$231,070
Atlantic Union Bank Money Market Account	\$498,113	\$373,274	-\$124,840
LGIP Account 1 - Unrestricted	\$109,139	\$109,643	\$504
LGIP Account 2 - Unrestricted	\$316,337	\$317,939	\$1,601
Virginia Investment Pool Liquidity Unassigned	\$2,279,907	\$2,290,515	\$10,608
Virginia Investment Pool 1-3 Year Unassigned	\$1,011,939	\$1,015,710	\$3,771
Total Cash On Hand	\$4,462,768	\$4,585,482	\$122,713

<u>Restricted and Reserved Cash Balances</u>	<u>7/31/2023</u>	<u>8/31/2023</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,562	\$30,562	\$0
Atlantic Union Checking Account Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	\$12,598	\$13,051	\$452
US Bank - Reserved per VRA Interest Free Loan Requirements	\$259,587	\$260,632	\$1,045
Wells Fargo 2010 Debt Service pass through account #300	\$21,034	\$3,089	-\$17,945
Wells Fargo 2010 Debt Service pass through account #308	\$1,099	\$1,103	\$5
Atlantic Union Money Market # ARPA CRF #5847	\$595,235	\$595,488	\$253
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,174,176	\$3,210,192	\$36,016
Total Cash Held in Reserve	\$4,105,853	\$4,125,680	\$19,826
Total Cash - All Accounts	\$8,568,622	\$8,711,161	\$142,540

DEBT SERVICE

Net Debt as of Current Reporting Month End
(Excludes USDA vehicle and equipment loans)

\$5,105,561

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

August 31, 2023

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY24</u>
GENERAL Fund						
REVENUE	\$394,474	\$615,305	\$696,941	\$81,636	\$5,719,837	12.18%
EXPENDITURES	\$320,812	\$776,588	\$825,429	\$48,841	\$5,719,837	14.43%
NET	\$73,662	(\$161,283)	(\$128,488)	\$32,795	\$0	
GENERAL Capital Fund						
REVENUE	\$11,538	\$20,816	\$21,784	\$968	\$2,446,213	0.89%
EXPENDITURES	\$39,141	\$49,228	\$43,291	-\$5,937	\$2,446,213	1.77%
NET	(\$27,603)	(\$28,412)	(\$21,507)	\$6,905	\$0	
GENERAL Debt Service Fund						
REVENUE	\$12,903	\$104,498	\$104,561	\$63	\$255,223	40.97%
EXPENDITURES	\$12,903	\$104,498	\$104,561	\$63	\$255,223	40.97%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities Fund						
REVENUE	\$0	\$531,685	\$0	-\$531,685	\$296,350	0.00%
EXPENDITURES	\$0	\$28,987	\$38,991	\$10,004	\$296,350	13.16%
NET	\$0	\$502,698	(\$38,991)	(\$541,689)	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

August 31, 2023

REVENUE VS. EXPENDITURES

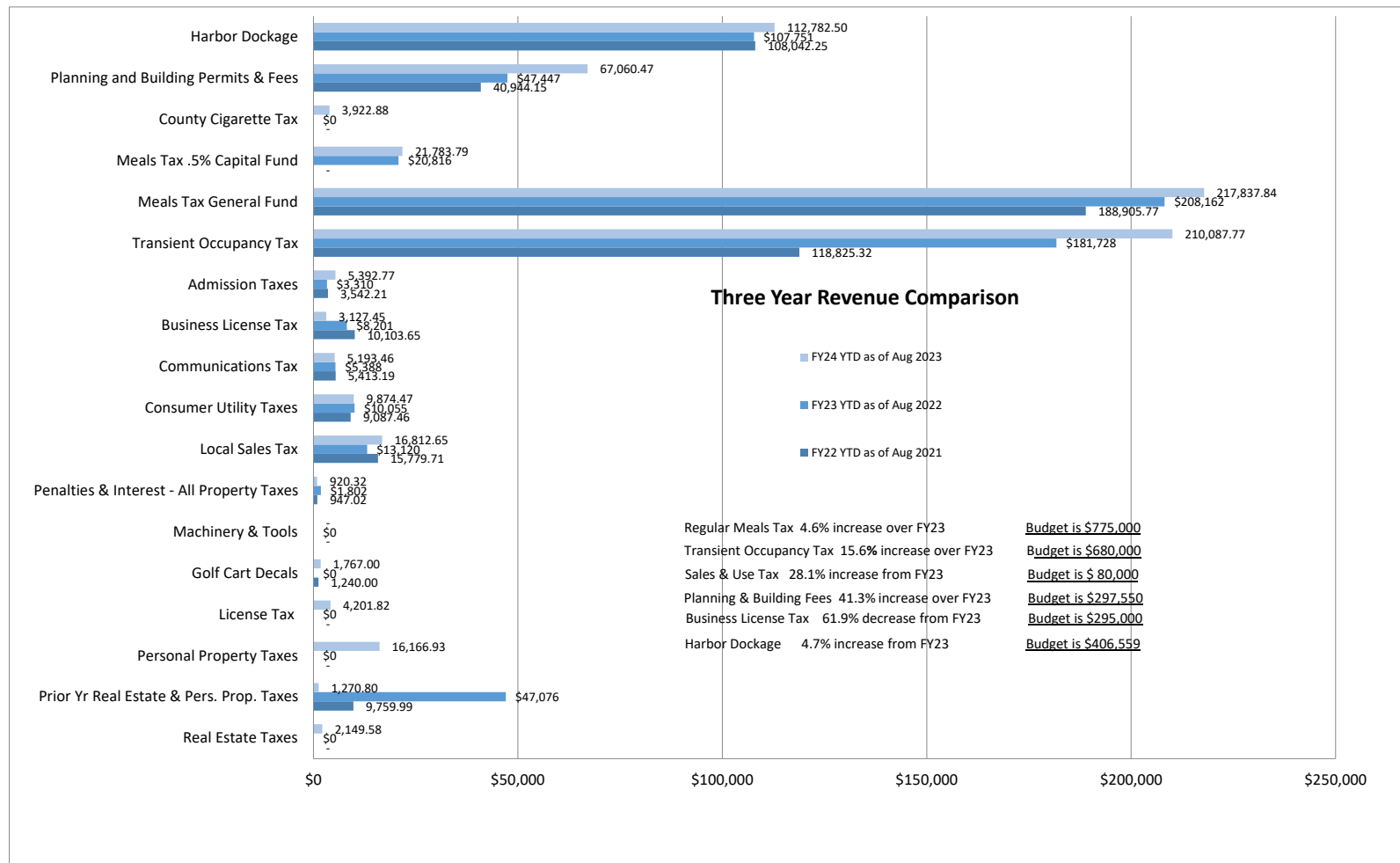
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY24</u>
PUBLIC UTILITIES Fund						
REVENUE - Operating	\$203,616	\$350,573	\$392,247	\$41,674	\$2,051,988	19.12%
EXPENDITURES - Operating	\$65,749	\$140,475	\$197,940	\$57,465	\$1,982,118	9.99%
NET	\$137,868	\$210,098	\$194,307	(\$15,791)	\$69,869	
REVENUE - CAPITAL GRANTS, LOANS, FUND BALANCE	\$0	\$0	\$0	\$0	\$2,036,728	
REVENUE - FACILITY FEES	\$95,400	\$106,000	\$116,600	\$10,600	\$466,400	25.00%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$104,101	\$146,938	\$155,506	\$8,568	\$2,572,997	6.04%
TOWN CONTRIB. & PENDING GRANTS	(\$8,701)	(\$40,938)	(\$38,906)	\$2,032	(\$69,869)	
HARBOR Fund						
REVENUE - Operating	\$136,738	\$310,358	\$296,826	-\$13,532	\$1,008,625	29.43%
EXPENDITURES - Operating	\$109,550	\$252,106	\$242,401	-\$9,705	\$1,082,312	22.40%
NET	\$27,188	\$58,252	\$54,425	(\$3,827)	(\$73,687)	
REVENUE - GRANTS & LOANS	\$0	\$0	\$0	\$0	\$228,687	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE OR HARBOR FUND BALANCE	\$8,903	\$32,825	\$32,220	-\$605	\$450,115	7.16%
EXPENDED - Capital Projects, Debt Svc	\$35,856	\$32,825	\$50,270	\$17,445	\$605,115	8.31%
TOWN CONTRIB. & PENDING GRANTS	(\$26,953)	\$0	(\$18,050)	(\$18,050)	\$73,687	
SANITATION Fund						
REVENUE	\$27,848	\$46,501	\$55,130	\$8,629	\$314,265	17.54%
EXPENDITURES	\$16,726	\$37,737	\$41,363	\$3,626	\$314,265	13.16%
NET	\$11,123	\$8,764	\$13,767	\$5,003	\$0	

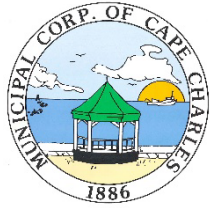
FY 24 Capital Improvement Project Tracking Report

As of:
8/31/2023

8/31/2023	FY24	Percent of	FY24	QTR 1	QTR 2	QTR 3	QTR 4	FY24 YTD	(Over)/Under
	Status or Start Date	Completion	Budgeted	Expended	Expended	Expended	Expended	Expended	Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	In Process	0.4%	\$ 929,922	\$ 4,150				\$ 4,150	\$ 925,772
Municipal Space Replacement Planning (ARPA)	In Process	16%	\$ 210,000	\$ 34,268				\$ 34,268	\$ 175,732
Welcome Center Design - HBA	In Process	0.5%	\$ 455,000	\$ 2,167				\$ 2,167	\$ 452,833
3 Police Vehicles; 1 ARPA/2 USDA	Pending	0%	\$ 126,000					\$ -	\$ 126,000
Library Upgrade & Condo-ization - HBA	In Process	1%	\$ 310,000	\$ 2,706				\$ 2,706	\$ 307,294
Storage Facility Roofing	Pending	0%	\$ 20,000					\$ -	\$ 20,000
Capital Project Contingency	Pending	0%	\$ 41,141					\$ -	\$ 41,141
subtotal	\$ -		\$ 2,092,063	\$ 43,290	\$ -	\$ -	\$ -	\$ 43,290	\$ 2,048,773
Utility Fund -Water									
Keck Well Connection	Pending	0%	\$ 1,150,000					\$ -	\$ 1,150,000
Utility Fund - Wastewater									
WWTP Membrane Replacement	Pending	0%	\$ 465,000					\$ -	\$ 465,000
Sewer Pod Controller Upgrades	Pending	0%	\$ 14,500					\$ -	\$ 14,500
subtotal	\$ -		\$ 1,629,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,629,500
Harbor Fund									
Inner Harbor Fixed Dock Repair	Pending	0%	\$ 13,000					\$ -	\$ 13,000
Inner Harbor King Pile & Waler Replacement Design	In Process	6%	\$ 306,000	\$ 18,050				\$ 18,050	\$ 287,950
Inshore Breakwater Repair/Upgrade	Pending	0%	\$ 180,000					\$ -	\$ 180,000
subtotal	\$ -		\$ 499,000	\$ 18,050	\$ -	\$ -	\$ -	\$ 18,050	\$ 480,950
TOTAL	\$ -		\$ 4,220,563	\$ 61,340	\$ -	\$ -	\$ -	\$ 61,340	\$ 4,159,223

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT





**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Zoning Map Amendment Tax Parcel #90-A-1A6 from General B

AGENDA DATE
October 19, 2023

SUBJECT/PROPOSAL/REQUEST: ZMA 2023-03 - Rezoning of Tax Map #90-A-1A6 from General Business/Light Industrial (GBI H-1) & Harbor to Harbor Only

ITEM NUMBER:
8A

ATTACHMENTS: ZMA Application and Staff Report to Planning Commission dated 9-27-2023 and Concept Plan by Applicant, Ordinance 20231019

FOR COUNCIL:
Action (X)
Information ()

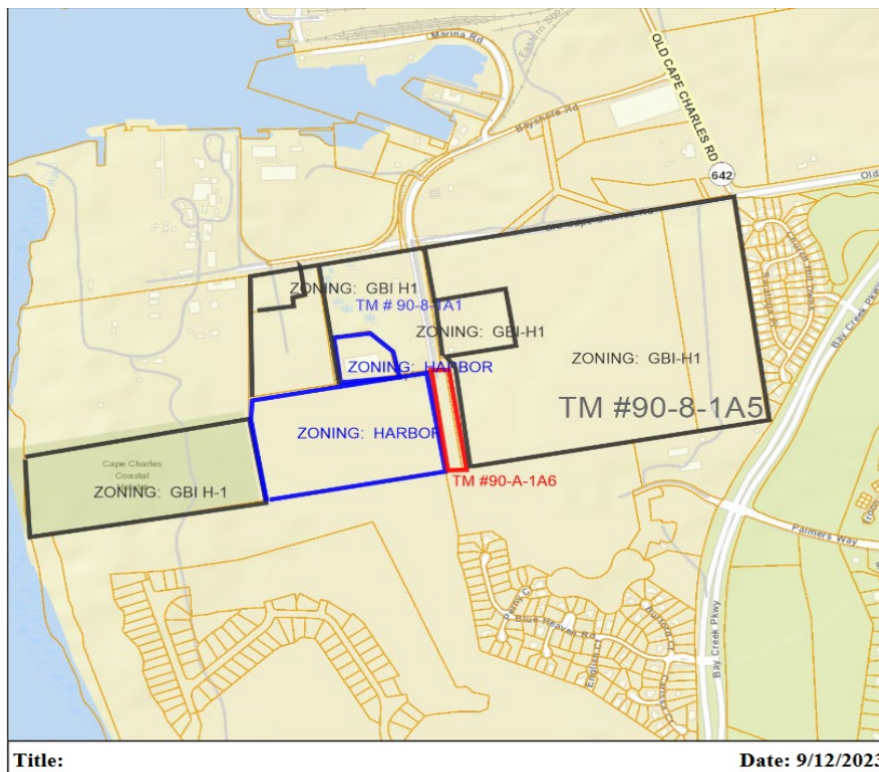
STAFF CONTACT (s):
Katie H. Nunez, Planning & Zoning Administrator

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

An application was filed on August 24, 2023 by Cherrystone Investments, LLC seeking to rezone Tax Map #90-A-1A6, totalling 1.799 acres (parcel outlined in red), from a split zoned parcel of Harbor (H) & General Business/Light Industrial (GBI-H1) to only Harbor (H).

The applicant has not indicated on the application as to a specific use of the property beyond a live-work business but has indicated in conversation with me that he is considering a golf cart path from the Bay Creek properties that would connect with Bay Shore Road.



PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on ZMA 2023-03 on Tuesday, October 3, 2023 and the staff report was presented.

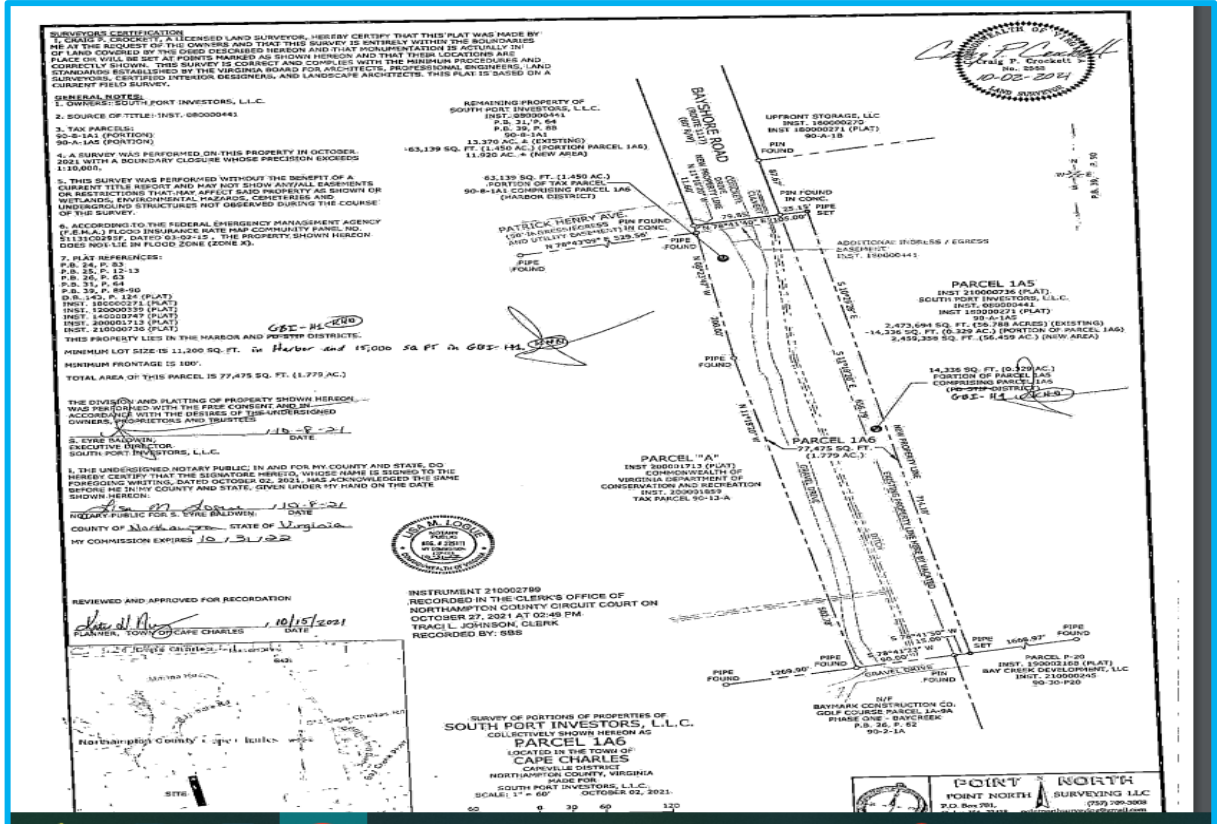
- **ITEM SPECIFICS:**

In mid-summer 2021, Southport Investors began the process of a subdivision plat to create new parcel (Parcel #90-A-1A6) by taking approximately .329 acres from Tax Map 90-8-1A5 which they owned and was, at that time, zoned GBI-H1 and 1.45 acres from Tax Map 90-8-1A1 which they owned and was, at that time, zoned Harbor.

The subdivision plat was finally approved by the Town on October 15, 2021 which created a new parcel – Tax Map #90-A-1A6 totalling 1.799 acres – which had Harbor zoning on the majority portion of the lot and GBI-H1 zoning on the smaller, remaining portion of the lot.

However, in the interim, in the fall of 2021, the Town approved rezoning of Tax Map 90-8-1A1 from Harbor to GBI-H1 but the subdivision plat had carved out and created a new parcel (Tax Map #90-A-1A6) which was not included in the rezoning application made on the “majority parent tract” and the in-process subdivision plat was not re-examined in light of the changing zoning designations south of the harbor as to what zoning designation would be on this new parcel beyond inheriting the original zoning from its parent tracts.

- **SUBDIVISION PLAT CREATING TAX MAP #90-A-1A6**



Subsequently, in a Deed of Distribution made on December 27, 2021, Southport Investors, LLC conveyed Tax Map #90-A-1A6 to Cherrystone Investments, LLC.

- **REVIEW WITH RESPECT TO COMPREHENSIVE PLAN**

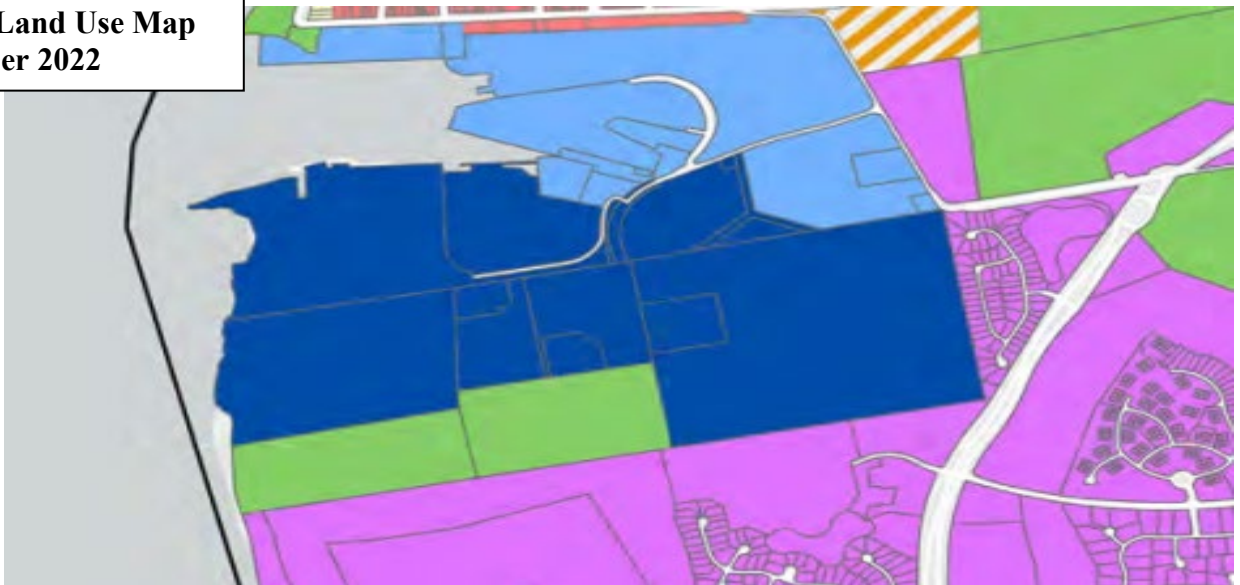
South of the harbor, the Future Land Use Map has designated the land one of three classifications:

- Conservation/Open Space:** These areas are intended for the conservation of natural resources and protection of open space. These areas include parks, recreational areas, preserved land, and wetlands.

- Harbor District:** Further master planning will be conducted to create a strong vision for the Harbor District. The area is intended to develop in a way that mirrors the success of Mason Avenue and nearby historic residential blocks. The district could include a mix of uses on an extension of the highly walkable street grid. Specific Harbor District design guidelines should be developed with particular attention to how buildings address the streetscape and the harbor front to create a lively and attractive extension of historic Cape Charles.

- Harbor District Industrial:** This category is for existing and future commercial and industrial uses along the southern area of the harbor. Although these uses may be intense, the proximity to the deep water harbor is necessary for their function and for the economic diversity of the Town.

**Future Land Use Map
December 2022**



Enclosed for your review are the detailed descriptions of the two classifications dealing with industry to assist in your deliberations on this matter.

- **REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT**

Directly to the south of the parcel is the Bay Creek Development which is zoned various designations of Planned Unit Development (PUD), including PUD Open Space & PUD R-2. Further to the north on the west side is 3 parcels zoned Industrial (M-2) and the parcels that hug Cape Charles Harbor are zoned Harbor. To the east, there are two parcels that are owned by Virginia Department of Conservation and Recreation (DCR) and have been placed in a permanent conservation easement; however, they have never petitioned the Town to rezone these two parcels since the zoning is relatively irrelevant to DCR's use and management of the property which are in accordance with the conservation easement. At some point in the near future, the Town may wish to put forth its own zoning map amendment for the 2 DCR parcels (one parcel is GBI-H-1 and one is Harbor) to Open Space.

Directly to the northeast, there is the property where Fujifilm WAKO Chemicals USA Corporation building is located and its zoning is still Harbor. Otherwise, the remaining,

directly touching properties (excluding Bay Creek to south) are all zoned GBI-H1)

The Cape Charles Zoning Ordinance provides a statement of intent or purpose for the current 2 zoning districts that are on this parcel as follows:

Harbor District: *Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.*

General Business//Light Industrial H-1 (GBI H-1): *Purpose of the District. The GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County 2. Create family-wage employment and training opportunities for local residents 3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture 4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers 5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.*

Eyre Baldwin was present and indicated that he is hoping the Planning Commission will support this application. The bulk of this (1.47 acres) is currently zoned Harbor and just under .4 acres is zoned GBI-H1 and he is seeking to get the same zoning over the full parcel.

There were no other public comments. Commissioner Grossman moved to close the public hearing and was seconded by Commissioner Holloway. The motion was carried.

PLANNING COMMISSION DISCUSSION:

Commissioner Grossman asked about the width of the parcel – 79.85 ft at the north end and 98 ft on the south end.

There was discussion about how this split zoning occurred on this parcel and what is the applicant's intended use for the parcel. It was stated that the applicant has indicated this will be continue to be used as a golf cart path from the Bay Creek development to Bay Shore.

Commissioner Grossman indicated that he does not feel the proposed zoning of the parcel to full Harbor is not consistent with the Comprehensive Plan.

Concern was expressed by Commissioner Grossman that the application is incomplete without a proposed plan as to how the property will be used. If the parcel is intended to serve as a just a new road to service into the Bay Creek development, then the zoning could be GBI H-1 and would not have to be Harbor, thus would be consistent with the Future Land Use Map in the Comprehensive Plan.

The applicant indicated that this lot could be the location for a golf cart rental shop or bike rental shop or stand-up paddleboard shop but he is not certain what could happen on this lot. However, this is why he is seeking for this rezoning so that he can have just one zoning designation on the lot and then be able to determine how to use the lot based upon the zoning designation.

The applicant has looked at the Harbor zoning and he finds that more compatible for the business discussions he has had on the use of this property, such as a bunkhouse or sometime of lodging consideration, versus the GBI H-1 zoning designation. He indicated that he has a concept plan already drawn up and could submit that to the office by the next day.

PLANNING COMMISSION RECOMMENDATION:

Commissioner Grossman motioned to recommend to the Town Council to approve of ZMA 2023-003- rezoning of Tax Map #90-A-1A6 from GBI H-1 and Harbor to just Harbor with the condition that plans as to how this parcel will be used be delivered within six months to the Town, specifically to the Planning & Zoning Department, and was seconded by Commissioner Holloway. The motion was carried unanimously.

NOTE: The applicant provided a concept plan to the Planning Director the morning after the Planning Commission hearing, which is enclosed for the Town Council's review and discussion.

TOWN COUNCIL

Town Council is requested to hold the public hearing on ZMA 2023-03 and to consider the Planning Commission Recommendation on the matter. Staff is proposing the following motion for Town Council's consideration:

To approve ZMA 2023-03 and rezone Tax Map Parcels # 90-A-1A6 from GBI H-1/Harbor to only Harbor with the condition that plans as to how this parcel will be used be submitted within six months to the Town, specifically to the Planning & Zoning Department.

Attachments:

Attachment 1: ZMA 2023-03 Application

Attachment 2: PC Staff Report for ZMA 2023-03 Public Hearing 2023-10-03

Attachment 3: Concept Plan submitted by Applicant on 10-04-2023

Attachment 4: Ordinance 20231019



Zoning Map Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-2036
planner@capecharles.org

Revised 03/2023

Taxes	✓ pd LL
Violations	
Fee # 1048	pd chk \$ 550
Decision	

Budget Code: MISPL 100-3100-1070

PART 1. APPLICATION NOTES

1. A pre-application conference is mandatory prior to submission of an application for a zoning map amendment.
2. A zoning map amendment application should be consistent with the Comprehensive Plan and therefore, may also require a Comprehensive Plan amendment, which should be approved prior to the zoning map amendment application.
3. The Town Council may not add conditions of approval to a zoning map amendment application.
4. If proffers are being offered, the proffer statements may not be less restrictive than the requested base zoning district standards.
5. If proffers are being offered, proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent. The applicant may voluntarily offer proffered conditions as part of their application, which must be listed in a separate voluntary proffer statement using the template found on our website.
6. Fees: \$1000 + \$50/acre plus any actual costs for advertising & adjacent property owner notification mailings. *Handwritten: \$500 + 50/acre on regular rezoning. -Pd or Conditional Rezoning*

PART 2: PROPERTY INFORMATION

Property Address: <i>End Bayshore Rd</i>	Tax Map #: <i>90-A-1A6</i> →
Project name: <i>Southport</i>	Current Zoning District: <i>80% HD 20% JND</i>
Does this application include proffers? ☒ No ☐ Yes, if so, attach separate form	Proposed Zoning District: <i>100% HD</i>

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: <i>Cherrystone Investments, LLC</i>	
Mailing Address: <i>Po Box 395, Eastville, VA 23347</i>	
Email address: <i>eyre1@verizon.net</i>	Phone: <i>757-636-2985</i>

If property is owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

Eyre Baldwin
Furlong Baldwin > contact info same as above

Zoning Map Amendment Application (also referred to as a Rezoning or Conditional Rezoning) may be submitted by a Cape Charles property owner and may be advanced to public hearing, after this application is submitted to Town Council who authorizes said applications to public hearings, first to the Planning Commission in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204.

The applicant will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan

Additionally, the Planning Commission or Town Council may prepare and apply for a zoning map amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

PART 4: Written Description of Request – Answer all questions in this section. Attach additional sheets as needed.

- A) Describe the existing conditions on the property including existing land uses and buildings as well as the land uses and zoning districts on the abutting properties.

HB to the west, Industrial to the east. It is a wooded lot

- B) Describe how existing conditions have changed, thereby making the proposed amendment needed.

Mixed zoning and want all to be harbor district.

- C) Describe how the proposed amendment furthers the objectives of the Comprehensive Plan.

consistency

- D) Describe why the proposed rezoning is necessary.

To create a business opportunity

- E) Describe the proposed use of the rezoned property including a site plan with the proposed types of site improvements and buildings.

live-work businesses

Applicant's signature: _____

Date: _____

Zoning Administrator's Signature: _____

Date: _____

PART 5: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZMA
Planning Commission	Town Council
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:

Northampton County, Virginia

Tax Map #: 90-A-1A6
Owner: CHERRYSTONE INVESTMENTS,
LLC

Details

Billing Address: PO BOX 395
City: EASTVILLE
State: VA
Zip: 23347
Total Acres: 1.78
Land Value: \$80,000
Improvement Value: \$0
Total Value: \$80,000
Deed Book: N/A
Deed Page: N/A
Will Book: N/A
Will Page: N/A
Plat: 210002799
Instrument Number: 210003280
Parcel_Description: PARCEL 1A6 - SURVEY OF
PORTIONS OF SOUTH PORT INV

Northampton County, Virginia

Legend

-  County Boundaries
- Town Names
- Route Numbers
- Road Labels
-  Parcels
-  Driveways



Feet
0 100 200 300 400
1:4,514 / 1"=376 Feet

Title: Parcels

Date: 8/31/2023

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton is not responsible for its accuracy or how current it may be.

Northampton County, Virginia

Legend

-  County Boundaries
- Town Names
- Route Numbers
- Road Labels
-  Parcels
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Title: Parcels

Date: 8/31/2023

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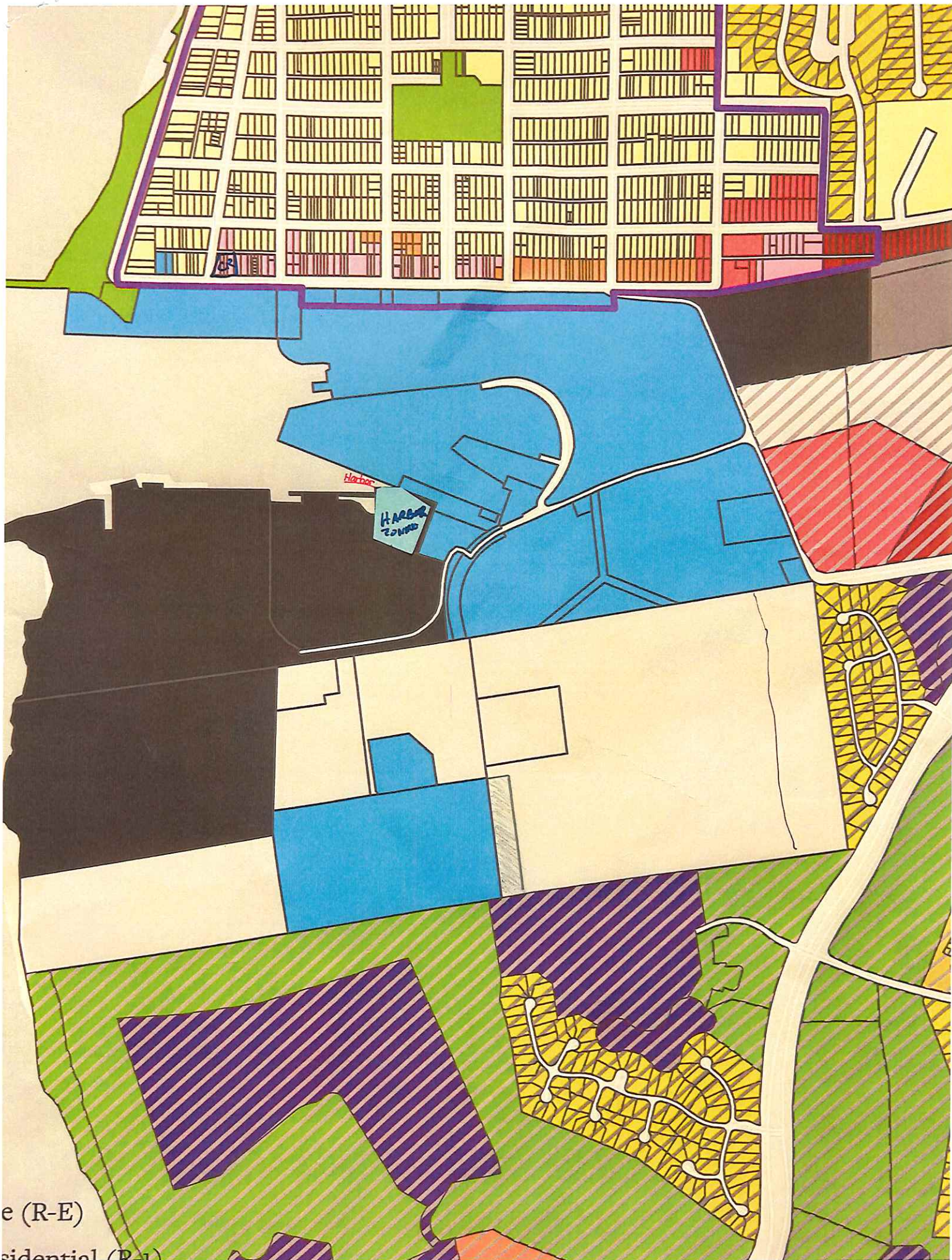
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Northampton County, Virginia

Tax Map #: 90-A-1A6
Owner: CHERRYSTONE INVESTMENTS,
LLC

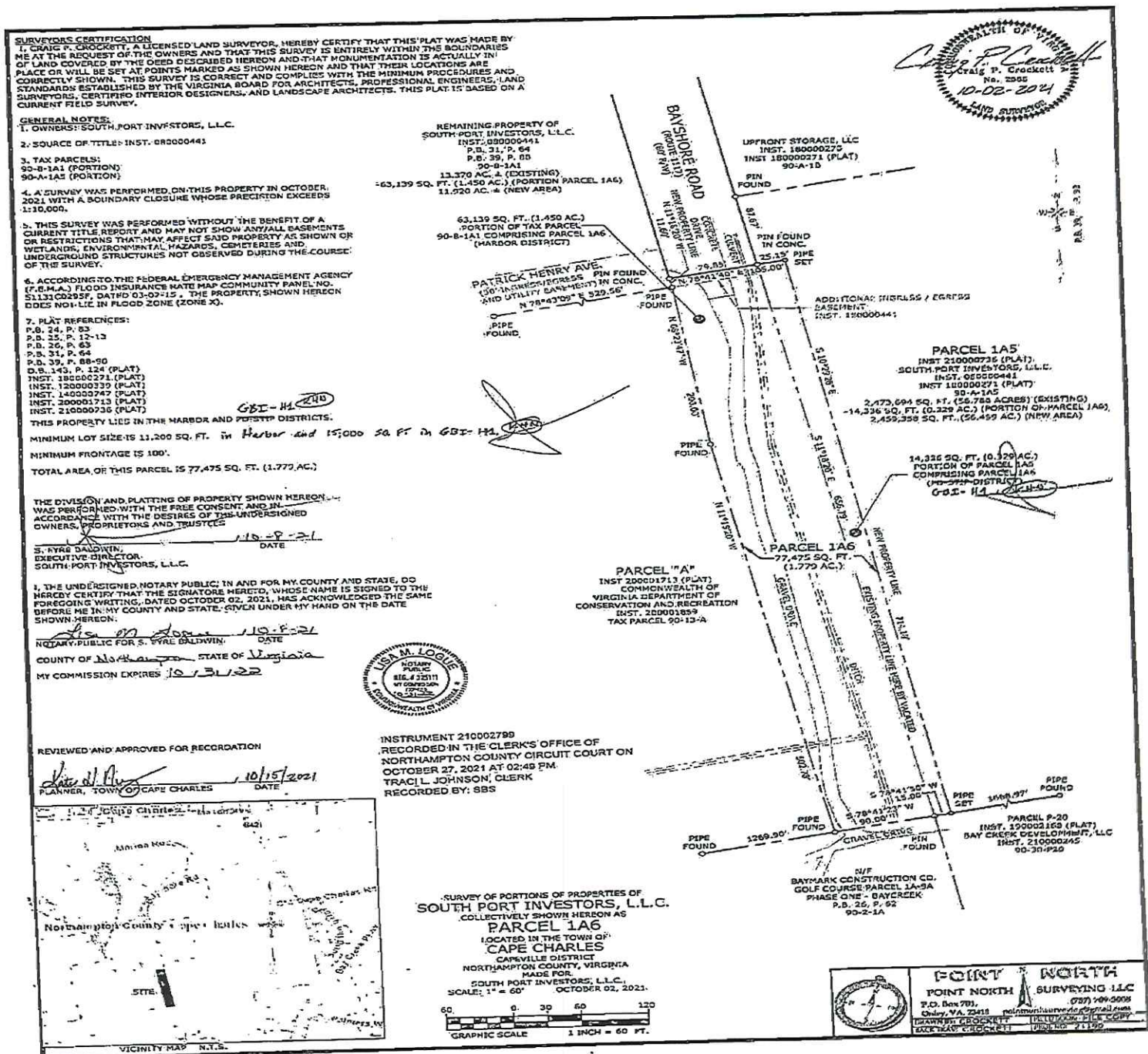
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Will Book: N/A
Will Page: N/A
Plat: 210002799
Instrument Number: 210003280
Parcel_Description: PARCEL 1A6 - SURVEY OF
PORTIONS OF SOUTH PORT INV



e (R-E)

idential (R-1)



This instrument prepared by:
C. A. Turner, III, Esquire
Virginia State Bar #27856
P O Box 878
Eastville VA 23347

CLERK'S NOTE: This deed is exempt from recordation taxes pursuant to
Virginia Code §§58.1-811.A-11 and 58.1-811.C-1

Parcel Identification # 90-A-1A (part of), 90-8-1A1 (part of)
RPC# n/a
For Identification Purposes Only

THIS DEED OF DISTRIBUTION, made this 27th day of December, 2021, by and
between **SOUTH PORT INVESTORS, L.L.C.**, a Virginia limited liability company, Grantor,
and **CHERRYSTONE INVESTMENTS, L.L.C.**, a Virginia limited liability company,
Grantee, having an address of P. O. Box 395, Eastville, VA 23347.

WHEREAS, Grantor has resolved to convey the property hereby conveyed to the Grantee
as and for a distribution.

WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00), cash in
hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged
by the Grantor, the Grantor does hereby grant and convey with **GENERAL WARRANTY** and
ENGLISH COVENANTS OF TITLE unto the Grantee, its successors and assigns, the following
described real estate, to-wit:

Parcel 1: That certain tract or parcel of land identified as "Parcel 1A6,
77,475 SQ. FT. (1.799 AC.)" on a certain plat dated October 2, 2021, made by
Point North Surveying LLC, entitled "SURVEY OF PORTIONS OF
PROPERTY OF SOUTH PORT INVESTORS, L.L.C. COLLECTIVELY
SHOWN HEREON AS PARCEL 1A6 LOCATED IN THE TOWN OF CAPE
CHARLES CAPEVILLE DISTRICT NORTHAMPTON COUNTY,
VIRGINIA MADE FOR SOUTH PORT INVESTORS, L.L.C.", and
recorded in the Clerk's Office of the Circuit Court of Northampton County,
Virginia 210002799.

Parcel 2: That certain tract or parcel of land identified as
"REMAINDER OF TAX PARCEL 90-A-1A, 669,737 SQ. FT., 15.375 AC. "
on a certain subdivision plat dated February 20, 2021, made by Point North
Surveying LLC, entitled "SUBDIVISION OF PROPERTY OF
SOUTHPORT INVESTORS, LLC SHOWN HEREON AS PARCEL 1A5
LOCATED IN THE TOWN OF CAPE CHARLES CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA MADE FOR SOUTHPORT
INVESTORS, LLC", and recorded in the Clerk's Office of the Circuit Court
of Northampton County, Virginia 210000736.

TOGETHER WITH the privileges and appurtenances unto said lot or parcel of land
belonging or in anywise appertaining.

12/22/21, 10:24 AM

Deed Calculation - DODS

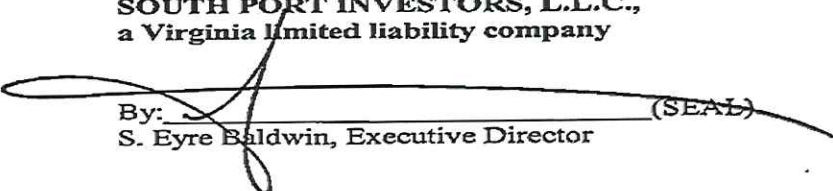
Circuit Court Deed Calculation for NORTHAMPTON COUNTY CIRCUIT COURT

Deed Type:	DODS --> DEED DISTRIBUTION														
Grantor Exempt:	N														
Grantee Exempt:	N														
Consideration Amount:	\$0.00														
Assume/Value Amount:	\$0.00														
Locality Percent:	100 %														
Pages:	4														
O/P:	0														
Date:	12/22/2021														
<table> <tr> <th>Fee</th><th>Amount</th></tr> <tr> <td>VIRGINIA OUTDOOR FOUNDATION (035);</td><td>3.00</td></tr> <tr> <td>TECHNOLOGY TRST FND (106);</td><td>5.00</td></tr> <tr> <td>VSLF (145);</td><td>3.50</td></tr> <tr> <td>TRANSFER FEES (212);</td><td>1.00</td></tr> <tr> <td>CLERK RECORDING/INDEXING FEE (301);</td><td>14.50</td></tr> <tr> <td>Total:</td><td>\$27.00</td></tr> </table>		Fee	Amount	VIRGINIA OUTDOOR FOUNDATION (035);	3.00	TECHNOLOGY TRST FND (106);	5.00	VSLF (145);	3.50	TRANSFER FEES (212);	1.00	CLERK RECORDING/INDEXING FEE (301);	14.50	Total:	\$27.00
Fee	Amount														
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TECHNOLOGY TRST FND (106);	5.00														
VSLF (145);	3.50														
TRANSFER FEES (212);	1.00														
CLERK RECORDING/INDEXING FEE (301);	14.50														
Total:	\$27.00														
*Clerk and Deed Processing Fees do not apply to any agency of the Commonwealth of Virginia. **The Technology Trust Fund fee does not apply to any federal, state, or local government.															

This conveyance is made subject to any easements, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title, which have not expired by a time limitation contained therein or have otherwise become ineffective, and to matters visible upon inspection.

WITNESS the following signature and seal:

**SOUTH PORT INVESTORS, L.L.C.,
a Virginia limited liability company**

By:  (SEAL)
S. Eyre Baldwin, Executive Director

STATE OF VIRGINIA,

COUNTY OF NORTHAMPTON, to-wit:

The foregoing instrument was acknowledged before me this 27th day of December, 2021 by S. Eyre Baldwin, Executive Director of South Port Investors, L.L.C., a Virginia limited liability company, on behalf of the company.

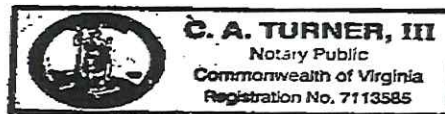
My Commission Expires:

7/31/2024

Registration #

7113585

 (SEAL)
Notary Public



INSTRUMENT 210003280
RECORDED IN THE CLERK'S OFFICE OF
NORTHAMPTON COUNTY CIRCUIT COURT ON
DECEMBER 29, 2021 AT 12:06 PM
TRACI L. JOHNSON, CLERK
RECORDED BY: MWD

Entity Information

Entity Information

Entity Name: Cherrystone Investments, L.L.C.

Entity ID: S2433185

Entity Type: Limited Liability Company

Entity Status: **Active**

Series LLC: No

Reason for Status: Active

Formation Date: 12/10/2007

Status Date: 02/09/2023

VA Qualification Date: 12/10/2007

Period of Duration: Perpetual

Industry Code: 0 - General

Annual Report Due Date: N/A

Jurisdiction: VA

Charter Fee: N/A

Registration Fee Due Date: Not Required

Registered Agent Information

RA Type: Individual

Locality: NORTHAMPTON COUNTY

RA Qualification: Member or Manager of the Limited Liability Company

Name: FURLONG BALDWIN

Registered Office Address: 16464 COURTHOUSE ROAD, EASTVILLE, VA, 23347 - 0000, USA

Principal Office Address

Address: 16464 COURTHOUSE RD, EASTVILLE, VA, 23347 - 0000, USA

(https://www.scc.virginia.gov/civ/civ_contact.aspx)

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Customer Name:		CHERRYSTONE INVESTMENTS, LLC	
Account Number:	4685	Account Status:	Active
Bill To Address:	PO BOX 395	Account Balance:	\$0.00
		Current Year Balance:	\$0.00
		Prior Year Balance:	\$0.00
	EASTVILLE	VA	23347-0395
Primary Phone:		Allow Advertising:	True
Email Address:		Allow Late Listing:	True
Social Security #:		Cash Only:	False
Other Social Security #:		Bankrupt	False
DL Number:		Allow Interest:	True
Employer:		Allow Penalty:	True
County #:	10003664	Tax Exempt:	False
		Circuit Breaker:	False
Bill Comment:			
Pay Comment:			

Real Properties

Prop Address	Real Pin	Prop Value	Building Value
BAYSHORE RD	1664000090080000001A	\$80,000.00	\$0.00
	6		
PARCEL 1A - SUBDIV	12632000900A00000001	\$768,800.00	\$0.00
OF SOUTHPORT	A		
INVESTOR			



PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Meeting Date: October 3, 2023

Item #4A – ZMA-2023-03

Prepared by: Katie H. Nunez, Planning/Zoning Administrator

Date: September 27, 2023

APPLICANT: Cherrystone Investments, LLC

SITE ADDRESS:

TAX MAP: 90-A-1A6

LOT SIZE: 1.799 acres

TYPE OF APPLICATION: Zoning Map
Amendment (ZMA) 2023-03

SPECIFIC REQUEST: Rezone split-zoned parcel of
Harbor (H) & General Business/Light Industrial (GBI-
H1) to only Harbor (H)

ZONING ORDINANCE: CCZO Section 2.7.2

CURRENT ZONING: .329 acres is GBI-H1 & 1.45
acres is Harbor (H)

PROPOSED ZONING: Harbor for full parcel

DATE RECEIVED: August 24, 2023

DATE DEEMED COMPLETE: August 27, 2023

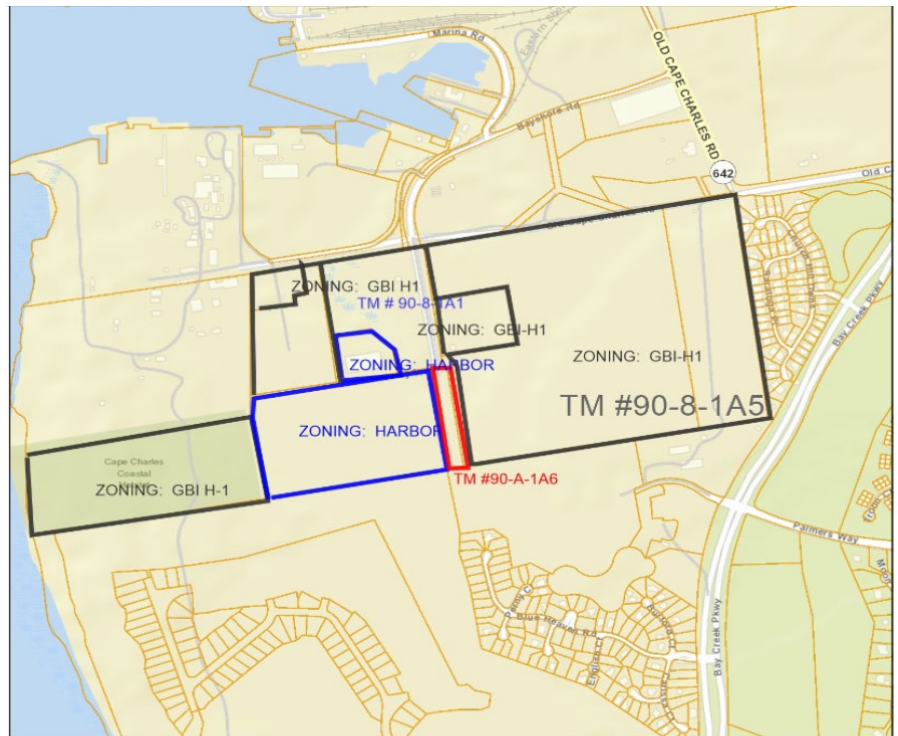
LEGAL DEADLINE: 100 days from 1st Receiving Application: December 4, 2023

NARRATIVE OF PROPOSAL

An application was filed on August 24, 2023 by Cherrystone Investments, LLC seeking to rezone Tax Map #90-A-1A6, totalling 1.799 acres (parcel outlined in red), from a split zoned parcel of Harbor (H) & General Business/Light Industrial (GBI-H1) to only Harbor (H).

The applicant has not indicated on the application as to a specific use of the property beyond a live-work business but has indicated in conversation with me that he is considering a golf cart path from the Bay Creek properties that would connect with Bay Shore Road.

Town Council passed a Resolution of Intent at their September 21, 2023



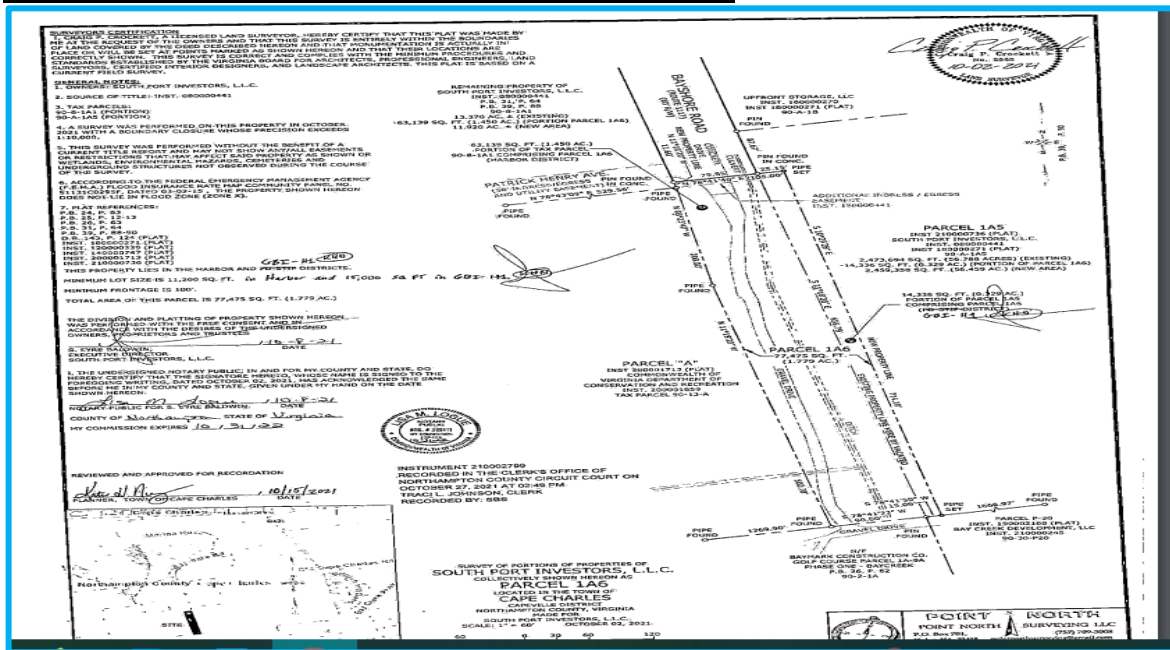
Title:

Date: 9/12/2023

BACKGROUND

The subdivision plat was finally approved by the Town on October 15, 2021 which created a new parcel – Tax Map #90-A-1A6 totalling 1.799 acres – which had Harbor zoning on the majority portion of the lot and GBI-H1 zoning on the smaller, remaining portion of the lot.

SUBDIVISION PLAT CREATING TAX MAP #90-A-1A6



2 of 5

REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

South of the harbor, the Future Land Use Map has designated the land one of three classifications:



Conservation/Open Space: These areas are intended for the conservation of natural resources and protection of open space. These areas include parks, recreational areas, preserved land, and wetlands.

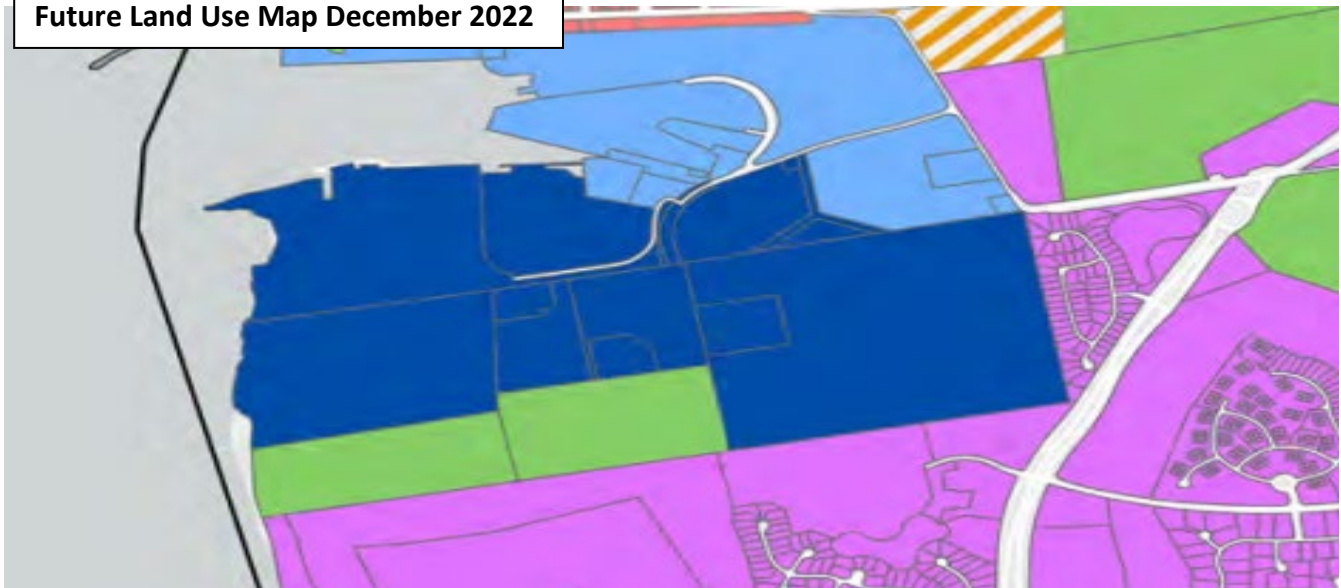


Harbor District: Further master planning will be conducted to create a strong vision for the Harbor District. The area is intended to develop in a way that mirrors the success of Mason Avenue and nearby historic residential blocks. The district could include a mix of uses on an extension of the highly walkable street grid. Specific Harbor District design guidelines should be developed with particular attention to how buildings address the streetscape and the harbor front to create a lively and attractive extension of historic Cape Charles.



Harbor District Industrial: This category is for existing and future commercial and industrial uses along the southern area of the harbor. Although these uses may be intense, the proximity to the deep water harbor is necessary for their function and for the economic diversity of the Town.

Future Land Use Map December 2022



I have enclosed for your review the detailed descriptions of the two classifications dealing with industry to assist in your deliberations on this matter.

REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

Directly to the south of the parcel is the Bay Creek Development which is zoned various designations of Planned Unit Development (PUD), including PUD Open Space & PUD R-2. Further to the north on the west side is 3 parcels zoned Industrial (M-2) and the parcels that hug Cape Charles Harbor are zoned Harbor. To the east, there are two parcels that are owned by Virginia Department of Conservation and Recreation (DCR) and have been placed in a permanent conservation easement; however, they have never petitioned the Town to rezone these two parcels since the zoning is relatively irrelevant to DCR's use and management of the property which are in accordance with the conservation easement. At some point in the near future, the Town may wish to put forth its own zoning map amendment for the 2 DCR parcels (one parcel is GBI-H-1 and one is Harbor) to Open Space.

Directly to the northeast, there is the property where Fujifilm WAKO Chemicals USA Corporation building is located and its zoning is still Harbor. Otherwise, the remaining, directly touching properties (excluding Bay Creek to south) are all zoned GBI-H1)

The Cape Charles Zoning Ordinance provides a statement of intent or purpose for the current 2 zoning districts that are on this parcel as follows:

Harbor District: *Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.*

General Business/Light Industrial H-1 (GBI H-1): *Purpose of the District. The GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County 2. Create family-wage employment and training opportunities for local residents 3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture 4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers 5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.*

Rezoning this parcel to only be Harbor allows a small buffer from the truly open space land to the east to the General Business/Light Industrial Harbor-1 (GBI H-1) zoned properties to the west and north.

STAFF RECOMMENDATION

Staff is requesting the Planning Commission to convene and hold the public hearing and consider all comments received and determine if there are additional issues raised that were not considered by staff which may need to be considered. Staff supports rezoning the full parcel to Harbor zoning.

POSSIBLE PLANNING COMMISSION MOTION

I would recommend the following motion for the Planning Commission's consideration: ***Motion to recommend the rezoning of Tax Map Parcel # 90-A-1A6 from GBI-H1 which is the zoning on a portion of the parcel (.329 acres) to fully designating this parcel as Harbor zoning only which is supported in the Comprehensive Plan Future Land Use section.***

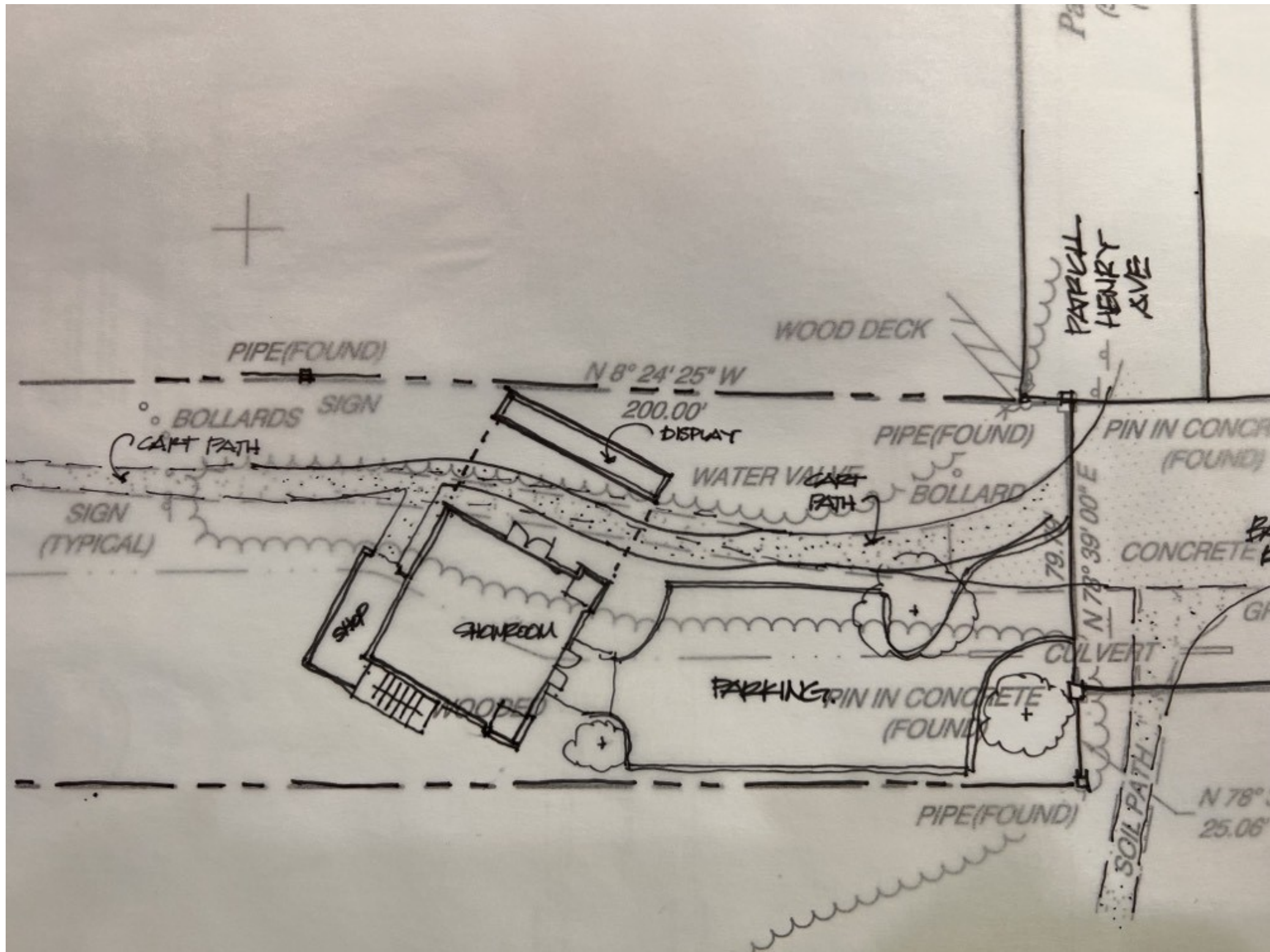
Attachments:

Attachment 1 – ZMA Application

Attachment 2 – Land Use Designation Descriptions Harbor and Harbor Industrial

MOKE—SALTY CARTS
Cape Charles, VA

Project No: 230911 | Date: 09.18.2023



CONCEPTUAL SITE SKETCH

ORDINANCE 20231019

AMENDING CAPE CHARLES ZONING FOR TAX MAP PARCEL #90-A-1A6 FROM GENERAL BUSINESS/LIGHT INDUSTRIAL (GBI H-1) & HARBOR (H) TO HARBOR (H) ONLY

WHEREAS, the Cape Charles Zoning Ordinance is a compilation of ordinances establishing zoning regulations for the Town of Cape Charles and providing for the administration and enforcement of the regulations; and

WHEREAS, the Zoning Ordinance classifies the territory under the Town's jurisdictions into districts and within each district a set of regulations for the use of land, buildings, structures, and their size, construction, etc.; and

WHEREAS, on August 24, 2023 a zoning map amendment application (ZMA 2023-03) was received from Cherrystone Investments LLC seeking to rezone Tax Map #90-A-1A6, totaling 1.799 acres, from a split zoned parcel of Harbor (H) and General Business/Light Industrial (GBI H-1) to only Harbor (H); and

WHEREAS, 1.47 acres of this parcel is currently zoned Harbor and just under .4 acres is zoned General Business/Light Industrial, and the applicant is seeking to get the full parcel zoned as Harbor which is more compatible with potential business use of the property; and

WHEREAS, the town's Future Land Use Map dated December 15, 2022 designated the area south of the harbor as Conservation/Open Space, Harbor District, or Harbor District Industrial; and

WHEREAS, the Planning Commission held their public hearing on October 3, 2023 and no public comments, other than the applicant's, were received; and

WHEREAS, following the public hearing, the Planning Commission discussed the application and unanimously recommended Town Council approval of ZMA 2023-03 rezoning Tax Map Parcel #90-A-1A6 from GBI H-1 and Harbor to just Harbor with the condition that plans as to how this parcel will be used be delivered to the Planning & Zoning Department within six months; and

WHEREAS, the applicant provided a concept plan to the Planning Director the morning after the Planning Commission meeting, which was provided for Town Council review;

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Town Council; now

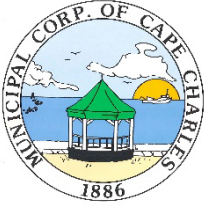
THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 19th day of October 2023, that the Cape Charles Zoning Map be amended to show Tax Map Parcel #90-A-1A7 in the Harbor (H) Zoning District to become effective immediately.

Adopted by the Town Council of Cape Charles on October 19, 2023

By: _____
Mayor

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of intent to consider a change to the zoning map for Tax Map #83A3-1-644 & 83A3-1-641 (11,301.22 square feet) from Commercial -1 (C-1) to Residential -1		AGENDA DATE October 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission		ITEM NUMBER: 8B
	ATTACHMENTS: Zoning Map Amendment (ZMA) 2023-04 Application from Cape Charles Town Manager, on behalf of the Town Council		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning & Zoning Director	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Both the Town Zoning Ordinance and Virginia Code §15.2-2286 (A) (7) requires a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map.

ITEM SPECIFICS:

In February 2023, the Town issued a broad request for proposals seeking developer concepts for the redevelopment of the Library building, including possible consideration of the two lots located directly behind the library which front on Randolph Avenue

Map of Proposed Parcels for Rezoning



Based upon the responses received and subsequent discussions by the Library Project Review Committee with the proposers, the Town will be advancing discussion and contract negotiations with City & Guilds to purchase and renovate the Library building with the Town buying back the library portion of the building through a Condominium Agreement and the remaining portion of the building and third floor would be developed into a single residential unit and to also purchase the two lots behind the library. However, through this process, it was deemed that the two lots should be rezoned from Commercial-1 to Residential-1 which should be done by the Town prior to the Library project contracts are finalized.

A resolution is prepared below to acknowledge and accept that the Town Manager is authorized to submit the rezoning application on behalf of Town Council in accordance with the discussions concerning the Library project, specifically concerning the two lots behind the library at Tax Map #83A3-1-644 (5,649.69 square feet) & 83A3-1-641 (5,651.53 square feet) to petition to rezone from Commercial-1 to Residential-1.

It is important to know that consideration and approval of this resolution does not constitute approval of any change to the Town Zoning Map. It merely identifies that a Zoning Map Amendment Application has been received and the application identifies that sufficient public necessity, convenience, general welfare or good

zoning practice exists within the proposed Application to conduct a public process that more fully explores the proposed change.

This resolution will formally establish that the proposed changes meet the requirements to be referred to the Planning Commission for public hearing and their recommendation. The Planning Commission recommendation, once issued, will be returned to the Town Council to schedule their public hearing on the matter. Final and formal consideration of any change will be the responsibility of the Town Council, following their public hearing and in consideration of the recommendation by the Planning Commission.

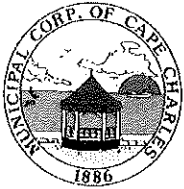
POTENTIAL SCHEDULE:

The Code of Virginia provides a 100-day review time frame for the Planning Commission once an application is referred and received by them, unless the Town Council votes to establish a shorter period of review. Below is a potential calendar for both the Planning Commission and Town Council; please note the calendar could be extended to the maximum time frames allotted for review by the Planning Commission and deliberation by the Town Council. This calendar is to outline the staff's consideration of a reasonable calendar assuming each Board acts as quickly as possible.

<u>DATE</u>	<u>BOARD</u>	<u>ACTION</u>
10/17/2023	Town Council Meeting	Receive and acknowledge Zoning Map Amendment Application and vote, through Resolution, to refer it to the Planning Commission to commence the required public hearing process and authorize staff to commence the necessary advertisement and public notice as required by law.
11/10/2023 & 11/17/2023	Eastern Shore Post	Public Hearing Notice runs in Eastern Shore Post for the Planning Commission public hearing. (<i>First notice appearing no more than 14 days before and run for two successive weeks</i>) Additionally, staff will issue letters of notification to adjacent property owners.
11/20/2023	Planning Commission Meeting	Public Hearing on Zoning Map Amendment Application. This meeting and hearing date establishes the 100 day clock for the PC to reach a recommendation on this application, unless the Town Council has established a shorter time frame to provide their recommendation. Planning Commission may vote on recommendation regarding Zoning Map Amendment application.
12/8/2023 & 12/15/2023	Eastern Shore Post	Public Hearing notice runs in Eastern Shore Post for the Town Council public hearing. (<i>First notice appearing no more than 14 days before and run for two successive weeks</i>) Additionally, staff will issue letters of notification to adjacent property owners.
12/21/2023	Town Council Meeting	Public Hearing on Zoning Map Amendment Application.
12/21/2023	Town Council	Town Council voted on Zoning Map Amendment Application. The Town Council has the right to defer action no later than one year from referral to Planning Commission to act upon Zoning Map Amendment

RECOMMENDATION:

Staff recommends that Town Council vote to adopt Resolution of Intent 20231019 regarding Zoning Map Amendment (ZMA) 2023-04 application from Town Manager John Hozey on behalf of the Town Council to rezone Tax Map #83A3-1-644 & 83A3-1-641 from Commercial-1 to Residential-1.



Zoning Map Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-2036
planner@capecharles.org

Revised 08/2023

Taxes

Violations

Fee

\$

Decision

Budget Code: MISPL 100-3100-1070

PART 1: APPLICATION NOTES

1. A pre-application conference is mandatory prior to submission of an application for a zoning map amendment.
2. A zoning map amendment application should be consistent with the Comprehensive Plan and therefore, may also require a Comprehensive Plan amendment, which should be approved prior to the zoning map amendment application.
3. The Town Council may not add conditions of approval to a zoning map amendment application.
4. If proffers are being offered, the proffer statements may not be less restrictive than the requested base zoning district standards.
5. If proffers are being offered, proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent. The applicant may voluntarily offer proffered conditions as part of their application, which must be listed in a separate voluntary proffer statement using the template found on our website.
6. **Fees: Regular Rezoning – (a) Non-PUD = \$500 + \$50/acre****
(b) PUD = \$1,000 + \$50/acre** (l) Amendment to Comp. Plan; Concept Approvals: \$550/app
Conditional Rezoning = \$1000 + \$50/acre**
****plus, any actual cost for advertising & adjacent property owner notification mailings**

PART 2: PROPERTY INFORMATION

Property Address: **210 Randolph Avenue**

Tax Map #: 83A3-1-644 & 83A3-1-641

Project name: **2 Town Lots behind Library Building**

Current Zoning District: **C-1**

Does this application include proffers? ☒ No ☐ Yes, if so, attach separate form

Proposed Zoning District: **R-1**

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: **Municipal Corporation of Cape Charles**

Mailing Address: **2 Plum Street, Cape Charles, VA 23310**

Email address: **john.hozey@capecharles.org**

Phone: **757-331-3259**

If property is owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

Zoning Map Amendment Application (also referred to as a Rezoning or Conditional Rezoning) may be submitted by a Cape Charles property owner and may be advanced to public hearing, after this application is submitted to Town Council who authorizes said applications to public hearings, first to the Planning Commission in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204.

The applicant will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan

Additionally, the Planning Commission or Town Council may prepare and apply for a zoning map amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

PART 4: Written Description of Request – Answer all questions in this section. Attach additional sheets as needed.

- A) Describe the existing conditions on the property including existing land uses and buildings as well as the land uses and zoning districts on the abutting properties.

These two lots are vacant on the corner of Randolph Avenue and Pine Street and sit directly behind the Library Building. The Library Building, which is located in a former bank building, is zoned Commercial-1. Adjacent to the two lots to the east, the rest of the block is zoned Residential-1 and is comprised of single family dwellings. Across Randolph Avenue to the north and across Pine Street to the west, it is zoned Residential-1.

- B) Describe how existing conditions have changed, thereby making the proposed amendment needed.

In February 2023, the Town issued a broad request for proposals seeking developer concepts for the redevelopment of the Library building, including possible consideration of the two lots located directly behind the library which front on Randolph Avenue as part of the development proposal. The Town will be advancing discussion and contract negotiations with City & Guilds to purchase and renovate the Library building with the Town buying back the library portion of the building through a Condominium Agreement and the remaining portion of the building and third floor would be developed into a single residential unit and to also purchase the two lots behind the library. However, through this process, it was deemed that the two lots should be rezoned from Commercial-1 to Residential-1 which should be done by the Town prior to the Library project contracts are finalized.

- C) Describe how the proposed amendment furthers the objectives of the Comprehensive Plan.

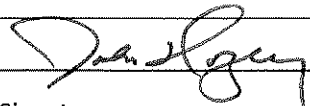
Rezoning of these two parcels from Commercial-1 to Residential-1 is consistent with the Future Land Use.

- D) Describe why the proposed rezoning is necessary.

These two parcels, both sized at 5,600 square feet or slightly greater, are in conformance with Residential-1 zoning, and are more compatible with the neighborhood to be developed as Residential and not commercial and this meets the proposal considerations from City and Guilds regarding the Library Project Request for Proposals as the best use of these two lots behind the library.

- E) Describe the proposed use of the rezoned property including a site plan with the proposed types of site improvements and buildings.

Once the library project is finalized with City and Guilds who would be purchasing the two lots as part of this project and would develop them in accordance with the Cape Charles Zoning Ordinance Residential-1 requirements as well as the Historic District Overlay requirements and guidelines.

Applicant's signature: 

Date: 10/12/23

Zoning Administrator's Signature: _____

Date: _____

PART 5: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZMA
Planning Commission	Town Council
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:

RESOLUTION OF INTENT 20231019

ZONING MAP AMENDMENT 2023-04 APPLICATION

**From John Hozey, Town Manager on behalf of the Town Council
for Tax Map #83A3-1-644 & 83A3-1-641
from Commercial-1 to Residential-1 Zoning.**

WHEREAS, in accordance with Code of Virginia § 15.2-2286.A, the Cape Charles Zoning Ordinance § 2.7.1 includes regulations pertaining to initiation of amendments, supplements, change in the regulations, district boundaries or classifications of property contained in the zoning ordinance; and

WHEREAS, the Municipal Corporation of Cape Charles is the owner of Tax Map #83A3-1-644 & 83A3-1-641, which both parcels are currently zoned Commercial-1; and

WHEREAS, the Town is seeking to rezone these two parcels to Residential-1 as part of the Library Renovation project;

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Map by modifying the land use for these two parcels from Commercial-1 zoning to Residential-1 Zoning and to refer said application to the Planning Commission to initiate and undertake review and required public notification of said application.

Adopted by the Town Council of the Town of Cape Charles on October 19, 2023.

By: _____
Mayor Charney

Attest:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Reappointment of Board of Zoning Appeals Member		AGENDA DATE: October 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Reappointment of Member to the Board of Zoning Appeals		ITEM NUMBER: 8C
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume, Town Clerk	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Board of Zoning Appeals (BZA) hears zoning appeals and reviews variance and special exception applications. All appointments are approved by the Circuit Court of Northampton County. The Board consists of five members each serving five-year terms.

DISCUSSION:

William Murphy currently serves on the BZA, and his term will be expiring on October 31, 2023. Mr. Murphy has expressed his interest in continuing his service on the BZA for another term.

RECOMMENDATION:

Staff requests Council review and, if deemed appropriate, reappoint Mr. William Murphy to the Board of Zoning Appeals for another term.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Reappointment of Wetlands and Coastal Dune Board Member		AGENDA DATE: October 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Reappointment of a member to the Wetlands and Coastal Dune Board		ITEM NUMBER: 8D
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

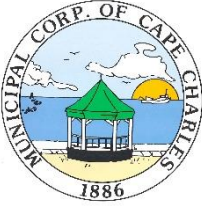
The Wetlands & Coastal Dune Board reviews applications for certain activities in wetlands and dune areas. The Board meets as needed and consists of five members each serving five-year terms.

DISCUSSION:

Ms. Elizabeth Pruitt was appointed to the Wetlands Board & Coastal Dune Board in April 2023 to complete a term which expires on November 12, 2023. Ms. Pruitt expressed her interest in continuing her service on the Board.

RECOMMENDATION:

Staff requests Council review and, if deemed appropriate, reappoint Ms. Elizabeth Pruitt to the Wetlands and Coastal Dune Board for another term.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Reappointment of Planning Commissioner		AGENDA DATE October 19, 2023
	SUBJECT/PROPOSAL/REQUEST: Approval of Planning Commissioner reappointment		ITEM NUMBER: 8E
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Planning Commission serves as an advisory body to the Town Council for planning-related matters and consists of seven members – six citizen members each serving four-year terms and one member representing the Town Council.

ITEM SPECIFICS:

Michael Strub is a current Planning Commission member whose term will be expiring on October 31, 2023. Mr. Strub has served Cape Charles with distinction. He has been on the Planning Commission for 13 years and has been the Planning Commission's representative on the Historic District Review Board for 3 years. His contributions are many. However, Mr. Strub believes it may now be time to step back and make this seat available, allowing others the opportunity to serve.

Staff can't thank Mr. Strub enough for all his work on behalf of the people of Cape Charles. However, we did ask him if he would be willing to continue serving until his replacement could be appointed. Mr. Strub graciously agreed.

Staff will immediately begin recruitment of applications from interested citizens.

RECOMMENDATION:

Staff recommends that the Council allow Mr. Strub to continue serving on the Planning Commission beyond October 31st until his replacement can be appointed.