



TOWN COUNCIL
Public Hearing & Regular Meeting
September 16, 2021
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 Ordinance Text Amendment, Section 3.14 General Business/Light Industrial H-1](#)
4. Recognition of Visitors / Presentations / Recognitions
 - A. None
5. Public Comments (3 minutes per speaker)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of July 31, 2021 Financial Report](#)
7. Unfinished Business:
 - A. None
8. New Business:
 - *A. [Zoning Ordinance Text Amendment – Section 3.14 General Business/Light Industrial H-1](#)
 - *B. [Harbor Capital Plan Evaluation](#)
 - *C. [Contract Award for Architectural Services – Municipal Building](#)
 - *D. [Board of Zoning Appeals Member Reappointments](#)
 - *E. [Planning Commissioner Reappointment](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - October 7, 2021 – Town Council Work Session (*if needed*)
 - October 11, 2021 – Town Offices Closed in Observance of Columbus Day / Yorktown Victory Day
 - October 21, 2021 – Town Council Regular Meeting
12. Adjournment

TOWN OF CAPE CHARLES
Notice of Public Hearing – Zoning Text Amendment
Section 3.14 General Business/Light Industrial H-1 (GBI H-1)

The Town Council will hold a public hearing, pursuant to Cape Charles Zoning Ordinance Section 2.7.1, on Thursday, September 16, 2021 at 6:30 p.m. in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on revised/additional zoning text amendments to Section 3.14 General Business/Light Industrial H-1 (GBI H-1) as follows:

- 1) Add language that PUD, PUD Districts or Appendices in the PUD refers to the Accawmacke Plantation Planned Unit Development (PUD) Ordinance to 3.14 (A) (6)
- 2) Remove the following permitted uses from Section 3.14 (B) and add them to Conditional Uses in Section 3.14 (C)
 - a) Manufacture, processing, fabrication, assembly and/or storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.
 - b) Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category
- 3) Under Section 3.14 (C) - Conditional Use, Item #2 which currently reads “Buildings over 40 feet but equal or less than 50 feet”, add the following language at the end of the sentence: “or building or structure may be constructed to a maximum height of 75 feet if the building or structure is set back at least one hundred twenty-five (125) additional feet from the required set back from all property boundaries
- 4) Under Section 3.14 (F) – Additional Requirements, the following items are proposed for change
 - a) Item #6 – delete the strikethrough words shown: No outside storage of parts, ~~materials~~, fossil fuels, ~~raw materials~~, or petroleum shall be permitted within the GBI H-1 District.
 - b) Item #7 - delete in its entirety: “No outside manufacturing, assembly, or servicing of products used on the property or of trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.”
 - c) Item #9 – delete the strikethrough words shown: No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, ~~or other devices~~ or signals audible outside any buildings shall be allowed on the property.
 - d) Item #9 – add the following at the end of the current sentence. “Any and all OSHA requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged. A sound impact study will be required as part of any conditional use permit application, and additional sound mitigation barriers may be required in addition to the natural buffer yard requirements in paragraph E (5) above.”
 - e) Item #11 – to change the times when delivery or transmission of materials or products are not allowed to or from the property:
CURRENT REQUIREMENT: Not allowed between 11 pm and 5 am Monday through Sunday
PROPOSED REQUIREMENT: Not allowed before 8 am and not after 9 pm Monday through Saturday and no such deliveries to or from the property shall occur on Sunday.

- f) Add a new Item #12 to read as follows: “The requirements of this paragraph F. shall apply to all uses of Section 3.14. The Zoning Administrator may consider exceptions to these requirements in conformance with the following standards:
- a. That the exception is reasonably necessary due to customary processes or physical constraints of the site;
 - b. That the exception does not compromise the intent of this Ordinance;
 - c. That the exception is the minimum departure from applicable standards necessary to provide relief;
 - d. That the design, location, and operation of proposed on-site improvements are compatible with existing developed sites contiguous with the site of the proposed development;
 - e. That the granting of the exception will not substantially affect adversely the use of adjacent property;
 - f. That the granting of the exception will not impair the health, safety, or welfare of the inhabitants of the Town

The Town Council will hold a meeting immediately following the public hearing to consider the request. A copy of the proposed Zoning Text Amendment 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.

AD PLACED: Eastern Shore Post – Monday, August 23, 2021
AD TO RUN: Friday, August 27, 2021 & September 3, 2021



**DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
August 19, 2021
6:30 PM**

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Town Manager John Hozey, Zoning Administrator Katie Nunez, Community Relations Manager Jennifer Lewis, Police Officers Mike Charlton and Juana Diaz, and Town Clerk Libby Hume. There were 47 members of the public physically in attendance, and 51 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS:

There were no visitors, presentations or recognitions.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Jane McKinley

Ms. McKinley addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Jim Granger

Mr. Granger addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Bill Ballard

Mr. Ballard addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Diane D’Amico

Ms. D’Amico addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Shannon Alexander, Representative for the Department of Conservation and Recreation (DCR)

Ms. Alexander stated that the DCR was interested in purchasing and preserving the parcel of land being discussed to add the contiguous property to the nature preserve.

Lori Smith

Ms. Smith addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Laura Weigand

Ms. Weigand addressed Council urging them to vote no and remand the rezoning application and text amendments to the Planning Commission. More transparency was needed. There was too much going on and no sales tax was being paid on the possible contracts. If Coastal Precast were to win the bid, the jobs created would only last as long as the contracts. It would not be a permanent fix for jobs.

The Town could not put all their eggs in that basket. It was not the appropriate fit for Cape Charles with tourism. Cape Charles was now known as one of best southern towns to live in.

Phil Goetkin

Mr. Goetkin addressed Council regarding the proposed rezoning and text amendments. (Please see attached.)

Gary McKinney

Mr. McKinney stated that he moved to Cape Charles in July 2020 and owned vacation rental property. He was a Virginia Beach and Richmond resident for over 30 years. He brought large signboards depicting the Combined Framework Plan and Conceptual Master Plan for the Harbor area, which were part of the Cape Charles Harbor Master Plan and Design Guidelines. He added that it was a mistake for the Town to support the rezoning and proposed text amendments to the existing zoning ordinance for two parties. He spent a lot of time reading through the documentation which was confusing. They needed to be redone during the comprehensive plan update. Mr. McKinney read the vision statement from the Cape Charles Harbor Master Plan and Design Guidelines.

Pam Green

Ms. Green stated that she and Mr. McKinney thought along the same lines. She expressed her hope that Eyre Baldwin and South Port Investors would give serious consideration to the offer from DCR to purchase the property, and asked Council to decline the zoning changes.

Town Clerk Libby Hume read comments submitted in writing prior to the meeting from George and Nancy Proto, Karen Jolly Davis, James Metz and Suzanne Hallberg, David Parham, Eric Feuillatte, Joe Coccaro, Jo Ann Bawiec, Margaret Ballard, and Mary Barrow. (Please see attached.)

There were no additional comments received in writing prior to the meeting nor during the public comment period.

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. July 13, 2021 Planning Commission/Town Council Joint Public Hearing
 - ii. July 22, 2021 Town Council Regular Meeting & Executive Session
 - iii. August 10, 2021 Town Council Town Hall Meeting
- C. Approval of June 30, 2021 Financial Report

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

UNFINISHED BUSINESS:

Mayor Dize provided Vice Mayor Bennett a few moments to read a statement into the record prior to moving forward with this evening's unfinished business.

Vice Mayor Bennett read the following statement:

"I'm responding to an email I received from Mr. Joe Coccaro on August 9, 2021 in which Mr. Coccaro asserts that I may have a conflict of interest regarding Agenda Items 6A and 6B. I'm not sure from the email if Mr. Coccaro is giving his opinion or the opinion of the Group some of you have formed. Mr. Coccaro questions my relationship with Coastal Precast and Eyre Baldwin and secondly, my firm's and previous firm's relationship with Coastal Precast. I'd like to address the second comment first if I may. Mr. Coccaro states "There is a disturbing and growing sentiment among concerned Cape Charles residents that Coastal Precast has been a client of yours and (or) of the firms you have worked for." And he follows that

statement with “I know not if any of these claims are probably true, and admittedly some of this appears purely anecdotal...” Mr. Coccaro, you don’t even know me, nor do you have any idea of what my current firm does, let alone any of my prior firms. If you’re going to question my professional integrity in public, you better bring the facts – and you’ve provided none. Supposition may work fine in the journalism world – it does not work at all in the engineering world.

I have no clients of my own. What my current firm does is irrelevant.

I’m not aware of our firm ever having provided any services to CPS in any capacity. Prior to working with my current firm, CPS was not present in this area or any area where I have worked and I’ve never been associated with them, either directly or indirectly. So, your claims are baseless.

Your first allegation has to do with, as you call it, “a litany of emails, obtained through a FOIA request... that shows without ambiguity that you have personally been contacted by or possibly in discussions and meetings with Coastal and Eyre Baldwin regarding their zoning application.” Not sure I fully understand the “without ambiguity I’ve possibly been in discussions” – which is it? Years ago, I was appointed as the Council representative to the harbor – which involved periodic meetings with the Harbor Master and other entities around out harbor. I’ve also been the Council representative to the Harbor Area Review Board since its creation. I have continued in both roles over the years and as such have had conversations with numerous entities who expressed interest in or were just fact finding to determine whether to invest in our town. Eyre has significant holdings on the south side of the harbor and has been a party to many of these discussions. It’s my belief that this is a routine part of being on Council and I would wager to say that most of us (if not all of us) have had those conversations at one time or another with any number of people interested in starting a business or investing in our town. These typically occur outside of a formal meeting setting. I don’t personally know any of the principals of CPS and do not recall ever meeting with any of them outside of a Council or Planning Commission meeting or without the Town Manager present.

At this point Mr. Coccaro, it is neither your place nor mine to determine whether I have a conflict. That is the job of Council. So, if the Council will discuss this, I’m happy to abide by any decision you reach.

Thanks,
Steve”

Mayor Dize asked Council if they had any issues with Vice Mayor Bennett’s participation in the discussion relating to the rezoning or zoning ordinance text amendments.

Councilwoman Holloway noted that it was very easy for everyone to be copied on an email, but it did not mean that we were all in support of the content. This was important when looking at FOIA requests. Because someone was copied in an email, did not mean they were engaged in the thread. She had been copied on a lot of things and unsure why she was copied on them. She felt this was important to state as she felt this was how a lot of these beliefs came about.

Councilman Follmer stated the following: i) The people who spoke this evening were respectful, and a lot of good input was received over the past 30 days; ii) He expressed his complete support of Vice Mayor Bennett’s statement; iii) He was troubled, that given the extra 30 days, some people, unlike others, could not raise substantive issues and decided to accuse the Council and staff of wrong-doing because they met with interested parties, which as mentioned previously, was our job. He was really troubled, when one person, as part of their interest group, had met repeatedly with staff, but felt

somehow that their cause was better than a commercial one so that their lobbying was different; iv) Everyone up here worked hard and did it for their town they all loved. He did not want to hear anyone say that they were maligning people because they loved this town because it was not true; and v) Although he was not in attendance on August 10, he watched the meeting on Facebook. He heard Mayor Dize tell Mr. Coccaro to come to this meeting and read his emails aloud. Councilman Follmer recalled the accusations that Mr. Coccaro made at that meeting, and they were more direct than what was implied in his written comments tonight. It was cowardly and shameful that Mr. Coccaro did not show up in person to answer.

Mayor Dize stated that he was elected to this position mainly because the people of this town trusted him and believed in his honesty. It was not in him to be involved in underhanded dealings as he had been accused of. He had worked with Vice Mayor Bennett for years. Vice Mayor Bennett was the Town Council representative on the Harbor Area Review Board. When he was the harbor master, he and Vice Mayor Bennett met frequently on issues and projects trying to build up the harbor. It was the job of the elected officials and staff to do their best to try to build the economy of this town. To have someone stand up and talk about his integrity was uncalled for.

It was the consensus of Council that Vice Mayor Bennet did not need to recuse himself from the discussion relating to items 6A and 6B.

Town Manager John Hozey expressed his appreciation to everyone who participated in the process. Some of the inconsistencies in the zoning ordinance had been acknowledged in the past. The Town needed to hire a consultant for a complete zoning ordinance review. The process began with the vision in the strategic plan, and the comprehensive plan and zoning ordinance flowed from that. He took the opportunity to go back and listen to the comments. He felt that valid points were brought up relating to the text amendment. Two issues were brought into greater focus: i) The type of allowable activity being proposed in the area required a Conditional Use Permit in the heavy industrial zone but was by-right in the light industrial zone, which seemed odd; ii) The applicability of Paragraph F (Additional Development Requirements) was another issue. This portion of the ordinance was not clear. A strong case could be made that this paragraph did not apply to the permitted, or by-right, uses of this section. However, it was not written specifically and there was no way to tell how a court might rule if this were ever challenged. In an effort to proactively address these issues, staff developed additional text amendments which, along with the original changes, would allow the property owners to accomplish their purposes while also better protecting the interests of the Town. The proposed additional text amendments would move the by-right uses being considered this evening to a Conditional Use category, which meant that the property owner would have to return later with actual site plans and details of the proposed operation before the Town would sign off on that specific use. The Town Manager Memorandum outlining Options A, B, C and D, along with the additional proposed text amendments were reviewed. John Hozey stated that his recommendations were in the order as presented with Option A being to approve the request as presented. (Please see attached.)

John Hozey suggested providing the applicants the opportunity to present their comments and answer any questions that Council might have.

Eyre Baldwin

Mr. Baldwin provided background on the property purchased by his father, Furlong Baldwin, in February 2008 with the vision of creating opportunity and bringing jobs to Northampton County. Images of the map of the parcel under consideration and the Northampton County Industrial Zoning Map were reviewed. Around that time, the Town changed the zoning of the parcel from light industrial to harbor. He learned last week from the Federal government that the area was designated as the Port of Cape Charles Industrial Park and the Town erred when the zoning was changed to Harbor due to Federal grants designating the area to be an industrial park. Since that time, he had been told by Town officials that the zoning would be changed, but to date nothing had been done. Mr.

Baldwin expressed his disappointment that there was no representation from the County Board of Supervisors here tonight, since the County received the lion's share of the benefits. He asked Council to make the decision tonight to make the opportunities easier. Remember the working waterfront, the breakwater grants, etc. which were done for the working watermen, not the tourists. He liked tourism. That was why he built the yacht center. He asked Council not to think about the 33 angry people who had given their comments, but of the 11K people living in the County and the opportunities that would be provided by approving the rezoning application and proposed text changes. (Please see attached.)

Dan Brown requested Council consideration of the motion on the table to approve the text amendments shown in red in that packet. At no point in time had they urged the Town to rush the process which began in May, but we were at a point where time was essential. There were opportunities at risk and meaningful job creation was paramount. The changes being requested were consistent with the comprehensive plan and the Planning Commission recommended Council approval of the request. He recalled when Governor McAuliffe flew into Cape Charles by helicopter several years ago to award Bayshore Concrete Products with a number of incentives. The newspapers were here, and Cape Charles was on the front page of the papers. The Governor spent the afternoon going down Mason Avenue and the entire citizenship of the town rallied around the benefits extended to Bayshore Concrete. Several years later, the concrete plant was now vilified and demonized by a small group of individuals. Coastal Precast was making a 10-15-year commitment to the Town to provide jobs and major financial investments. It was short-sighted of the individuals speaking and submitting letters stating that there was no benefit to Cape Charles so why should the Town support the effort. Just because it was not a direct benefit to the historic district did not mean that it would not benefit the Town as a whole. If the motion passed as stated, we could all move forward to settlement and enable Coastal Precast to submit their proposal. If not, there would be a significant drop in opportunities.

Brendan Mowery from Coastal Precast systems stated the following: i) He wanted to clarify the confusion regarding the location of the parcel in question. It was tucked away in trees and not visible from the downtown area; ii) People mentioned that Coastal Precast was not a good neighbor, but Mr. Ballard could attest to the concessions made regarding noise and dust. They also assisted the Town each year by permitting the July 4 fireworks to be set off from their property; iii) They currently provided 180 jobs for skilled laborers. Gary Shrieves, who spoke at the last meeting, worked his way up from the ground floor and was now an executive; iv) There were 22 wind farms along the east coast, and it was estimated that each one was valued at about \$300M. Dominion Energy was planning for 180 wind turbines in this project which was estimated to be about \$7.8B, all of which was taxable. Last month, Coastal Precast paid \$250K in sales tax; v) They were under a real time crunch, as they had already missed one contract which closed a couple of weeks ago. This property was desirable for such a project due to its proximity to the water and there were no bridges to hinder deep sea access; vi) The Town had not notified Coastal Precast that they did anything wrong regarding the tree removal. There would be no tree removal on the parcel being rezoned and they would abide by the tree ordinance.

Paul Ogorchock from Coastal Precast Systems expressed his appreciation for Council and staff taking the time to consider the request. He spent several hours today with a company wanting to use their property for the windmill operation. He reiterated Mr. Mowery's statement that Cape Charles was one of the best locations on the east coast for this type of work which would offer a lot of employment and a lot of sales taxes. The company was proposing a gravity type of wind turbine which weighed about 7K tons. The wind turbines would be constructed here and taken out to the ocean where it would be sunk into the seabed. This type of wind turbine was more user friendly and posed less of an environmental risk. Each blade was about 300' long. Two to three thousand blades would be built and stored on the property until they were taken offshore. The current zoning did not permit assembly or outside storage. They could not take the risk of purchasing this property and hoping to be able to conduct the necessary work under a conditional use permit. Coastal Precast was trying to

work with everyone and do what was right. They were working with John Hozey to address all the complaints and spent \$60K last month for new dust collectors. They were doing whatever they could to appease everyone, but someone kept calling the Department of Environmental Quality (DEQ) on them and they had done none of the things they were being accused of. They have had several surprise DEQ inspections lately. Their water usage was metered. They had a certain amount of output permitted and were not even close to exceeding their limit. If not for Coastal Precast, the U.S. Army Corps of Engineers would not be dredging the harbor. Coastal Precast was a responsible company and doing all they could to abide by the rules, as tough as they were.

A. *Proposed Zoning Ordinance Text Amendment-Section 3.14-General Business/Light Industrial H-1:*

John Hozey offered clarification as to why staff was supporting Option A. He agreed that it made sense to wait until all the changes were done but there was a concern that the opportunity would be lost. The purchase agreement between South Port Investors and Coastal Precast Systems was contingent upon approval of the proposed zoning amendments. If not approved, the entire arrangement could be jeopardized. It was a very lucrative competing process. He heard repeatedly that all our eggs were in one basket. That was untrue. It would be one operator but different operations. The wind energy project was more high-tech and different than concrete work. The area had always been designated for industrial activity. Although the Town was not currently realizing much of the sales tax revenue, he had been talking to the Northampton County Administrator and believed that the Town would see more of the share of sales tax revenue. This was an opportunity to help offset real property taxes. This was an opportunity to meet all our desired goals. This was the reason for his recommendation to move forward with the amendments as proposed and send another round of text amendments to the Planning Commission to address other concerns. The new text amendments, if approved, would affect all the properties in the entire zoning district, even after the transition in ownership. Approval of the currently proposed amendments would allow Coastal Precast to pursue their contracts.

Mayor Dize added that he became the harbor master in 2005. Before his interview, he drove around the town and harbor. His first year, 26 transient boaters came into the harbor. He had a vision and a lot of "what ifs," and begged for funding for the breakwaters, boat slips, bathrooms, etc. The trains were across the harbor in operation and shook the harbor office every time they moved. This Town was built around industrial operations. The harbor was man made and designated as a harbor of refuge. It was not a marina. It's called the Cape Charles Harbor and listed as such on the federal maps. He sat here and listened to everyone's comments and the petition submitted had about 70-100 signers listing Cape Charles as their address. We had over 1,100 residents in Town. He heard from others, individually, who agreed with moving forward with the zoning changes. He also heard from the ones who came to the meetings or submitted comments. They were the ones with the loud voices, but the others were the silent majority. Coastal Concrete had been a good steward of the community and had responded to the complaints regarding noise and dust from the operations by installing silencers and dust collectors. This was a big opportunity for our area. A lot of our kids go away to college and never come back since there were no jobs and we were in need of better schools. Beginning July 1 of this year, the County implemented an additional 1% in sales tax to fund schools. 1% of a billion dollars is a million dollars which would go directly to the schools. We had to think of the kids, their futures, and give them something to come home to. Mayor Dize asked the Council for their thoughts.

Councilman Buchholz stated that 1% of all sales tax currently went to all schools in Virginia, but the County was approved for an additional 1% for school infrastructure. He added that his son went to school here in the County, went away to college, and was now teaching at Broadwater.

Councilman Grossman asked the following: i) If Council voted for Option A, and if a permit (tree, site, etc.) was granted before the additional proposed amendments were adopted, would the

applicant have vested rights and not have to abide by the proposed requirements? John Hozey replied that the applicant would be able to perform the work for which the permit was issued. The work to be done would be on land already zoned as light industrial and a permit was not necessary as the use was currently by-right; ii) If a site plan was submitted, the property owner could begin developing the land, while the Town reviewed the additional text amendments. John Hozey stated that it would be possible if Coastal Precast competed for and was immediately awarded the contracts; iii) Councilman Grossman expressed his concern that if Option A was approved, the property owner would not need contracts to clear the land, since they could proceed by-right; iv) A conditional use permit would lock down the requirements regardless of ownership. It was a gamble between Options A and B. Council could approve the current proposed text amendments and end up not having enough votes to approve remanding the proposed additional text amendments for Planning Commission review.

Councilwoman Holloway stated the following: i) She shared Councilman Grossman's concern; ii) She was in support of the rezoning; however, the current text amendments did not institute enough control over what could be done, and this needed to be addressed. She did not want to hinder the business, since economic diversity was very important. Council would be making a decision that would impact the Town over the long term and she did not feel comfortable doing that without the guide rails of the text amendments. She had no problem with the parcel being light industrial if the zoning ordinance text was written correctly; iii) If any work was planned for the parcel being rezoned, application had to be made for review and approval by the Wetlands Board; iv) This was difficult for her since she felt this project was good for Cape Charles and she thought it would be handled well, but she did not know whether Coastal Concrete would always be here.

Mayor Dize stated that anything in the industrial district should have by-right storage. The Town could implement restrictions such as no hazardous materials, etc., but the use should be by-right.

Councilwoman Holloway added that storage was not the only issue with the text amendments. There were a lot of unknowns. We were excited about bringing the renewable energy operations here but did not want to get hung up on the money aspect because we did not know what would happen. The additional proposed text amendments requiring conditional use permits for many of the uses would give the Town some control.

John Hozey stated that Councilman Grossman was trying to identify potential issues of moving forward with Option A and sending the additional text changes to the Planning Commission. Only one of the uses were at risk and that was outdoor storage. If Coastal Precast were to move forward and submit a site plan and permit application to begin clearing the area for outdoor storage, it would give them vested rights for the outdoor portion only. A site plan was still needed to construct buildings, etc. They could not prepare a site plan until they were awarded a contract. The risk was relatively small.

Vice Mayor Bennett commented as follows: i) He expressed his amazement of the hesitancy over what ifs. It was incredible if people thought that Coastal Precast would immediately submit a tree cutting plan and a detailed site plan to take over before the additional zoning text amendments could be reviewed and adopted; He supported the motion on the table which was Option A. The language in green was not for discussion at this point, but the only thing he disagreed with was for outdoor storage by conditional use. It should be by-right in the industrial districts.

Mayor Dize added that text amendments were needed in the Industrial M-2 district as well to make storage by- right as well.

John Hozey stated that step one was to vote on the language shown in red (Option A), then there would be discussion regarding the language shown in green to send to the Planning Commission. This was just the beginning of the process. He agreed with the philosophy that storage was necessary for any industrial activity. By sending the additional proposed language to the Planning Commission would be sending a strong signal to the Commission that Council wanted them to focus on these areas, but the Commission could make their changes as well.

Councilman Grossman added that he was in favor of Coastal Precast moving forward with economic expansion in the industrial area but wanted to make it clear that he was not on board with moving forward without requiring a conditional use permit.

Councilman Follmer nor Councilwoman O'Brien had any additional comments.

Mayor Dize stated that there was a motion and second on the table to accept the recommendation of the Planning Commission and approve the zoning text amendments to Sections 3.14 (B), 3.14 (C)(2), and 3.14 (F). Mayor Dize moved for adoption of Ordinance 20210819A-Adopting Text Amendments to Cape Charles Zoning Ordinance Section 3.14-General Business/Light Industrial H-1 as noticed and forewent reading of the Ordinance. The motion was approved by majority vote, with Mayor Dize casting the deciding vote to break a tie. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, no; Holloway, no; O'Brien, no; Dize, yes.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to remand the additional proposed text changes, shown in green, in the August 19, 2021 Town Manager's Memorandum to the Planning Commission to start another public process. The motion was approved by unanimous vote.

B. *Application for Zoning Map Amendment – Tax Parcel #90-8-1A1:*

John Hozey stated that this item was similar to the previous item and staff recommended approval.

Councilwoman Holloway stated that this was such a significant issue, but she had already said what was needed. She had no problem with this change but was concerned with passing the rezoning with the text amendments not being finalized.

Mayor Dize stated that there was a motion and second on the table to accept the recommendation of the Planning Commission and approve the zoning map amendment of Tax Parcel #90-8-1A1 located at 1201 Bayshore Road from Harbor to General Business/Light Industrial Harbor-1. Mayor Dize moved for adoption of Ordinance 20210819B-Adopting Cape Charles Zoning Map Amendment for Tax Parcel #90-8-1A1 from Harbor District to General Industrial/Light Industrial H-1 as noticed and forewent reading of the Ordinance. The motion was approved by majority vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, no; O'Brien, no; Dize, yes.

At 8:50 p.m., Mayor Dize called for a short recess.

Mayor Dize called the meeting back to order at 9:02 p.m.

NEW BUSINESS:

A. *Reappointment of Member to Building Code Board of Appeals:*

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to reappoint Mr. Matthew Brown to the Building Code Board of Appeals for another five-year term. The motion was approved by unanimous vote.

B. *Historic District Consulting Services Contract Award:*

John Hozey stated that this item was a culmination of work started months ago. In April 2021, the Town Council, Planning Commission and Historic District Review Board held a joint work session, and a new Historic District Guiding Philosophy was developed, and revisions were made to Articles II and VIII of the zoning ordinance. The next step was to rewrite the guidelines to be consistent with the philosophy and ordinance changes. A request for proposals (RFP) was issued for consultants to assist in the process. Four proposals were received but one firm pulled out. The selection committee, comprised of John Hozey, Zoning Administrator Katie Nunez, and Councilman Grossman, reviewed the proposals and selected Commonwealth Preservation Group (CPG) as the best option for this work. He was disappointed in the time involved, but all proposers had similar timelines. The Town negotiated with CPG to tighten up the schedule and the projected timeline, which would take the work to February or March 2022, was included in the agenda packet documentation. This was a very important project and staff recommended approval of the agreement with CPG.

Councilman Grossman stated that CPG was not the lowest bidder, adding that the bids ranged from \$30K to \$100K. He watched a presentation by CPG to Virginia Beach which was also working on guidelines, and they were a very professional organization.

Vice Mayor Bennett stated that in his experience, government was always in a bigger hurry than the contractors. The project entailed a lot of work and felt that the selection was a good one with a local firm. They specialized in this type of work. He thanked Councilman Grossman and the rest of the selection committee. He had been through processes such as this in the past and it took extra time to review all the proposals, etc.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to award the contract for Historic District Consulting Services to Commonwealth Preservation Group. The motion was approved by unanimous vote.

C. *Attraction Vessels Dockage Policy:*

John Hozey stated that previous harbor masters historically provided free or reduced dockage for certain vessels of public interest (attraction vessels), such as tall ships, historic vessels, and Navy ships, if such vessel were opened to the public while in the Town harbor. Research going back to 2000 and 2005 showed some previous Council interest in allowing exceptions to dockage fees for this purpose, however, this practice was not recently captured in any Council approved rate structures for the harbor. Cape Charles Yacht Center (CCYC), the newly hired contractor for harbor management, was required to follow the published rate structure approved by Council. To allow for CCYC consideration of dockage relief for attraction vessels, Council was being asked to formally set a policy on this matter. John Hozey reviewed his recommended policy as follows, adding that this would be considered as an amendment to the approved rate policy:

“Attraction Vessels, which include but are not limited to, tall ships, historic boats, and Navy vessels, will be provided free dockage at the Town harbor for up to three nights under the following conditions:

- The vessel provides notice 48 hours in advance and there is sufficient vacant space available at the time of notification
- The vessel is open to the general public for tours each day, for a minimum of 4 hours per day
- The vessel shall not charge for visitation, but may accept donations
- If the vessel is in Town for an established special event, an additional two days before and two days after will be allowed”

Motion made by Councilman Grossman, seconded by Councilman Follmer, to approve the Dockage Policy for Attraction Vessels as presented.

Mayor Dize stated that he brought the subject up because the buy boats were in the harbor a couple of weeks ago. They had never been charged in the past but were charged astronomical rates for this last visit. He preferred this action be brought back for an official ordinance to be adopted by Council. Also, we needed to ask the dockmaster to let the Town know of any upcoming visits by attraction vessels so it could be publicized. Mayor Dize also asked Council to approve refunds to the six buy boats that were here recently for three nights each. The cost was about \$600 per buy boat.

Councilwoman Holloway stated that her great uncle's buy boat was one of the boats that came to town. Her great uncle had passed away, but she was concerned about providing relief for his former boat and asked whether she should recuse herself from discussion and vote on this issue.

Mayor Dize asked Council if they had any issues with Councilwoman Holloway's participation regarding this item. Council did not express any issues.

The motion for the Dockage Policy for Attraction Vessels was approved by unanimous vote.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to approve refunds of the dockage fees paid to the buy boats that were recently in the harbor. The motion was approved by unanimous vote.

D. Town Priorities:

John Hozey stated that at the February 18, 2021 Town Council Regular Meeting, Council had reviewed and prioritized a list of special projects. That was six months ago, and it was time for an update on the status of those projects and to bring forward the next round of expected work. John Hozey proceeded to provide the update of various projects.

There was discussion as follows:

- i) Vice Mayor Bennett noted two items listed under the Combined Prioritized List – "Hire consultant to manage the Comprehensive Plan update and assist with the public process: and "Hire consultant to conduct a comprehensive review and update of the entire zoning ordinance," adding that, in his opinion, they needed to be moved up on the priority list.

John Hozey stated that the first six items were projects that were either ongoing or already in play with the exception of the options and public discussion relating to the ARPA funding. The Town had two years to spend the funding and he wouldn't mind delaying discussion regarding the funding until a determination was made relating to the potential utility sale. These two items would be moved above the APRA funding discussion. Council was in agreement with this change.

- ii) Mayor Dize hoped that a plan was being developed for boat and RV parking issues in the historic district to be in effect by April 2022.

John Hozey responded that it would not be done by next spring unless Council decided tonight to move it up the list. There were not enough hours in a day to get everything done.

Councilwoman O'Brien asked if additional funding could be made available to get more help. John Hozey responded that the priority list showed a number of consultants for various projects we could hire all the staff we needed, but he was the one responsible to oversee the consultants and staff. Everything had to go through him as he was the one that answered to

Council. Council could not fire staff but could fire him. Everything on the list would be done but some items would take longer than originally thought.

- iii) This prompted discussion regarding the RFP for consulting services for the comprehensive plan. John Hozey stated that this fell under the purview of Zoning Administrator Katie Nunez. Staff was also trying to work on recruitment for a planner to help Ms. Nunez. The planner position was already a funded position. Things were close to finalization and should be on the street soon.

Councilman Grossman stated that he had offered to assist with the RFP process for the comprehensive plan and was still willing to do so. He would be able to perform research, gather the necessary information and work with Ms. Nunez on the RFP.

- iv) Councilman Grossman stated that the water mixer replacement project had been moved from last year to this fiscal year, money was re-appropriated, but the project was not on the CAMP priorities list and asked that "water mixer decision" be added to the list to ensure that it would be addressed.

John Hozey responded that it was in the budget as a placeholder for the funding. He wanted to wait until a determination was made regarding the utility sale. He and Bob Panek met earlier in the day with NewGen, the PPEA consultant, and they were close to finalizing their Phase 1 report to the Town which included the due diligence and rate comparisons. The Town should have it by the time he returned from vacation in early September. The PPEA utility sale would be considered this fall and we should know within the next couple of months whether the sale would go through or not. If we did not sell, we would be getting advice on whether the mixers or something else would be better to deal with the issues.

John Hozey would make the adjustments as discussed and asked if everything else seemed appropriate. Council was in agreement with the adjustments and the remainder of the report as presented.

Councilwoman Holloway stated that she realized the difficulty John Hozey had in juggling everything. It was good to see this priority listing and the number of items that had been completed over the last six months. It seems that Council pushed everything to #1 on the list and hoped that this listing would help John Hozey with his push back to Council. Council appreciated John Hozey and everything that he had done.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) His vacation would begin tomorrow, and he would be out of the office for two weeks. He would be able to stay in touch for most of the time. He would be sending out his contact information later today, but if for some reason, he was unavailable, internal issues should be directed to Bob Panek and issues regarding the public should be directed to Mayor Dize; and ii) Two weeks ago, Jen Lewis notified him that she would be leaving the Town's employment. She would be moving on to bigger and better things in Bay Creek. He wanted to publicly acknowledge her contribution to the Town. She took her job personally which was clear in her attitude. The Town benefitted by having her here and it had been a privilege to work with her. Bay Creek was lucky to have her. He presented Jen Lewis with a small token of his appreciation. Jen Lewis received a standing ovation from the Mayor, Council and remaining members of the public in attendance.

Councilman Grossman asked about the zoning issues and whether the advertisement was on hold until John Hozey's return. John Hozey responded that the advertisement had been submitted to the newspapers earlier today in order to meet the notification deadlines. The Planning Commission's public hearing would be held on September 7th and Council will be holding a separate public hearing on September 16th. The Planning Commission would review the language during their meeting

immediately following their public hearing and could potentially make their recommendation to Council during that meeting. If so, Council could review the Commission's recommendation and make their decision at the September 16th regular meeting.

Councilwoman O'Brien brought up the rules for public comments where residents, business owners, attendees had three minutes to speak, but tonight Mr. Baldwin and Coastal Precast were not held to the three minutes. The perception was not good. It sends a message to the community that certain people had special exceptions and it made her feel uncomfortable. She agreed that we needed to hear from Coastal Precast, but we needed to do better. This town was tiny and 33 people could easily grow to 75 or more. They are upset. She felt that we needed to pause and consider this as we moved forward and enforce the rules.

There was discussion regarding Councilwoman O'Brien's comments as follows: i) Vice Mayor Bennett stated that we've had these issues in the past, particularly relating to contentious issues. People who were against the issue showed up, and in the past, were permitted to donate their time to others so one person would be up here speaking for an extended time. Those in favor of the issue did not come to the meetings to express their views; ii) Councilwoman Holloway stated that she wanted definition of presenters with the amount of time they would get. She spoke to the Mayor previously as we have had some presenters speak for 30 minutes or more. She was in agreement that guidelines were needed for presenters; iii) John Hozey stated that the reason public comments were limited to three minutes per speaker was due to the fact that there could be any number of speakers during the public comment period at a given meeting. Presenters had information that Council needed to make decisions. He agreed that tonight was inappropriate. Presenters were also to address Council, not the audience; iv) Councilwoman O'Brien added that it was also inappropriate for Mr. Baldwin to single out the Mayor and each Council member relating to their background. John Hozey agreed, adding that it fell to the discretion of the chair. Comments needed to be germane to the topic being discussed. He cautioned instituting time limits for presenters since Council might have questions, etc. that need to be discussed at length; v) Councilwoman Holloway asked that a reminder be given to presenters in the future.

MAYOR AND COUNCIL COMMENTS

Vice Mayor Bennett, Councilmen Follmer and Grossman, and Councilwoman O'Brien did not have any additional comments.

Councilwoman Holloway informed Council that some time ago, Dave Parker had come to Cape Charles to interview her and Mayor Dize for an upcoming show called Virginia Found which would air on WHRO (PBS). Mr. Parker called her yesterday to let her know that the show would be picked up on a number of stations in Norfolk, DC and other places and she would share the air dates, one of which was September 24th.

Councilman Buchholz thanked the public for attending and voicing their concerns. He also wanted to thank those who came to speak to him individually. Everyone was heard and Council did their due diligence prior to voting.

Councilwoman Holloway interjected that it was nice that we could come together to have candid discussion, disagree, but come out with respect for each other. When Vice Mayor Bennett's integrity was questioned, we stood by him.

Vice Mayor Bennett thanked everyone for their consideration and agreement that he should participate in tonight's discussion. He had been on Council since 2008 and it had not always been this way. He had seen a few members come and go, some were good, some not so good. He had never sat on a Council as astute as this one. It was incredible the amount of talent at this dais, and everyone was in it for the right reason – for Cape Charles.

Mayor Dize stated the following: i) All the citizens loved Cape Charles too and spoke from their hearts; ii) He thanked all the citizens and Council for all they did; iii) He thanked John Hozey for all the research, ideas and recommendations put forth.

Mayor Dize read the announcements.

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

The meeting adjourned at 9:40 p.m.

Mayor Dize

Town Clerk

Comments & Information Provided in Writing August 19, 2021 Town Council Regular Meeting

#4 – Public Comments

Jane McKinley

Good evening. My name is Jane McKinley, and I am a full-time resident of Cape Charles living at 526 Tazewell Avenue. Thank you for allowing me the opportunity to speak to you one last time in regard to the application for zoning map amendment and zoning ordinance text amendment on tonight's agenda.

I would like to begin by briefly stating that, in concept, I am not opposed to changes which promise to bring more employment and revenue into the county and, possibly, the town. And I acknowledge that the Harbor area in question may currently be envisioned for industrial use by Town some decision makers. I would like, however, to join my neighbors in voicing their concerns for how this may play out.

There are many aspects to consider when weighing the decision to approve these changes. Personally, my greatest concern is for the Cape Charles residents' quality of life and for the stewardship of the town's and the Shore's wildlife assets. The actions taken by Coastal Pre-Cast to clear cut the property to the north of the Cape Charles Nature Preserve was shocking. No amount of physical, man-made sound barrier and vines will replace the natural richness that was removed. And, to make matters worse, the trees were, then, burned, adding to the billions of tons of carbon dioxide released into the atmosphere every year - due mainly to the cutting and burning of forested lands. These actions are worrisome not only as an example of the short-sightedness of this company but as an example of how the town will allow these things to happen in the first place.

The "Vision Ideas" section of the 2006 Conceptual Master Plan captures many of the images that brought me and others to Cape Charles. These include pedestrian/bike/golf cart walkways, boater services, park/plaza, waterfront promenade, and with a harbor and marina as the commercial assets. And the 2016 Comprehensive Plan (currently under revision) states that "the most desirable future development will respond conscientiously to the town's established character and natural setting" with both the M-2 and Light Industrial sections of this plan stating that these areas should "... incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development."

I encourage you to weigh these goals heavily and make a mindful decision tonight which supports the best interest of the town, its residents, and the natural beauty of our area.

Jim Granger

I am writing this in regards to the proposed amendments to the Cape Charles Zoning Ordinance, Section 3.14 General Business/Light Industrial H-1 and the Application for Zoning Map Amendment (ZMA) – Rezoning 1201 Bayshore Road (tax map # 90-8-1A1) from Harbor District to General Business/Light Industrial H-1. Thank you for taking additional time with these important matters to allow for additional investigation by the Town Staff and input from the citizens. I was also happy to read in the 13 August 2021 Weekly Report that the town is investigating a complaint/possible violation at 1134 Bayshore Lane – Coastal Precast Systems – cutting of trees without permit, expansion of business without approved amended site plan.

After attending the various meetings, the Town Hall meeting, and becoming much more educated about the process, I find myself conflicted. I agree with the principle that industry needs to be one of the primary economic contributors to the town. However, it appears that Coastal Precast Systems doesn't contribute very much to the town financially and has created more environmental impact than was first assumed. Unfortunately, I think that the complaint and possible violations at CPS might only be the tip of the iceberg. I hope that I am wrong, and I hope that with greater oversight and vigilance of CPS, they might become a better neighbor to the town.

I oppose the proposed amendments to the Cape Charles Zoning Ordinance, Section 3.14 General Business/Light Industrial H-1. I believe there is inconsistent language between the Light Industrial wording and the Heavy Industrial requirements, and that that needs to be rectified.

I am very reluctantly in favor of the proposed rezoning. Assuming that everything comes together in the manner that Southport and CPS laid out, this could be beneficial for Northampton County and Cape Charles. However, greater vigilance, oversight, and transparency will be necessary to ensure that future progress comes without negative impacts to the town.

Thank you for listening to the townspeople and for your diligence in this matter.

Bill Ballard

This town has a history of bad deals, but this may be the worst deal ever. It should be rejected ~~for a better use of the property~~ ^{Other wise it} ^{just} go down as another bad deal for Cape Charles.

Let's see who the beneficiaries of this deal are:

1. ~~Eyre Baldwin~~ ^{Southport / Westmore} gets his money. _{1/5}
2. Coastal Precast gets land for something they ~~might, sorta, kinda,~~ think they can use down the road – one of these days.
3. ~~Eyre Baldwin~~ gets his money.
- 3 ~~4~~ Coastal Precast gets to use the land however they want since they wrote the amendment without ^{adequate} proper oversight by the town.
- 4 ~~5~~ Northampton County gets the lion's share of any new tax revenue.
- 5 ~~6~~ Cape Charles gets ~~it~~ Well, not much. It gets another poorly crafted ordinance that will serve to cause problems for years to come. It gets a continuation of a bad tax deal originated with Bayshore Concrete. It gets no solution to a threatened water aquifer that will jeopardize future residential building. It gets a reputation that says the leaders of Cape Charles favor rich land owners and industry over the permanent residents and tourists who produce most of the town's revenue.

Coastal Precast is going to make like a bazillion dollars and Cape Charles will get almost nothing. The sad part is that Coastal appears willing to work with Cape Charles if someone will ask, but no one did and it is too late to change the existing deal unless it is rejected and started over again.

The town is missing a golden opportunity to address many issues and negotiate solutions. Some of these Coastal has indicated are readily on the table. Others such as the tax inequity that has every other taxpayer in town subsidizing the plant should be explored. Here is the opportunity to address the issue of water, that one day will cause the town to stop issuing building permits for million-dollar homes in Bay Creek because the aquifer is too severely threatened.

More cynical people might suggest something sinister is afoot. I think it is something much worse. I think those who met many times before this was put to paper weren't smart enough to think about it or even worse, they did not care.

Like it or not, Coastal Precast is here to stay. A delay of 30, 60, or 90 days to rewrite the application and do it the right way will not change that. The welfare of the town is worth that small amount of extra time.

Cape Charles is a beautiful place. It is the most prosperous community on the Eastern Shore, because of retirees and tourists. The town almost didn't survive when industry made up most of the income revenue. We cannot go back to that.

We are here tonight to request denial of 2 actions:

The requested re-zoning of parcel 90-8-1A1 and the text changes that will also effect Parcel 90-A-1A and 1B

After countless hours of research during the 30 day extension and documents produced from the Northampton County Clerks, Zoning, and Department of Revenue Offices it is evident that the chain of custody of the parcel in question as well as other adjacent parcels has not rendered a consistent zoning and land use designation between 1999 to the present day. From Brown & Root the developers of the Accawmacke Plantation PUD, followed by Baymark Construction, Bay Creek LLC, the Joint Industrial Development Authority, Northampton County and finally to Southport Investors different zoning and different land use is reveled in conflicting documents. Corresponding deeds, minutes, plats, and public meetings have not correlated to Article 2 and Article 3 of the town of Cape Charles Zoning Ordinance which is compromised from a series of piecemeal revisions and a 2008 Zoning Map used to make modern day decisions.

The parcels 90-8-1a1 and 90-A-1A and 1B also have a series of subdivisions, easements, covenants, restrictions and conservation designations as well as public telecommunications, public electrical, and public water pipes. For these reasons it is clear that these parcels cannot be re-zoned nor the zoning text changed at this time.

The application before you needs to be denied in its entirety. Furthermore please remand to the Planning Commission a request to update the Zoning Ordinance with the professional assistance of an independent Zoning and Land Use Consultant.

Lori Smith

Good evening. The Comprehensive Plan for the town of Cape Charles, like all comprehensive plans, sets forth a vision of who we are and who we want to be. It looks at the town as it is NOW (not 2016) and then it speaks to our future. But.....even though it is a legal document, it is still a wish list. What is NOT a wish list is the Zoning Ordinance.....that is the law. It is how our Comprehensive Plan is put into legal practice. It can be amended and interpreted in whole or in part but not to suit the whims of the moment. It is not intended to be reactionary. For example.... I am aware that the Board Of Zoning Appeals recently denied an applicant who wanted to replace 6 car parking spaces with 12 golf cart parking spaces instead. It wasn't denied because it wasn't a good idea but because it was not permitted in the Zoning Ordinance. However, they then directed the Zoning Administrator to advise the Town Council that this section of the parking ordinance needed to be reviewed and re-written. Why? Because this situation will rise again in the future and should be treated with standards and requirements that apply to all. Not to one but to all. THIS is when we change the Zoning Ordinance.

In this case, the applicant Coastal Precast Systems wants to expand its operation through the purchase of a lot zoned Harbor. They are asking for a re-zoning to gb i H1 and have even re-written portions of OUR Zoning Ordinance to suit THEIR needs. Our Town Manager stated at the Town Hall meeting that an individual application may not appear desirable but when taken in a larger context you can understand why it may be useful. So what IS the larger context presented to our Town Council who must make this decision and to our citizens who must live with it??

The lure of jobs and tax money keeps coming up as a reason to approve these changes. Yet, we have not been given any information from our Town government or from the applicant that actually can be substantiated. How many jobs? What kind of jobs? What will the salary range be? What skill set is required? Can that be found on the Eastern Shore? How much tax money can we expect to collect? How much tax money does Northampton County collect?

Another reason given to approve this application is diversity. We don't want all our eggs in the basket of Tourism. But if we approve this, aren't we putting all our light and heavy industrial eggs in the one basket of pre-cast concrete products?

Is it wrong for us to question if this is the right fit for our town? Is it wrong for us to ask that this be given back to the Planning Commission to review since they are currently in the process of reviewing and re-writing the Comprehensive Plan? Is it wrong for us to look across the Harbor and not want to see the view of the current plant spread further down our harbor? Perhaps we need to look at our Harbor Area Conceptual Master Plan and try to develop something closer to that.

Phil Goetkin

As a preface to my comments:

Lots of people have been involved in this process. Some are for the rezoning; many are not; some have detailed knowledge on zoning; others know the history of the town; others have business acumen; some have important positions in the town and elsewhere; some have extensive knowledge about nature and our incredibly important ecosystems; but most are just concerned citizens. Three things important things that all of these people have in common and are things we need to bear in mind include: everyone is a citizen of the Town of Cape Charles; every single one of them have equal value; and finally they all love this Town *This Community*

After listening to the many arguments, both for and against the rezoning and text amendments, I urge the Town Council to deny both requests.

Just a couple of comments:

Some have said that our Comprehensive Plan, adopted on December 15, 2016, fully supports the approval of these land use changes.

In my opinion, the Comprehensive Plan also provides an equally strong case to deny these changes. Just a couple statements directly from the Comprehensive Plan:

- The natural environment must be protected from degradation
- Land use policies must take into account the importance of the local environment and to protect these resources for present and future generations
- The most desirable future development will respond contentiously to the town's established character and natural setting
- Future land use framework includes an environmentally restricted layer referring to areas that should be protected and not developed
- The Town needs to strengthen and enhance its green infrastructure
- Protecting open space and view sheds should be a priority

Since the last Comprehensive Plan was approved, much has changed in the Town of Cape Charles. In many ways, the Cape Charles of 2021 barely resembles the Cape Charles of only five years ago. Any significant changes to our zoning should be deferred until the new Comprehensive Plan has been completed.

Also, some have said that we have to diversify our economy – we cannot put all of our eggs in only the Tourism basket. I agree, but doubling the size of a single existing corporation is not diversifying your economy. For example, if one is diversifying her or his investment portfolio, they are not adding more of an investment they already own. They are looking to add a different stock, bond or other investment instrument to protect the entire portfolio.

George and Nancy Proto

Town of Cape Charles
Attn: Town Council
2 Plum St.
Cape Charles, VA 23310

Mayor Dize and Members of Town Council:

We are writing in support of the rezoning application as noted below:

Application for Zoning Text Amendment (ZTA) to Cape Charles Zoning Ordinance Section 3.14, General Business/Light Industrial H-1 as follows:

- 1) Allow assembly and/or storage of products as a by-right use under Sec. 3.14 B (14)
- 2) Allow buildings up to 75 ft in height with a required setback of 125 feet through a Conditional Use Permit (Sec. 3.14 C (2))
- 3) Other minor changes

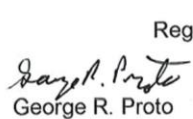
Application for Zoning Map Amendment (ZMA) - Rezoning 1201 Bayshore Rd (tax map # 90-8-1A1) from Harbor District to General Business/ Light Industrial H-1

We initially purchased property in Cape Charles in 2000, intending to retire here. We took up permanent residence in the Town in November of 2011, having built two homes, one as our permanent residence at the address above and another as a year round rental. We have both been actively involved in community service to Cape Charles and Northampton County. We are committed to Cape Charles and wish to see it be successful as a matter of principle as well as having a vested financial interest in it.

We recognize the genuine concerns of those who have expressed opposition to this rezoning. Upon examination of the existing and proposed changes it appears that most of objections raised are to things that can already be done under the existing plan. The 75 foot height limit proposed is by conditional use and so can be controlled on a case-by-case basis. We suggest as a compromise that the remaining item – outside storage and manufacturing – might also be by Conditional Use to allow for control in the future.

This area is desperately in need of good paying jobs to attract people to broaden the tax base so as to maintain and improve the area without burdensome tax increases. Cape Charles needs to be more than a simple resort town. It is inconsistent with our history and would make us far more exposed to the vagaries of economic downturns than having a mixed approach of industry and tourism, and for these reasons we support this rezoning. The appeal of Cape Charles to us is its diversity and the feeling that it is a real town where people work and live. We are at risk of losing that with the focus on tourism and the increasing number of vacation rentals. Expanding Coastal Concrete provides much needed jobs for year round residents who will become part of and enrich our community.

Regards,


George R. Proto


Nancy N. Proto

Karen Jolly Davis

Subject: rezoning

I support the zoning changes that must be made in order for Coastal Precast to buy the property for expanding its operations. This land has been targeted for industrial use for more than 20 years. It is a piece of scrap land with little current value to the town, which can be turned into 100 jobs for local families.

Cape Charles needs to diversify its economy, and not be completely dependent on the hospitality industry. Local people need better employment opportunities than seasonal, low wage tourism jobs.

James Metz & Suzanne Hallberg

Subject: Rezoning

To the Members of the Cape Charles Town Council:

My wife and I own the house at 2 Randolph Ave. We are writing to request that an impact study be undertaken before amending the zoning regulations covering parcels 90-8-1A1 and 90-A-1A.

Given the damage that was done to the Cape Charles Natural Area Preserve by "phase 1" of Coastal Pre-Cast System's expansion, I trust the Town Council can understand why some property owners in Cape Charles are requesting that all stakeholders in the Town of Cape Charles be made aware of what "phase 2" will entail.

The impact of operating a concrete plant has already demonstrated long-term effects that have constrained the kind of development that can take place south of the harbor. Don't compound the problem by failing to take the time to study and publicize the impact of expanding Coastal Pre-Cast System's operations.

We would like to conclude by quoting Joni Mitchell,
"... Don't it always seem to go
That you don't know what you've got till it's gone."

David Parham

Dear Mayor Dize and Honorable members of the Town Council;

I am writing to request your support in Denying the Zoning Text Amendments to Section 3.14 General Business/Light Industrial H-1.

No definitive use or timing of use for these parcels (90-8-1A1 & 90-A-1A) have been identified by either South Port Investment or Coastal Precast. Without knowing what these parcels will be used for or when, it is incomprehensible that the Town Council could approve the zoning text amendments as proposed. Coastal Precast has stated they do not plan for outside manufacturing on these parcels, yet one of the requested text amendments would allow for outside manufacturing.

There is too much uncertainty related to topics such as tax revenue for Cape Charles, employment for Cape Charles & Northampton County residents and impact on Cape Charles residents, businesses, and tourist trade, for a comprehensive economic assessment to be prepared & analyzed. To my knowledge, none has been accurately completed.

In addition, without knowing what activities will be conducted on these parcels, performance of an effective Environmental Impact Study along with a thorough investigation of the potential negative impact to the Cape Charles Aquifer & water supply cannot be adequately evaluated. Not knowing what type of manufacturing will be done at the site would make it difficult to know how much water will be used and potential impact on the Town's water supply. For Cape Charles, the fresh groundwater is restricted to the Columbia (Water Table) aquifer and significant portions of the Yorktown Eastover aquifer. Both the town and the parcels in question access these aquifers.

For parcels which currently have no identified use at this time, with so many unanswered or unaddressed questions it seems unreasonable and illogical for zoning text changes to be accepted.

For the Town Council to approve these zoning text amendments without truly knowing what the intent for these parcels is and the potential negative impact on the town of Cape Charles, would be very disappointing and in my opinion a dereliction of duties. Therefore, **I strongly request your vote in denying the Zoning Text Amendments.**

Eric Feuillatte

Subject: South Harbor rezoning

Dear Town Council Member,

After days of meetings with some of you, management and owner of Coastal Precast Systems ("Pre- Cast"), and the townhall meeting, I reach the conclusion you should ask the applicants to reapply for the rezoning and the ordinance amendment. Let me explain:

- The map presented at the 08/10 townhall meeting shows wooded buffer zones. A major improvement from earlier presentations. However, some of the zones are too narrow to be efficient and more importantly it should be in writing for the town to enforce it.

- Paul Ogorchock, Pre-Cast co-owner, told us repeatedly that his company wants to do indoor manufacturing. Then let's remove the outdoor manufacturing from the amendment. The only reason he insists on keeping it

is because it gives additional value to the properties for a new owner/operator. And then what will the Town do? Too late!!

To tell you the truth, I was shocked to learn that the Mayor, at least one council member and the town manager met with the applicants and did not mention the absence of proper in the application to reject it. The absence of due diligence by the planning commission is also shocking.

The town manager never responded to my letter asking how Cape Charles benefit from this rezoning. He tried August 10th and failed. Yes, the county benefits, not our town. I guess he discovered that many of the citizens are educated and understand finance. It would have been appropriate and honest to show the real contribution in US\$ of Pre-Cast to the town.

I hope you will reach the same conclusion as I do. Yes, let's give an opportunity to Pre-Cast to expend but not at the expense of our quality of life and the one of our visitors.

Let's review a new application that includes adequate wooded buffer zones and eliminates the outdoor manufacturing. I am sure the process should not take long and will not penalize the applicants (no urgent need to use the properties).

I am confident that you will do the right thing on the 19th by rejecting the current application.

Joe Coccaro

Subject: Letter for the council

At the August 10, town hall meeting, I pleaded for more transparency in the governing process, and for more time to explore personal and business relationships between members of the council and Mr. Eyre Baldwin and Coastal Precast Systems.

In my presentation, I certainly DID NOT accuse any council member or the mayor of malfeasance or corruption. If you review my comments from that evening you will see that is the case.

The litany of emails sent by Mr. Baldwin to town elected and appointed officials regarding the zoning changes and word amendments being sought suggests, in my mind, the potential "appearance" of a conflict. As I stated on the 10th, town citizens would like more time to determine if actual conflicts exist, or whether they simply do not. That is part of being transparent and why I asked the council not to rush its decision. This is a pivotal matter for our town's future, and it should not be made in as much daylight as possible.

I trust and hope that all proper steps have been taken, and I am truly sorry that this divisive issue has vexed this wonderful town of ours. Small towns are like large families -- we fight and squabble but come together when it matters most.

Thank you for your service.

Jo Ann Bawiec

Subject: Aug 19 - Town Council

Town Council –

A Comprehensive plan needs to be completed every 5 years. There is about 4 months left in 2021 to update and revise the Comprehensive plan from 2016. Cape Charles looked much different in 2016 and therefore it's imperative that the Comprehensive Plan be completed before any zoning changes occur, especially those with far reaching consequences, such as the one currently being proposed – Harbor to GBI-HI.

It is in the best interest of all of Cape Charles for the Town Council to send the zoning request and text changes back to the Planning Commission so they can address zoning changes that affect the whole and not any individual entity. The Comprehensive Plan needs to be updated to assure the future of Cape Charles is inclusive for all and considers health, safety, and public welfare as well as intentional future growth and fiscal well-being. A feasibility study needs to be conducted to see what Industry growth is needed in Cape Charles. Who is driving Economic Development? As they say, don't put all your eggs in one basket. However, that is exactly what the Town Council appears to be doing with Coastal Precast. What is the real benefit and at what cost?

Coastal Precast is a neighbor but I hesitate to call them a 'good neighbor'. A good neighbor does not crank up their lawnmower at 5:22 am. Just a few days ago – the clanking of machinery could be heard loud and clear. A 'good neighbor' does not blow dust in your face, yet that is exactly what Coastal Precast did to the businesses and patrons walking on Mason Ave this week. These examples are not the exception, unfortunately.

Jobs - yes! That is quite the hook for the public by-in. What jobs? Coastal Precast has had a job for Heavy Equipment Operator – experience required on Indeed.com for over 27 days. Can it be assumed that the skill level needed for employment with CP will come from outside Northampton County? Of the 80+ employees that live in Northampton County, how many of those are people who were recruited and relocated here rather than residents?

Coastal Precast has 2 other locations. Why haven't they pursued the wind projects through those locations?

There appears to be a lack of oversight with Zoning Ordinances when it comes to Coastal Precast. Who is responsible for making sure zoning laws are followed and enforced? Before a shovel is put in the ground or a tree removed, permits are required. Yet that has not happened with Coastal Precast. Understaffed? Then it's in the best interest of Cape Charles to make the necessary staff changes and or additions. Anyone who has built a home or renovated a home knows the steps necessary for site plans and permits. Why should the homeowner be held to a higher level of scrutiny?

In the best interest of the citizens of Cape Charles, the Town Council needs to move all text changes to the Planning Commission. Town Council needs to delay any rezoning until text changes are approved. In the best interest of the town – the Comprehensive Plans need to be completed before any of the above occurs.

Margaret Ballard

DENY! DENY! DENY!

- Concerning the August 19 vote on the rezoning of parcel 90-8-1A1 and amendments to the zoning ordinance of parcel 90-A-1A, please DENY and vote against these proposals. The Town of Cape Charles Council needs to force the applicant and its client, Coastal Precast Systems, to reapply and offer legally binding proffers and site plans to the Town.
- In addition, the Town needs to get its priorities straight. Finish the Comprehensive plan; conduct an Environmental Impact Study (EIS) on potential plant expansion; and implement an Economic Impact Study of the plant's expansion on the Town's permanent residents and property owners and its thriving tourism industry.
- According to the Town's 2020 budget spreadsheet, the concrete plant paid a little over 2% of the total real estate tax revenue received by the Town and roughly 20% of the machinery and tools tax. Compare this revenue to the approximate \$2 million received by the Town from tourist tax revenue. And yet the Town is now imposing a property tax increase on its permanent residents? Are property owners footing the plant's bill for the Town's much needed tax revenues?
- What about jobs? Do we accurately know how many people are currently employed at the plant? Where do they live? What are their annual salaries?
- WHAT IS THE HURRY? You are our elected officials. We elected you to represent the interests of ALL the town residents, not just a few. Many voters oppose this project, at least until the requested due diligence has been done. Please honor the wishes of the people of Cape Charles.

Mary Barrow

Dear Cape Charles Council Members and Committee Members,

I apologize for being unable to attend the meeting this evening.

With regard to tonight's vote, I appreciate the attention you have given to the issues brought to you in the past many weeks. At this juncture I have two questions and hope that they will be helpful to any last-minute doubts you may have about the changes proposed.

- 1) Given that in a letter from John Hosey dated July 14th 2021 it was stated that: *“Due to severe staff shortages, we are woefully behind in our Comprehensive Plan update, but we hope to be picking up the pace on that again later this year.”*

And that: *“We also plan to solicit a third party expert on zoning ordinances later this year to conduct an ordinance-wide review.”*

And further that: *“When we get to these broader processes, that would be the appropriate time to voice your desired vision. The Strategic Plan, which is not as detailed as the Comprehensive Plan, but which informs the Comp plan development, was recently completed last February. We will be updating that document again early next year.”*

Wouldn't it make more sense to make your decisions regarding zoning in the context of these changes that will certainly be made in the near future rather than to make decisions that will be outdated so quickly?

- 2) If you agree that these decisions should be made within the context of changes that are foreseen, why not WAIT and make your decision within the framework of these upcoming changes? Surely this would be to the benefit of the town as well as any business proposition as there would be time for clarification of the many issues that currently create division, mistrust and undermine good will.

Again, I appreciate your time and thoughtfulness.

Town Manager's Memorandum and Additional Proposed Text Amendments

From: John Hozey, Town Manager

Date: August 19, 2021

To: Mayor and Town Council

RE: Pending Zoning Actions

On July 22 the Town Council voted to delay consideration on two zoning actions until the regular meeting of August 19, 2021. These two actions included a request to rezone a parcel south of the harbor from Harbor District to General Business/Light Industrial H-1, and to make several text changes to the General Business/Light Industrial H-1 District. The Planning Commission has forwarded positive recommendations on both actions.

Due to strong public interest in these actions the Council requested more time to consider the implications and to allow for additional interaction with the public. On August 10th a Town Hall style informal meeting was held to allow a back-and-forth dialog with the public, to answer their questions, and to explain why town staff agreed with the Planning Commission and also offered positive recommendations.

As a result of this additional time and dialog, two issues were brought into greater focus. The first was that the type of allowable activity being proposed in the area under consideration requires a Conditional Use Permit (CUP) in a heavy industrial zone but is by right in a light industrial zone. This seemed odd.

The second issue was the applicability of a portion of this section of the zoning ordinance (paragraph F), entitled “Additional Development Requirements.” This portion of the code does not appear to be clear. A strong case can be made that this paragraph does not apply to the permitted (or by right) uses of this section. However, it is not written that specific and so there is no way of telling how a court might actually rule if this were ever challenged.

To proactively address both of these issues, staff has developed proposed additional text amendments (attached). This attachment shows the originally requested changes in red, and the new suggested additional changes in green. Staff believes that both, the original changes, and these additional changes combined, will allow the property owners to accomplish their purposes, while also better protecting the interests of the Town.

By means of summary, the proposed additional text amendments would move the by right uses being considered here to a Conditional Use category. Meaning the property owner would have to return later with actual site plans and details of the proposed operation before the Town would sign off on that specific use.

Regarding paragraph F, the proposed changes would remove any ambiguity and specify that this paragraph does apply to all uses in this section. However, it would also provide a mechanism for special circumstances to be considered by the Zoning Administrator for exceptions.

While in the opinion of staff, these additional text changes are desirable, approving them will take more time. Changes this significant cannot be considered on August 19th and would have to be referred back to the Planning Commission to re-start the public process.

The issue with further delay is that it could come at a serious opportunity cost, threatening the current land purchase agreement and/or the ability of Cape Charles to successfully compete for wind turbine contracts that are being aggressively pursued by other locations. Light industrial activity of this nature (as approved by a conditional use permit) would be a relatively low impact way of diversifying our economy, providing many more high-quality jobs, and bringing much greater revenue to the County and eventually the Town.

Note: there are currently two distinct actions on the floor. The first is consideration of text amendments and the second is consideration of a zoning map change. These are independent items, not formally tied to each other, and will be voted upon separately. There are several options for moving forward:

Option A

Action 1 (text changes): Approve the current text changes (in red); then move to send the additional text changes (in green) to the Planning Commission to start another public process

Action 2 (zoning map change): Approve the requested rezone

This option makes all the zoning in that area contiguous and in conformance with our Comprehensive Plan and long-term goals. It also removes any concern of opportunity cost by allowing both the land purchase to go forward and for the new owners to submit proposals for potential wind turbine contracts immediately. By the time any contract that would trigger development of the land could be reasonably acquired, the second text change would likely be in place, requiring that land development to seek a conditional use permit.

Option B

Action 1 (text changes): Move to send all text changes (red and green) back to the Planning Commission to start another public process

Action 2 (zoning map change): Approve the requested rezone

This option makes all the zoning in that area contiguous and in conformance with our Comprehensive Plan and long-term goals. Approving the rezone but delaying the text changes might be enough to allow the land purchase to go forward, mitigating some of the opportunity cost. But because there would not yet be the option for a conditional use permit for a building large enough to handle wind turbine contracts, the new owners would not be able to submit proposals for potential contracts until all the text changes were approved (anywhere from 1 to 4 months, depending on how the process unfolds). However, this process would ensure that a conditional use permit process was in place.

Option C

Action 1 (text changes): Move to send all text changes (red and green) to the Planning Commission to start another public process

Action 2 (zoning map change): Delay approval of the requested rezone until all text changes are approved

This option would again ensure that a conditional use permit process was in place before any other action could occur. But it would significantly increase the opportunity cost that the land purchase agreement would expire and that Cape Charles would be less competitive for wind turbine contracts.

Option D

Action 1 (text changes): Deny all text changes

Action 2 (zoning map change): Turn down the requested rezone

This option would result in the continuation of dissimilar zoning in that area and the termination of the current land purchase agreement, leaving control of that area to Eyre Baldwin. It would forgo adding the conditional use permit process to all future development in that area. And it would fully realize the opportunity cost of lost economic diversity, good jobs, and increased revenues to the County and Town.

While there could be a number of other permutations of action combinations, the ones provided here are the most salient. The above options are presented in the order of staff's recommendation. Option A is the first, then Option B, etc.

Red – initial proposed changes
Green – additional proposed changes

081921

Section 3.14 General Business/Light Industrial H-1 (GBI H-1)

A. 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.
6. Any reference to PUD or PUD Districts or Appendices in the PUD refers to the Accawmacke plantation Planned Unit Development (PUD) Ordinance, adopted February 9, 1997 and subsequently amended through July 24, 2006.

B. Permitted Uses. Within the GBI H-1 District, the following permitted uses shall be allowed.

1. Adult and/or child day care center
2. Agriculture (excluding livestock), horticulture, forestry, and/or fishery/aquaculture
3. Art gallery
4. Business service establishment (including mail order or electronic catalog sales)
5. Conference center
6. Communication and telecommunications centers
7. Commuter parking lot
8. Educational institution
9. Flex industrial use
10. Fire, police, rescue stations
11. Food production, packaging, packing, and canning
12. Hotel, serving as an ancillary and interrelated component of the Park
13. Library or other municipal building
14. Manufacture, processing, fabrication, assembly and/or assembly storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.
15. Medical care facility, outpatient only
16. Museum, cultural center, arboretum
17. Offices--administrative, business, professional, and telecommunication
18. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category
19. Park, plaza, or natural area
20. Parking structure
21. Performing arts center
22. Post office, drop off and pick up, mail courier and parcel services
23. Printing service
24. Public utility service center, without outdoor storage

25. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo
 26. Recording studio
 27. Recreational facilities
 28. Recycling drop-off collection center serving the Park
 29. Research, experimental testing or development activities
 30. Restaurant, indoor and outdoor (excluding drive-through)
 31. Telecommunications, television, or radio microwave dishes or antennas
 32. Training center (excluding rehabilitation and institutional facilities)
 33. Utility generating plant and transmission facilities using renewable energy sources
 34. Utility installations
 35. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category, sufficient to screen area
 36. Warehousing facility (excluding mini-storage facility)
 37. Water storage tank
 38. Wholesale trade establishment
- C. Conditional Uses. Within the GBI H-1, the following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.
1. Structures, other than buildings, exceeding 50 feet
 2. Buildings over 40 feet but equal or less than 50 feet; **or building or structure other than building may be constructed to a maximum height of 75 feet if the building or structure is set back at least one hundred twenty-five (125) additional feet from the required set back for all yards abutting residential properties from all property boundaries.**
 3. **Manufacture, processing, fabrication, assembly and/or assembly storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.**
 4. **Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category**
- D. Accessory Uses. Within the GBI H-1 District, the following accessory uses shall be allowed.
1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and structures
 2. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets
- E. Lot, Yard, Height, and Density Requirements. Within the GBI H-1 District, the following standards shall apply.
1. Minimum lot requirements

lot area	15,000 square feet
lot width	100 feet
 2. Yard requirements

minimum front yard	10 feet
maximum front yard	25 feet
minimum side yard between buildings	none or 5 feet
minimum side yard adjacent to street	10 feet
minimum rear yard	20 feet
 3. Maximum building height

Buildings	40 feet
structures other than buildings	50 feet
 4. Building coverage. No more than 50 percent of the land area of the lot may be covered by structures.

5. Buffer yards. Where the GBI H-1 District adjoins the R (residential) zoning districts within the PUD or CO Land Use Classifications or C districts within the PUD, buffer yards are required as follows:
 - a. When a zoning lot within the GBI H-1 District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the GBI H-1 District adjoining the R zoning district within the PUD.
 - i. A 200-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - ii. No loading facilities, loading docks, or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where residential use is allowed.
 - iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer.
 - b. When a zoning lot within the GBI H-1 District adjoins a CO Land Use Classification, the following shall be required along all lot lines within the GBI H-1 District adjoining the CO Land Use Classification:
 - i. A 100-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - ii. No loading facilities, loading docks, or loading bays shall be permitted within 100 feet of any zoning district or zoning classification within the PUD that permits CO Land Use Classification as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where CO Land Use Classification is allowed.
 - iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.
 - c. When a zoning lot within the GBI H-1 District adjoins a C district, the following shall be required along all lot lines within the GBI H-1 District adjoining the C district:
 - i. A 50-foot natural buffer over and above any landscape requests
 - ii. otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - iii. No loading facilities, loading docks, or loading bays shall be permitted within 75 feet of any zoning district or zoning classification within the PUD that permits commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where commercial use is allowed.
 - iv. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.

F. Additional Development Requirements.

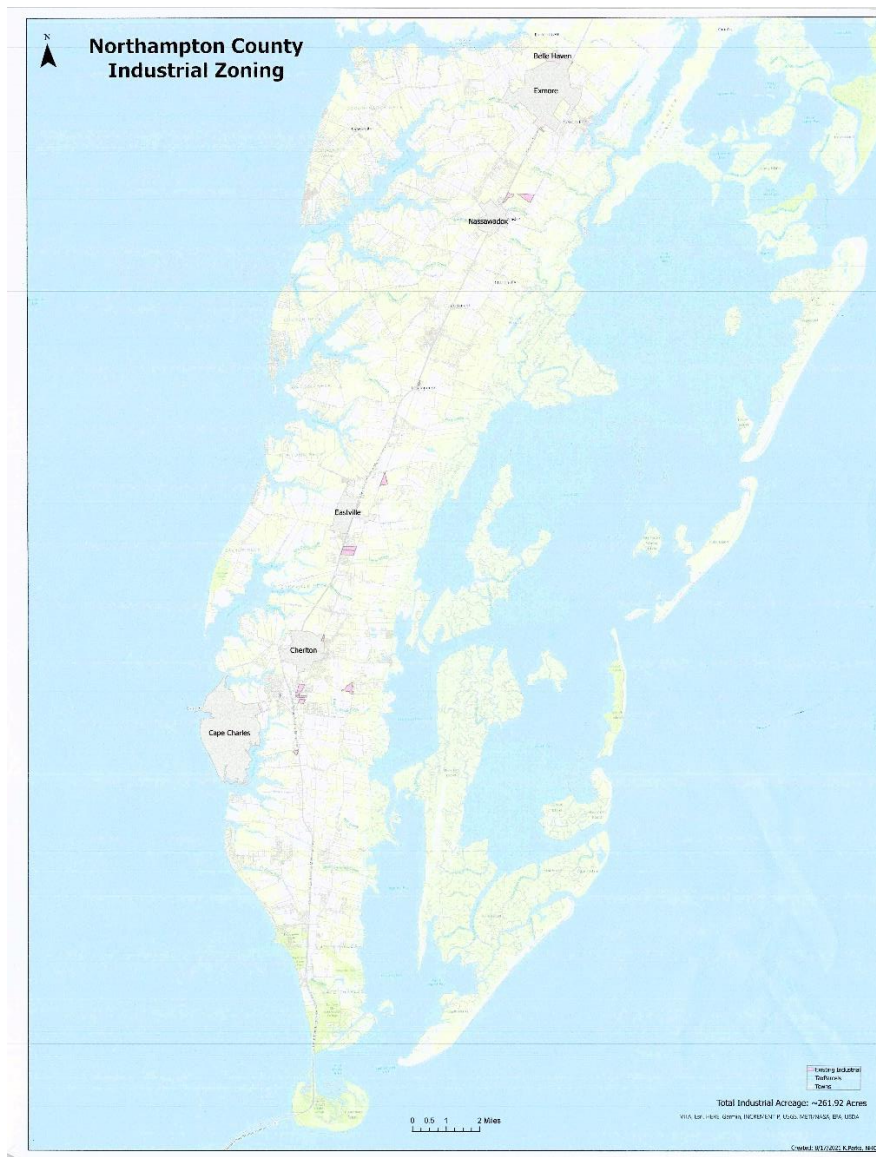
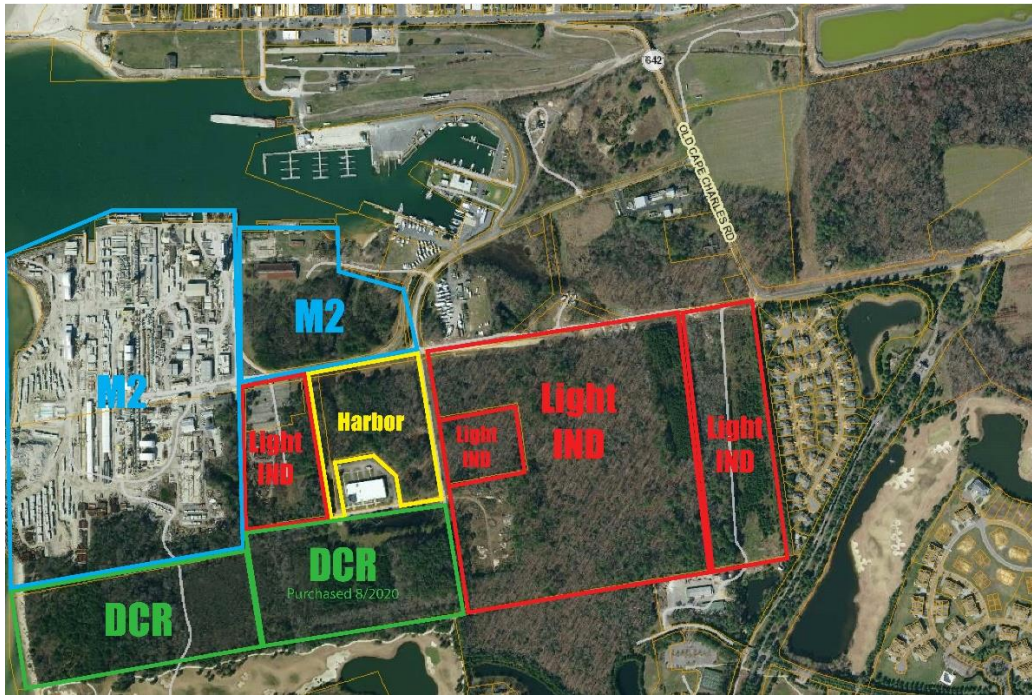
1. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards.
2. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements.
3. All parking must comply with Appendix B - Off Street Parking and Loading Requirements

4. Parking is not permitted in the front yard of a lot.
5. No parking or drive aisles shall be located within the required buffer yards.
6. No outside storage of parts, **materials**, fossil fuels, **raw materials**, or petroleum shall be permitted within the GBI H-1 District.
7. **No outside manufacturing, assembly, or servicing of products used on the property or of trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.**
8. Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property.
9. No outside loudspeakers, intercoms, **sirens**, **sirens**, paging systems, whistles, horns, bells, **or other devices** or signals audible outside any buildings shall be allowed on the property. **Any and all OSHA requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged. A sound impact study will be required as part of any conditional use permit application, and additional sound mitigation barriers may be required in addition to the natural buffer yard requirements in paragraph E (5) above.**
10. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.
11. No delivery or transmission of materials or products shall be permitted to or from the property **before 8 a.m. and after 9 p.m. by truck or rail between 11 p.m. and 5 a.m. Monday through Saturday and no such deliveries to or from the property shall occur on Sunday.**
12. **The requirements of this paragraph F. shall apply to all uses of Section 3.14. The Zoning Administrator may consider exceptions to these requirements in conformance with the following standards:**
 - a. **That the exception is reasonably necessary due to customary processes or physical constraints of the site;**
 - b. **That the exception does not compromise the intent of this Ordinance;**
 - c. **That the exception is the minimum departure from applicable standards necessary to provide relief;**
 - d. **That the design, location, and operation of proposed on-site improvements are compatible with existing developed sites contiguous with the site of the proposed development;**
 - e. **That the granting of the exception will not substantially affect adversely the use of adjacent property;**
 - f. **That the granting of the exception will not impair the health, safety, or welfare of the inhabitants of the Town.**

Eyre Baldwin

Talking Points:

- Furlong purchased property 2/21/2008
- Sunset on Zoning & Restrictions 12/31/2008
- Original creation as Sustainable Technologies Industrial Park - with restrictions lifted in 2008.
- Park first created when George Young was School Superintendant with 5000 students in school system. Levels dropped to under 2000 today.
- Two people represent shore - Felton Sessoms and Kelvin Jones - represent Youth for Tomorrow in Northampton County
- New Council Members qualifications
- 291 acres of Industrial land in NH County (Cape Charles is roughly 100 acres) 20 has recently been converted to Conservation property.
- Webster Property 18 acres of land in Cheriton
- Decision tonight is decision for County & future. Decision for young people. Decision for industry and for people who aren't in the tourism business. Decision yielding integrated sustainability.



Letter from Coastal Precast Systems, LLC re: comments made at the August 19 Town Council Meeting



COASTAL PRECAST SYSTEMS, LLC

MANUFACTURER OF QUALITY CONCRETE

1316 Yacht Drive • Chesapeake, VA 23320 • 757-545-5215 • Fax 757-545-6296

August 23, 2021

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Attn: Mr. John Hozey

RE: Clarification on CPS Comments During Town Council Meeting on 8/19

Dear Mr. Hozey,

On August 19th at the regular town council meeting, CPS representatives made an erroneous statement regarding receipt of approval to remove some trees and brush to make room for additional required storage on its M-2 zoned heavy industrial property. Mr. Paul Ogorchock stated Jeb Brady, Code Official for the Town of Cape Charles, gave us verbal permission to remove some trees. This statement was based on incorrect information from internal meetings and documentation received from the previous owner. At no time did Mr. Brady provide CPS authorization to cut trees. We wish to petition the council to strike our statement from the official minutes or amend to state as such.

We did seek Mr. Brady's help early on for guidance on the permitting process for the new tunnel lining manufacturing building. During this time-period, COVID guidelines made it challenging to seek information regarding requirements for development of the property. We faced hurdles reaching out to other officials for this purpose, however, Mr. Brady was very helpful during this difficult time.

We appreciate all the support from the town people and its staff. We are doing the best we can to be a good neighbor and look forward to all our future endeavors with the town. If you have further questions or concerns, please contact me at any time.

Sincerely,
Coastal Precast Systems, LLC

Gary Shrieves

cc: Paul Ogorchock
Brandon Mowrey

July 2021 Treasurer's Report

Page 1 – Cash Position

- A \$93,000 principal payment was made on the 2016A Pinnacle Loan. Debt balance for the town is now \$6,540,495.

Page 2 – Revenue vs. Expenditures

- The three new funds were added to the report.

Page 3 – Capital Projects

- No activity year to date, will return for August's report.

Page 4 – Tax Collection Rate

- This page will return after the 2021 property tax bills have been created.

Page 5 – Tax Revenue Trends

- Business license due date was extended in FY 2021, which may cause collections for July-September 2021 to be lower than in 2020.
- Cape Charles Yacht Center uses cash basis accounting, and the town uses accrual, therefore this decrease may not be a "real" decrease, as 2020 revenue total was accrual (the town was managing.) We will meet with CCYC finance staff to try to find a solution for reporting in future months.
- Both TOT and Meals taxes show strong increases over July 2020. Note that meals tax rate increased by .5% July 1st.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
July 31, 2021

<u>Cash on Hand</u>	<u>6/30/2021</u>	<u>7/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$1,233,965	\$672,417	-\$561,548
Atlantic Union Bank Money Market Account	\$2,050,268	\$2,550,368	\$500,099
LGIP Account 1 - Unrestricted	\$104,225	\$104,231	\$5
LGIP Account 2 - Unrestricted	\$295,470	\$295,487	\$16
Total Cash On Hand	\$3,683,929	\$3,622,502	\$0

<u>Restricted and Reserved Cash Balances</u>	<u>6/30/2021</u>	<u>7/31/2021</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$1,640,458	\$1,640,472	\$14
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$35,810	\$35,810	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$5,629	\$5,863	\$233
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,584	\$257,584	\$0
Wells Fargo 2010 Debt Service pass through account #300	\$2,898	\$2,898	\$0
Wells Fargo 2010 Debt Service pass through account #308	\$761	\$761	\$0
Total Cash Held in Reserve	\$1,954,702	\$1,954,949	\$247
Total Cash - All Accounts	\$5,638,631	\$5,577,451	-\$61,180

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	\$6,540,495
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REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY22
GENERAL Operations						
REVENUE	\$211,207	\$128,317	\$211,207	\$82,890	\$3,536,507	5.97%
EXPENDITURES	\$267,959	\$251,133	\$267,959	\$16,826	\$3,536,507	7.58%
NET	(\$56,751)	(\$122,816)	(\$56,751)	\$66,064	\$0	
GENERAL Capital						
REVENUE	\$0	\$0	\$0	\$0	\$1,197,762	0.00%
EXPENDITURES	\$0	\$0	\$0	\$0	\$1,197,762	0.00%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$0	\$0	\$0	\$258,614	0.00%
EXPENDITURES	\$71,072	\$65,356	\$71,072	\$5,716	\$258,614	27.48%
NET	(\$71,072)	(\$65,356)	(\$71,072)	(\$5,716)	\$0	
GENERAL Special Operations						
REVENUE	\$19,766	\$0	\$19,766	\$19,766	\$948,115	2.08%
EXPENDITURES	\$24,730	\$0	\$24,730	\$24,730	\$948,115	2.61%
NET	(\$4,964)	\$0	(\$4,964)	(\$4,964)	\$0	

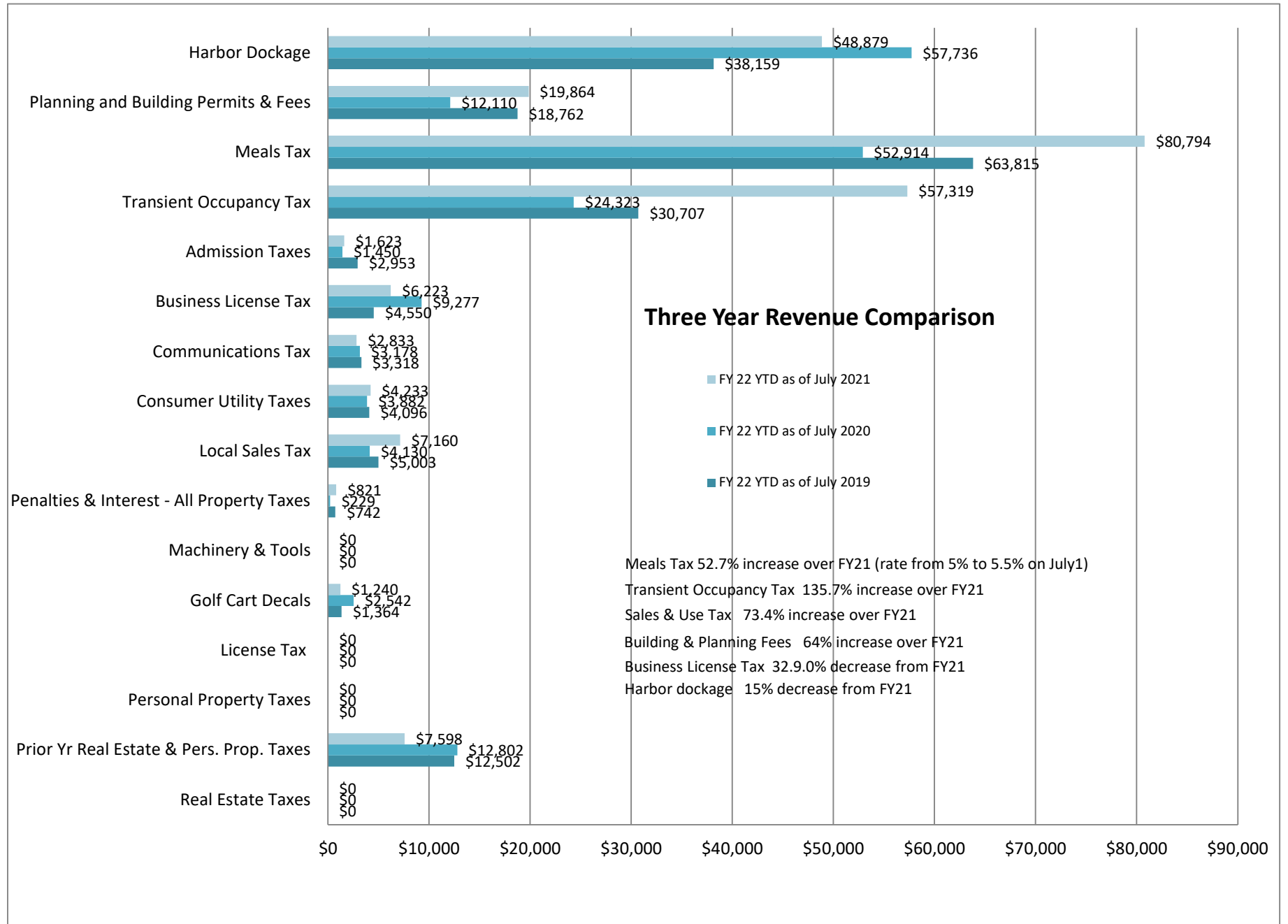
MUNICIPAL CORPORATION OF CAPE CHARLES

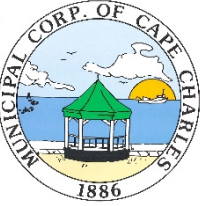
TREASURER'S REPORT

July 31, 2021

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY22
PUBLIC UTILITIES						
REVENUE - Operating	\$186,417	\$158,023	\$186,417	\$28,393	\$1,825,021	10.21%
EXPENDITURES - Operating (less facility fees rsrvd)	\$52,682	\$52,859	\$52,682	-\$178	\$993,224	5.30%
NET	\$133,735	\$105,164	\$133,735	\$28,571	\$831,797	
REVENUE - CAPITAL GRANTS, LOANS	\$53,000	\$0	\$53,000	\$53,000	\$104,751	50.60%
REVENUE - FACILITY FEES	\$0	\$42,400	\$0	-\$42,400	\$254,400	0.00%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	\$95,514	\$75,028	\$95,514	\$20,485	\$936,548	10.20%
TOWN CONTRIB. & PENDING GRANTS	(\$42,514)	(\$32,628)	(\$42,514)	(\$9,885)	(\$831,797)	
HARBOR						
REVENUE - Operating	\$126,484	\$179,458	\$126,484	-\$52,973	\$833,500	15.18%
EXPENDITURES - Operating	\$107,243	\$135,516	\$107,243	-\$28,272	\$772,500	13.88%
NET	\$19,241	\$43,942	\$19,241	(\$24,701)	\$61,000	
REVENUE - GRANTS & LOANS	\$0	\$0	\$0	\$0	\$0	#DIV/0!
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$0	\$0	\$0	\$102,657	0.00%
EXPENDED - Capital Projects, Debt Svc	\$33,094	\$55,836	\$33,094	-\$22,743	\$163,657	20.22%
TOWN CONTRIB. & PENDING GRANTS	(\$33,094)	(\$55,836)	(\$33,094)	\$22,743	(\$61,000)	
SANITATION						
REVENUE	\$20,483	\$16,624	\$20,483	\$3,860	\$390,595	5.24%
EXPENDITURES	\$14,405	\$20,313	\$14,405	-\$5,909	\$390,595	3.69%
NET	\$6,079	(\$3,690)	\$6,079	\$9,768	\$0	



 TOWN OF CAPE CHARLES	AGENDA TITLE: Zoning Text Amendments to General Business Light Industrial – H1 (GBI-H1)		AGENDA DATE September 16, 2021
	SUBJECT/PROPOSAL/REQUEST: Planning Commission Recommendation and additional Staff Analysis on Zoning Text Amendments to GBI-H1		ITEM NUMBER: 8A
	ATTACHMENTS: Planning Commission Packet, including Staff Report to the Planning Commission		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Interim Planning/Zoning Administrator	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

At the Town Council meeting on August 19, 2021, Town Council voted to approve zoning text amendments to GBI-H-1 as advertised. As part of that discussion, Town Council indicated that further zoning text amendment changes should be considered for the GBI-H-1 Zoning District as a result of the public input received during the public hearings associated with the August 19th zoning text amendment changes. At this meeting, the Town Manager presented a memorandum that recommended these additional zoning text amendment changes to the GBI-H-1 Zoning District which he summarized as follows:

“The proposed additional text amendments would move some of the By Right uses to a Conditional Use category which would require the property owner to complete an application with actual site plans and details of the proposed operation before the Town would sign off on that specific use. Regarding paragraph F “Additional Requirements”, the proposed changes would remove any ambiguity and specify that this paragraph does apply to all uses in this section. However, it would also provide a mechanism for special circumstances to be considered by the Zoning Administrator for exceptions.”

Therefore, the Town Council voted to send these additional zoning text amendments for GBI-H-1 to the Planning Commission for immediate public hearing which staff legally advertised in order to hold the required public hearing at the September 7, 2021 Planning Commission meeting.

ITEM SPECIFICS:

At the public hearing, there was only one comment from Dan Brown, representative for Southport Investors, LLC which he also provided in writing. He indicated that his company is under contract to sell 2 parcels with GBI-H-1 Zoning and has concerns about the 2 advertised uses being moved from By-Right Uses to Conditional Uses. In addition, he stated that he is opposed to the setback requirement in Section 3.14 (C) being from all property lines instead of the current language which states that the setback requirement is imposed only where the property abuts Residential Zoning.

In the staff report to the Planning Commission, I indicated general support for all of the proposed zoning text amendments; however, I offered an alternate approach to the Use of “Outdoor Storage” which would retain it as a by-right use, but include a defined standard:

“Outside storage, provided that such storage or outside activities shall be completely encompassed by a visual screening device or wall at least seven (7) feet high, and provided that materials stored

shall be stacked no higher than one (1) foot below the top of the fence or wall. All outside storage or activities shall be restricted to that area behind the required front yard setback and not encroach into any of the side or rear yard setback requirements.”

The Planning Commission closed the public hearing and then fully discussed each item as advertised.

Please note that the advertisement for the zoning text amendments was required to be filed with the local paper prior to final action by the Town Council on 8/19/2021, so there were two items included in the advertisement that the Town Council did act favorably on in the GBI-H-1 Zoning District during the first round of zoning text amendments. Therefore, the Planning Commission did not act on these two items and no action is needed by the Town Council on these two items since those changes were adopted on 8/19/2021:

- 1) Section 3.14 (F) (6)– Additional Requirements: delete the strikethrough words shown: “No outside storage of parts, ~~materials~~, fossil fuels, ~~raw materials~~, or petroleum shall be permitted within the GBI H-1 District.”
- 2) Section 3.14 (F) (7) - delete in its entirety: “No outside manufacturing, assembly, or servicing of products used on the property or of trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.”

RECOMMENDATION:

The Planning Commission took individual votes on each item as advertised and the votes were all 5 to 1 in favor, with Commissioner D’Amico voting in the negative each time. They made only one proposed amendment from the recommendations, which was associated with the “Outdoor Storage” Use item. I am providing the recommendations from the Planning Commission below that shows all of the items they recommended as advertised, and then the one item that they proposed be changed from the advertised item:

ALL ITEMS RECOMMENDED BY THE PLANNING COMMISSION AS ADVERTISED FOR ZONING TEXT CHANGES TO SECTION 3.14 GENERAL LIGHT INDUSTRIAL- HARBOR 1 (GBI-H-1). **Green font represents the new language and black font is the existing language.**

- 1) In Section 3.14 (A) (6), add the following:
Any reference to PUD or PUD Districts or Appendices in the PUD refers to the Accawmacke plantation Planned Unit Development (PUD) Ordinance, adopted February 9, 1997 and subsequently amended through July 24, 2006.
- 2) Remove the following permitted use from Section 3.14 (B) and **add to Conditional Uses in Section 3.14 (C)**
 - a) Manufacture, processing, fabrication, assembly and/or ~~assembly~~ storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.

- 3) Section 3.14 (C) (2)- Conditional Use, make the following changes:
Buildings over 40 feet but equal or less than 50 feet; or building or structure ~~other than building may be constructed~~ to a maximum height of 75 feet if the building or structure is set back at least one hundred twenty-five (125) additional feet from the required set back ~~for all yards abutting residential properties~~ from all property boundaries.
- 4) Section 3.14 (F) (9)– Additional Requirements, make the following changes:
No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or signals audible outside any buildings shall be allowed on the property. Any and all OSHA requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged. A sound impact study will be required as part of any conditional use permit application, and additional sound mitigation barriers may be required in addition to the natural buffer yard requirements in paragraph E (5) above
- 5) Section 3.14 (F) (11), make the following changes:
No delivery or transmission of materials or products shall be permitted to or from the property before 8 a.m. and after 9 p.m. ~~by truck or rail between 11 p.m. and 5 a.m.~~ Monday through Saturday and no such deliveries to or from the property shall occur on Sunday
- 6) Section 3.14 (F) – new item (12) Add a new Item #12 to read as follows:
“The requirements of this paragraph F. shall apply to all uses of Section 3.14. The Zoning Administrator may consider exceptions to these requirements in conformance with the following standards:
 - a. That the exception is reasonably necessary due to customary processes or physical constraints of the site;
 - b. That the exception does not compromise the intent of this Ordinance;
 - c. That the exception is the minimum departure from applicable standards necessary to provide relief;
 - d. That the design, location, and operation of proposed on-site improvements are compatible with existing developed sites contiguous with the site of the proposed development;
 - e. That the granting of the exception will not substantially affect adversely the use of adjacent property;
 - f. That the granting of the exception will not impair the health, safety, or welfare of the inhabitants of the Town

THE FOLLOWING ITEM WAS RECOMMENDED WITH PROPOSED CHANGES BY THE PLANNING COMMISSION

- 1) Retain the following use of outdoor storage in Section 3.14 (B) – Permitted Uses and do not move it to Section 3.14 (C) – Conditional Uses, but add the following language:
“Outside storage, provided that such storage or outside activities shall be completely encompassed by a visual screening device or wall at least seven (7) feet high, and provided that materials stored shall be stacked no higher than one (1) foot below the top of the fence or wall. All outside storage or activities shall be restricted to that area behind the required front yard setback and not encroach into any of the side or rear yard setback requirements.”

ADDITIONAL STAFF ANALYSIS

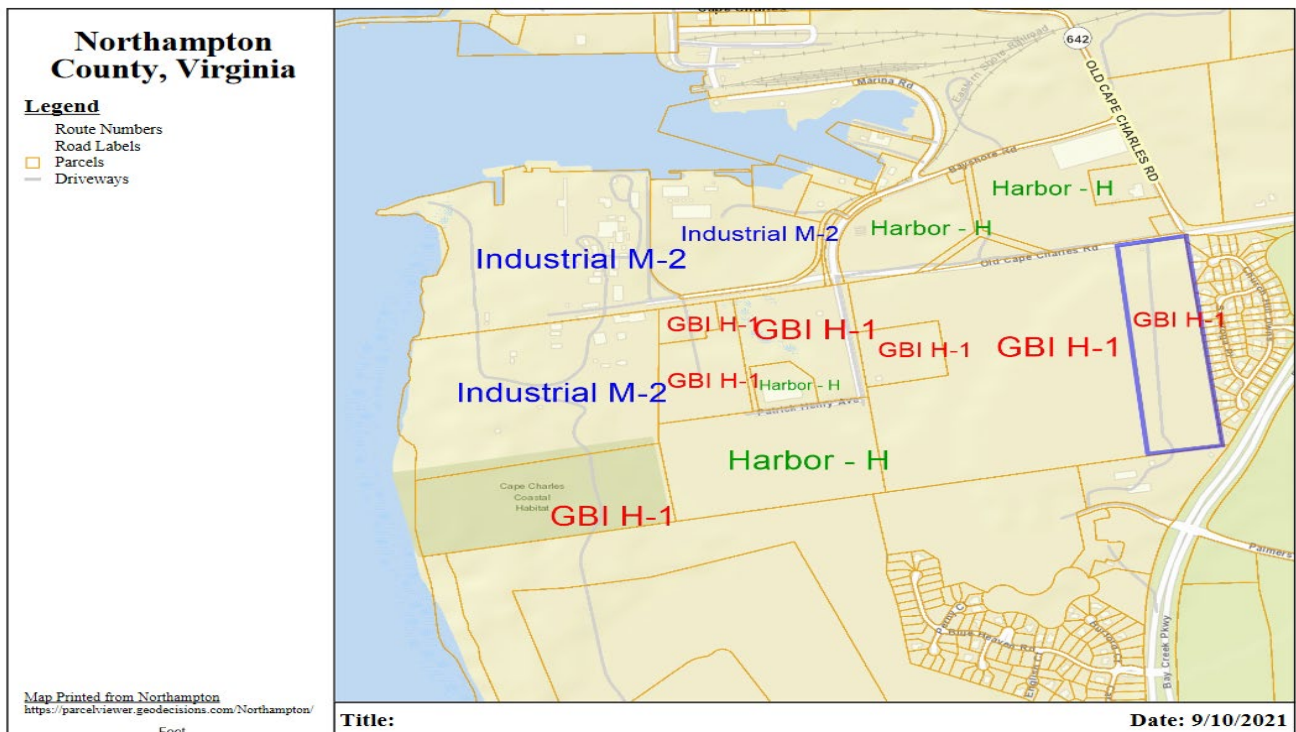
Based upon public comment received concerning the proposed amendment to Section 3.14 (C) which is seeking to have the setback requirement to be from all property boundaries, I have reexamined this particular section and offer the following considerations:

- 1) The imposition of an increased setback to all the property lines of a parcel based upon a Conditional Use Permit application seeking a building and/or structure at a height between 51 feet up and 75 feet does not seem reasonable, especially where a parcel may abut parcels with the same or similar zoning designation.

I would therefore propose that this section read as follows (STAFF ADDITIONAL LANGUAGE IS IN PURPLE):

Buildings over 40 feet but equal or less than 50 feet; or building or structure ~~other than building may be constructed~~ to a maximum height of 75 feet if the building ~~or structure~~ is set back at least one hundred twenty-five (125) additional feet from the required set back ~~for all yards abutting residential properties~~ **from all property boundaries except those that abut Industrial M-2 or General Business/Light Industrial - H-1 zoned parcels.**

To assist in your consideration of this staff recommendation, I have provided the GIS Aerial Map showing all of the GBI H-1 zoned parcels in the Town and the adjacent parcel zoning. Of course, the areas to the south of this is the Bay Creek Development which is PUD Zoning and which wraps around on the east side as well where you can see the residential lots.



In further review of the recommendations made by the Planning Commission which includes retaining outdoor storage as a by-right use, I feel there may be a potential conflict of interpretation by including the word “storage” as part of the description of the use that is now proposed to be moved to a Conditional Use Permit, since a component of that description includes “storage of products”. I would therefore recommend that we delete that phrase from this section so that it would read as follows:

Remove the following permitted use from Section 3.14 (B) and **add to Conditional Uses in Section 3.14 (C)**:

Manufacture, processing, fabrication, and/or assembly ~~and/or assembly storage~~ of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.

In Summary:

Staff recommends Town Council approval of all the Planning Commission recommendations with the following changes:

3.14.C.2 to read:

Buildings over 40 feet but equal or less than 50 feet; or building or structure ~~other than building may be constructed~~ to a maximum height of 75 feet if the building **or structure** is set back at least one hundred twenty-five (125) additional feet from the required set back ~~for all yards abutting residential properties~~ **from all property boundaries except those that abut Industrial M-2 or General Business/Light Industrial - H-1 zoned parcels.**

3.14.C.3 to read:

Manufacture, processing, fabrication, and/or assembly ~~and/or assembly storage~~ of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.



PLANNING COMMISSION STAFF REPORT

Meeting Date: September 7, 2021

Item #: 3a

Type of Application: Zoning Text Amendment
Prepared By: Katie H. Nunez – Interim Planning & Zoning Administrator
Applicant: Cape Charles Town Council

Proposed: Additional Amendments to Cape Charles Zoning Ordinance Section 3.14:
General Business/Light Industrial H-1 (GHI H-1) dated 08-19-2021

LEGAL DEADLINE

For Planning Commission: December 16, 2021
100 days after the first meeting of the Planning Commission where Zoning Text Amendment has been referred, unless a shorter period has been prescribed by the governing (Code of Virginia §15.2-2285 (B))

**For Town Council
(Directory, not Mandatory)** *Can act upon receipt of recommendation from Planning Commission; if PC fails to provide recommendation within the prescribed deadlines, it is deemed a favorable recommendation; no timeframe specified to act upon Zoning Text Amendments.*

Background:

At the July 13, 2021 Planning Commission meeting held jointly with Town Council, a public hearing was held on proposed zoning text amendments to General Business/Light Industrial-H1 (GBI-H1) Zoning District. The Town Council, at their meeting on July 22, 2021, received public comments on this matter which were similar in scope and position as to the comments offered during the joint public hearing.

Town Council agreed to delay any action on the proposed zoning text amendments as well as the rezoning of one parcel of land from Harbor to GBI-H1 for 30 days and to convene a Town Hall style meeting to allow for a greater exchange of information with a question and answer style meeting; said meeting was held on August 10, 2021.

At the Town Council meeting on August 19, 2021, Town Manager John Hozey presented a memorandum dated August 19, 2021 in which he outlined the options before the Town Council as well as indicating that the public comments received at all of the recent meetings highlighted the need to consider some additional text amendment changes to this Zoning District.

After debate, the Town Council voted to approve the zoning text amendments to GBI-H1 as advertised and to also rezone the advertised parcel from Harbor to GBI-H1.

In addition, the Town Council concurred with the Town Manager's memorandum that recommended further zoning text amendment changes to the GBI-H1 Zoning District which he summarized as follows:

"The proposed additional text amendments would move some of the By Right uses to a Conditional Use category which would require the property owner to complete an application with actual site plans and details of the proposed operation before the Town would sign off on that specific use. Regarding paragraph F "Additional Requirements", the proposed changes would remove any ambiguity and specify that this paragraph does apply to all uses in this section. However, it would also provide a mechanism for special circumstances to be considered by the Zoning Administrator for exceptions."

Therefore, the Town Council voted to send these additional zoning text amendments to GBI-H1 to the Planning Commission for immediate public hearing which staff legally advertised in order to hold this public hearing at the September 7, 2021 meeting.

PROPOSED ZONING TEXT AMENDMENTS from TOWN COUNCIL dated 8-19-2021

The specific text changes to Section 3.14 are listed below. In addition, we have attached the full Section 3.14 Zoning District Regulations that show the existing language today, the previously advertised changes which Town Council adopted are shown in red, and the new proposed zoning text amendment changes shown in GREEN which are the subject of the public hearing on September 7, 2021.

- 1) Add language that PUD, PUD Districts or Appendices in the PUD refers to the Accawmacke Plantation Planned Unit Development (PUD) Ordinance to 3.14 (A) (6)
- 2) Remove the following permitted uses from Section 3.14 (B) and add them to Conditional Uses in Section 3.14 (C)
 - a) Manufacture, processing, fabrication, assembly and/or ~~assembly~~ storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.
 - b) Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category
- 3) Under Section 3.14 (C) - Conditional Use, Item #2 which currently reads "Buildings over 40 feet but equal or less than 50 feet", add the following language at the end of the sentence: "or building or structure may be constructed to a maximum height of 75 feet if the building or structure is set back at least one hundred twenty-five (125) additional feet from the required set back from all property boundaries

- 4) Under Section 3.14 (F) – Additional Requirements, the following items are proposed for change:
- a) Item #6 – delete the strikethrough words shown: No outside storage of parts, ~~materials~~, fossil fuels, ~~raw materials~~, or petroleum shall be permitted within the GBI H-1 District.
 - b) Item #7 - delete in its entirety: “No outside manufacturing, assembly, or servicing of products used on the property or of trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.”
 - c) Item #9 – delete the strikethrough words shown: No outside loudspeakers, intercoms, ~~sirens~~, sirens, paging systems, whistles, horns, bells, ~~or other devices~~ or signals audible outside any buildings shall be allowed on the property.
 - d) Item #9 – add the following at the end of the current sentence. “Any and all OSHA requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged. A sound impact study will be required as part of any conditional use permit application, and additional sound mitigation barriers may be required in addition to the natural buffer yard requirements in paragraph E (5) above.”
 - e) Item #11 – to change the times when delivery or transmission of materials or products are not allowed to or from the property:

CURRENT REQUIREMENT: Not allowed between 11 pm and 5 am Monday through Sunday

PROPOSED REQUIREMENT: Not allowed before 8 am and not after 9 pm Monday through Saturday and no such deliveries to or from the property shall occur on Sunday.

- f) Add a new Item #12 to read as follows: “The requirements of this paragraph F. shall apply to all uses of Section 3.14. The Zoning Administrator may consider exceptions to these requirements in conformance with the following standards:
 - a. That the exception is reasonably necessary due to customary processes or physical constraints of the site;
 - b. That the exception does not compromise the intent of this Ordinance;
 - c. That the exception is the minimum departure from applicable standards necessary to provide relief;
 - d. That the design, location, and operation of proposed on-site improvements are compatible with existing developed sites contiguous with the site of the proposed development;
 - e. That the granting of the exception will not substantially affect adversely the use of adjacent property;
 - f. That the granting of the exception will not impair the health, safety, or welfare of the inhabitants of the Town

Staff Analysis:

Many public comments were received regarding the first round of proposed changes to this Zoning District Regulation. In particular, it was noted that the Town has several Industrial Zoning Districts and there is inconsistency between the district regulations and does not appear to have been thoroughly vetted based upon the intent of each type of industrial district (heavy, light, light adjacent to harbor, etc).

Town Council has acknowledged that the Zoning Ordinance needs to be reviewed, revised and updated to reflect current state law changes and to fix inconsistencies within the document but recognize that specific consulting services will need to be procured who specialize in zoning ordinance revisions since staff is limited in resources to take on this significant project in-house.

However, there were several items that were noted as part of the first public hearing process on amending this zoning district that rose to significant concern and identified by staff and Town Council that further amendments should be pursued immediately to improve the ability of owners of properties zoned GBI-H1 to pursue investment and business/economic development opportunities in accordance with the zoning district.

Item #1: Adding the full name of the PUD Document is essential so that all parties know the source document and where to locate the appropriate standards which in this case is relevant to landscaping and buffer requirements.

Item #2: Moving two of the “By-Right” Uses to requiring a Conditional Use Permit makes it consistent with the M-2 Industrial District. However, it is possible to create standards language associated with those types of uses, especially if the concern is that these two uses need to have appropriate screening from adjacent property that has different zoning and still keep one or both of them as by-right uses assuming that they meet the standards requirements. The standards need to be very specific in material, size, height, and location

As an example, for outside storage, it could read: *Outside storage, provided that such storage or outside activities shall be completely encompassed by a visual screening device or wall at least seven (7) feet high, and provided that materials stored shall be stacked no higher than one (1) foot below the top of the fence or wall. All outside storage or activities shall be restricted to that area behind the required front yard setback and not encroach into any of the side or rear yard setback requirements.*

If this is a point of discussion whether these types of uses should be By-Right or Conditional Use Permits, I wanted you to be aware that there is a alternate approach to solve the problem for all parties.

Item #3: Applies a uniform setback standard based upon the proposed height of a building, regardless of the zoning of adjacent property.

Item #4: The changes proposed bring this section into consistency with the other industrial zoned districts and makes it clear that these standards apply to all uses allowed in this zoning district, whether by-right or through conditional use permit. In addition, language has been included to provide authority to the Zoning Administrator to potentially consider and provide for an exemption from these standards based upon the particulars of the business proposal/site plan for the property.

Staff Recommendation:

Staff is prepared to discuss each item in greater detail and assist with the development of any potential changes or edits you may wish to propose as part of your deliberations, based upon the public hearing and comments that may be received on this zoning text amendment.

I am prepared to review with the Planning Commission the Code of Virginia requirements regarding the timeframe allotted for review of a zoning text amendment, both by the Planning Commission and Town Council.

Attachments:

Attachment 1 – Section 3.14 – Original Zoning District Regulations with Recently Approved Changes shown in RED and proposed new changes shown in GREEN

Attachment 2 – Legal Ad

Section 3.14 General Business/Light Industrial H-1 (GBI H-1)

A. 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.
6. Any reference to PUD or PUD Districts or Appendices in the PUD refers to the Accawmacke plantation Planned Unit Development (PUD) Ordinance, adopted February 9, 1997 and subsequently amended through July 24, 2006.

B. Permitted Uses. Within the GBI H-1 District, the following permitted uses shall be allowed.

1. Adult and/or child day care center
2. Agriculture (excluding livestock), horticulture, forestry, and/or fishery/aquaculture
3. Art gallery
4. Business service establishment (including mail order or electronic catalog sales)
5. Conference center
6. Communication and telecommunications centers
7. Commuter parking lot
8. Educational institution
9. Flex industrial use
10. Fire, police, rescue stations
11. Food production, packaging, packing, and canning
12. Hotel, serving as an ancillary and interrelated component of the Park
13. Library or other municipal building
14. ~~Manufacture, processing, fabrication, assembly and/or assembly storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.~~
15. Medical care facility, outpatient only
16. Museum, cultural center, arboretum

17. Offices--administrative, business, professional, and telecommunication
 - ~~18. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category~~
 19. Park, plaza, or natural area
 20. Parking structure
 21. Performing arts center
 22. Post office, drop off and pick up, mail courier and parcel services
 23. Printing service
 24. Public utility service center, without outdoor storage
 25. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo
 26. Recording studio
 27. Recreational facilities
 28. Recycling drop-off collection center serving the Park
 29. Research, experimental testing or development activities
 30. Restaurant, indoor and outdoor (excluding drive-through)
 31. Telecommunications, television, or radio microwave dishes or antennas
 32. Training center (excluding rehabilitation and institutional facilities)
 33. Utility generating plant and transmission facilities using renewable energy sources
 34. Utility installations
 35. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category, sufficient to screen area
 36. Warehousing facility (excluding mini-storage facility)
 37. Water storage tank
 38. Wholesale trade establishment
- C. Conditional Uses. Within the GBI H-1, the following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.
1. Structures, other than buildings, exceeding 50 feet
 2. Buildings over 40 feet but equal or less than 50 feet; ~~or building or structure other than building may be constructed to a maximum height of 75 feet if the building or structure is set back at least one hundred twenty-five (125) additional feet from the required set back for all yards abutting residential properties~~ from all property boundaries.
 3. Manufacture, processing, fabrication, assembly and/or ~~assembly~~ storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.
 4. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category

D. Accessory Uses. Within the GBI H-1 District, the following accessory uses shall be allowed.

1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and structures
2. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets

E. Lot, Yard, Height, and Density Requirements. Within the GBI H-1 District, the following standards shall apply.

1. Minimum lot requirements

lot area 15,000 square feet
lot width 100 feet

2. Yard requirements

minimum front yard 10 feet
maximum front yard 25 feet
minimum side yard between buildings none or 5 feet
minimum side yard adjacent to street 10 feet
minimum rear yard 20 feet

3. Maximum building height

Buildings 40 feet
structures other than buildings 50 feet

4. Building coverage. No more than 50 percent of the land area of the lot may be covered by structures.

5. Buffer yards. Where the GBI H-1 District adjoins the R (residential) zoning districts within the PUD or CO Land Use Classifications or C districts within the PUD, buffer yards are required as follows:

- a. When a zoning lot within the GBI H-1 District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the GBI H-1 District adjoining the R zoning district within the PUD.
 - i. A 200-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - ii. No loading facilities, loading docks, or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is

- adjacent to the portions of the PUD where residential use is allowed.
- iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer.
- b. When a zoning lot within the GBI H-1 District adjoins a CO Land Use Classification, the following shall be required along all lot lines within the GBI H-1 District adjoining the CO Land Use Classification:
- i. A 100-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - ii. No loading facilities, loading docks, or loading bays shall be permitted within 100 feet of any zoning district or zoning classification within the PUD that permits CO Land Use Classification as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where CO Land Use Classification is allowed.
 - iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.
- c. When a zoning lot within the GBI H-1 District adjoins a C district, the following shall be required along all lot lines within the GBI H-1 District adjoining the C district:
- i. A 50-foot natural buffer over and above any landscape requests
 - ii. otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - iii. No loading facilities, loading docks, or loading bays shall be permitted within 75 feet of any zoning district or zoning classification within the PUD that permits commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where commercial use is allowed.
 - iv. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.

F. Additional Development Requirements.

1. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards.
2. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements.
3. All parking must comply with Appendix B - Off Street Parking and Loading Requirements
4. Parking is not permitted in the front yard of a lot.
5. No parking or drive aisles shall be located within the required buffer yards.
6. No outside storage of parts, ~~materials~~, fossil fuels, ~~raw materials~~, or petroleum shall be permitted within the GBI H-1 District.
7. ~~No outside manufacturing, assembly, or servicing of products used on the property or of trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.~~
8. Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property.
9. No outside loudspeakers, intercoms, ~~sirens~~, ~~sirens~~, paging systems, whistles, horns, bells, ~~or other devices~~ or signals audible outside any buildings shall be allowed on the property. ~~Any and all OSHA requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged.~~ A sound impact study will be required as part of any conditional use permit application, and additional sound mitigation barriers may be required in addition to the natural buffer yard requirements in paragraph E (5) above.
10. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.
11. No delivery or transmission of materials or products shall be permitted to or from the property ~~before 8 a.m. and after 9 p.m. by truck or rail between 11 p.m. and 5 a.m.~~ Monday through Saturday and no such deliveries to or from the property shall occur on Sunday.
12. The requirements of this paragraph F. shall apply to all uses of Section 3.14. The Zoning Administrator may consider exceptions to these requirements in conformance with the following standards:
 - a. That the exception is reasonably necessary due to customary processes or physical constraints of the site;
 - b. That the exception does not compromise the intent of this Ordinance;
 - c. That the exception is the minimum departure from applicable standards necessary to provide relief;

- d. That the design, location, and operation of proposed on-site improvements are compatible with existing developed sites contiguous with the site of the proposed development;
- e. That the granting of the exception will not substantially affect adversely the use of adjacent property;
- f. That the granting of the exception will not impair the health, safety, or welfare of the inhabitants of the Town.

ORDINANCE 20210916

ADOPTING TEXT AMENDMENTS TO CAPE CHARLES ZONING ORDINANCE SECTION 3.14-GENERAL BUSINESS/LIGHT INDUSTRIAL H-1

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, at their August 19, 2021 regular meeting, the Cape Charles Town Council indicated that further zoning text amendments should be considered for the General Business/Light Industrial H-1 zoning district as a result of public input received during the public hearings associated with the August 19th zoning text amendments; and

WHEREAS, the proposed text amendments would move some of the by-right uses in the General Business/Light Industrial H-1 zoning district to a conditional use category which required the completion of an application process to be approved by the Town Council; and

WHEREAS, the conditional use application process would provide the Town to view actual site plans and details of the proposed operation prior to approval;

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice public hearings were each held by the Planning Commission and Town Council, and the Planning Commission reviewed and deliberated the proposed revisions, and approved by majority vote, making recommendation for Town Council approval of the revisions made to Section 3.14 as attached; now

THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 16th day of September 2021, that Cape Charles Zoning Ordinance Section 3.14 be revised as shown in the attached, as may be amended by Council, to become effective immediately.

Adopted by the Town Council of Cape Charles on September 16, 2021.

By: _____
Mayor

ATTEST:

Town Clerk

Section 3.14 General Business/Light Industrial H-1 (GBI H-1)

A. 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.
6. Any reference to PUD or PUD Districts or Appendices in the PUD refers to the Accawmacke plantation Planned Unit Development (PUD) Ordinance, adopted February 9, 1997 and subsequently amended through July 24, 2006.

B. Permitted Uses. Within the GBI H-1 District, the following permitted uses shall be allowed.

1. Adult and/or child day care center
2. Agriculture (excluding livestock), horticulture, forestry, and/or fishery/aquaculture
3. Art gallery
4. Business service establishment (including mail order or electronic catalog sales)
5. Conference center
6. Communication and telecommunications centers
7. Commuter parking lot
8. Educational institution
9. Flex industrial use
10. Fire, police, rescue stations
11. Food production, packaging, packing, and canning
12. Hotel, serving as an ancillary and interrelated component of the Park
13. Library or other municipal building
14. ~~Manufacture, processing, fabrication, assembly and/or assembly storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.~~
15. Medical care facility, outpatient only
16. Museum, cultural center, arboretum
17. Offices--administrative, business, professional, and telecommunication

18. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category; and provided that such storage or outside activities shall be completely encompassed by a visual screening device or wall at least seven (7) feet high, and provided that materials stored shall be stacked no higher than one (1) foot below the top of the fence or wall. All outside storage or activities shall be restricted to that area behind the required front yard setback and not encroach into any of the side or rear setback requirements.
19. Park, plaza, or natural area
20. Parking structure
21. Performing arts center
22. Post office, drop off and pick up, mail courier and parcel services
23. Printing service
24. Public utility service center, without outdoor storage
25. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo
26. Recording studio
27. Recreational facilities
28. Recycling drop-off collection center serving the Park
29. Research, experimental testing or development activities
30. Restaurant, indoor and outdoor (excluding drive-through)
31. Telecommunications, television, or radio microwave dishes or antennas
32. Training center (excluding rehabilitation and institutional facilities)
33. Utility generating plant and transmission facilities using renewable energy sources
34. Utility installations
35. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category, sufficient to screen area
36. Warehousing facility (excluding mini-storage facility)
37. Water storage tank
38. Wholesale trade establishment

C. Conditional Uses. Within the GBI H-1, the following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.

1. Structures, other than buildings, exceeding 50 feet
2. Buildings over 40 feet but equal or less than 50 feet; or building or structure ~~other than building may be constructed~~ to a maximum height of 75 feet if the building or structure is set back at least one hundred twenty-five (125) additional feet from the required set back ~~for all yards abutting residential properties~~ from all property boundaries, except those that abut Industrial M-2 or General Business/Light Industrial – H-1 zoned parcels.
3. Manufacture, processing, fabrication, and/or assembly and/or storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.

D. Accessory Uses. Within the GBI H-1 District, the following accessory uses shall be allowed.

1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and structures
2. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets

E. Lot, Yard, Height, and Density Requirements. Within the GBI H-1 District, the following standards shall apply.

1. Minimum lot requirements

lot area 15,000 square feet
lot width 100 feet

2. Yard requirements

minimum front yard 10 feet
maximum front yard 25 feet
minimum side yard between buildings none or 5 feet
minimum side yard adjacent to street 10 feet
minimum rear yard 20 feet

3. Maximum building height

Buildings 40 feet
structures other than buildings 50 feet

4. Building coverage. No more than 50 percent of the land area of the lot may be covered by structures.

5. Buffer yards. Where the GBI H-1 District adjoins the R (residential) zoning districts within the PUD or CO Land Use Classifications or C districts within the PUD, buffer yards are required as follows:

- a. When a zoning lot within the GBI H-1 District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the GBI H-1 District adjoining the R zoning district within the PUD.
 - i. A 200-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - ii. No loading facilities, loading docks, or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where residential use is allowed.

- iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer.
- b. When a zoning lot within the GBI H-1 District adjoins a CO Land Use Classification, the following shall be required along all lot lines within the GBI H-1 District adjoining the CO Land Use Classification:
 - i. A 100-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - ii. No loading facilities, loading docks, or loading bays shall be permitted within 100 feet of any zoning district or zoning classification within the PUD that permits CO Land Use Classification as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where CO Land Use Classification is allowed.
 - iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.
- c. When a zoning lot within the GBI H-1 District adjoins a C district, the following shall be required along all lot lines within the GBI H-1 District adjoining the C district:
 - i. A 50-foot natural buffer over and above any landscape requests
 - ii. otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
 - iii. No loading facilities, loading docks, or loading bays shall be permitted within 75 feet of any zoning district or zoning classification within the PUD that permits commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where commercial use is allowed.
 - iv. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.

F. Additional Development Requirements.

- 1. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards.

2. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements.
3. All parking must comply with Appendix B - Off Street Parking and Loading Requirements
4. Parking is not permitted in the front yard of a lot.
5. No parking or drive aisles shall be located within the required buffer yards.
6. No outside storage of parts, fossil fuels, or petroleum shall be permitted within the GBI H-1 District.
- ~~7.~~
8. Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property.
9. No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or signals audible outside any buildings shall be allowed on the property. Any and all OSHA requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged. A sound impact study will be required as part of any conditional use permit application, and additional sound mitigation barriers may be required in addition to the natural buffer yard requirements in paragraph E (5) above.
10. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.
11. No delivery or transmission of materials or products shall be permitted to or from the property before 8 a.m. and after 9 p.m. ~~by truck or rail between 11 p.m. and 5 a.m.~~ Monday through Saturday and no such deliveries to or from the property shall occur on Sunday.
12. The requirements of this paragraph F. shall apply to all uses of Section 3.14. The Zoning Administrator may ~~consider~~ grant exceptions to these requirements in conformance with the following standards:
 - a. That the exception is reasonably necessary due to customary processes or physical constraints of the site;
 - b. That the exception does not compromise the intent of this Ordinance;
 - c. That the exception is the minimum departure from applicable standards necessary to provide relief;
 - d. That the design, location, and operation of proposed on-site improvements are compatible with existing developed sites contiguous with the site of the proposed development;
 - e. That the granting of the exception will not substantially affect adversely the use of adjacent property;
 - f. That the granting of the exception will not impair the health, safety, or welfare of the inhabitants of the Town.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Harbor Capital Plan Evaluation		AGENDA DATE September 16, 2021
	SUBJECT/PROPOSAL/REQUEST: Authorize contract change order.		ITEM NUMBER: 8B
	ATTACHMENTS: None.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Significant capital improvements have been made at the Town Harbor over the past decade and several additional projects are being considered. As of June 30, 2020, the value of Harbor capital assets was about \$5.3M, net of accumulated depreciation, with an original book value of about \$9.5M. While a Harbor Master Plan has been approved by Council, there has been no projection of the future capital replacement requirements as the facilities age. This is an important tool for updating the projects in the Capital Asset Management Plan and identifying potential grant opportunities. The FY 2022 budget includes \$20K for a Harbor Capital Plan Evaluation. This amount is barely adequate only if the effort is severely constrained.

DISCUSSION:

The Town is under contract with Langley & McDonald for marine engineering services. Langley designed and engineered most of the harbor improvements that exist today. Staff has worked with Langley on a proposed contract change order for a comprehensive evaluation in three parts: existing facilities, future improvements, master plan update. Part 1 would develop a plan for replacement or major repair of existing facilities. This entails estimating the remaining useful life of major facility components and the cost of their replacement or major repair in today's dollars:

1. Bulkheads in both inner and outer harbor to include sheet piles, king piles, walers, and tie backs.
2. Concrete walkway around inner harbor.
3. Wood walkway and railing along outer harbor.
4. Two gangways to floating docks at outer harbor.
5. Fixed slips in inner harbor to include center dock, finger piers, and slip pilings.
6. Floating docks in outer harbor to include dock structures, steel pilings, and slip pilings.
7. Bath house including foundation, exterior sheathing, roof, HVAC system, pump station, and deck.
8. Dockmaster office to include foundation, exterior sheathing, roof, HVAC system, and deck.
9. Fueling system to include storage tanks, piping, and dispensers.
10. Electrical system to include transformers, electric panels, electric pedestals, and lighting.
11. Parking lot pavement.
12. Inshore breakwater to include sheet piling, vertical and batter piles, and walers.
13. Concrete bulkhead inboard of fixed dock between dockmaster's office and first boat ramp pier.
14. Small, fixed pier just west of the ramps and the kayak launch facility.
15. Water supply system for both inner and outer harbor docks.
16. Boat pump-out system.
17. DWR boat ramps and piers.

The analysis will be divided into those facilities serving transient and non-transient users to target appropriate potential grant sources. The fee for Part 1 is \$40.1K.

Part 2 would provide information to allow consideration of additional capital improvements that might make economic sense. This entails life cycle cost estimates for:

- A. Floating dock slips on the south side of the inner harbor center dock to replace the fixed dock slips.
- B. Boat lift slips on the north side of the inner harbor center dock.
- C. Phase 2 of the inshore breakwater with additional floating slips.
- D. Shade structure for area in front of bath house.
- E. Gazebo and picnic area on east side of inner harbor.
- F. Additional boat trailer parking area north of existing parking lot.

Our harbor management firm, Cape Charles Yacht Center (CCYC), will be consulted for revenue enhancement estimates. The fee for Part 2 is \$13.0K.

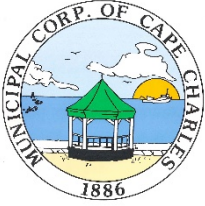
Part 3 would update the harbor master plan to reflect future improvements approved by Council. The fee for Part 3 is \$8.0K.

It is important to perform Part 1 of the evaluation this fiscal year to establish a baseline of future capital expenditures necessary to preserve existing facilities. Parts 2 & 3 can be performed later. An additional \$20.1K needs to be made available to fund Part 1. The budget includes \$36.0K to install steel pilings along the interior sections of floating docks C and D to reinforce the structure. However, this may be unnecessary with the recent addition of the inshore breakwater just west of the floating docks. It is prudent to defer this work pending the results of the capital plan evaluation, and to reallocate \$20.1K to Part 1 of the evaluation and \$15.9K to work down the backlog of maintenance and repair at the Harbor. CCYC concurs with this approach.

The Town Manager has approval authority for professional services contracts up to \$30K. This change order would exceed that value.

RECOMMENDATION:

That Council authorize the Town Manager to execute a contract change order with Langley & McDonald in the amount of \$40,100 for Part 1 of the Harbor Capital Plan Evaluation, and in the amount of \$21,000 for Parts 2 and 3 when additional funding becomes available.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Architectural Services Contract Award		AGENDA DATE September 16, 2021
	SUBJECT/PROPOSAL/REQUEST: Authorize contract award to address Town office space deficiencies		ITEM NUMBER: 8C
	ATTACHMENTS: Agreement		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Municipal Building was built in 1931. The building has received some updates over the years (windows, IT, HVAC, rudimentary safety items), but has not had a comprehensive renovation. It still has many deficiencies: second floor not ADA accessible, inefficient to heat and cool, structurally unsound (settling), water leaks, exhaust leaks from attached fire company building, inadequate space and configuration for the administrative and police functions, etc. The FY 2022 budget includes \$45K for an analysis of alternatives to address these deficiencies. Construction would occur in FY 2023.

DISCUSSION:

A Request for Proposals (RFP) was issued on May 14, 2021, for architectural services for future office space, structured in three phases:

Phase 1 - An analysis of alternatives including several options:

1. Renovation of the current Municipal Building.
2. Build-out of the third floor of the Library Building.
3. New construction on Town-owned property.
4. A combination of renovation and new construction.

The analysis will consider multiple factors including, but not limited to:

1. Ability to accommodate staff in a manner that promotes functional cohesion.
2. Ability to create multi-function space.
3. Ability to serve the public.
4. ADA accessibility
5. Energy efficiency.
6. Availability of high-speed internet access.
7. Availability of water and wastewater service.
8. Availability of parking for both staff and the public.
9. Accessibility by other means of transportation (walking, biking, golf cart).
10. Storm water management.
11. Cost.
12. Potential to dispose of other real property.

Phase 2 - Plans, specifications and bid packages for the selected renovation and/or construction alternative. This may include multiple bid packages to phase the work while maintaining staff functionality.

Phase 3 - Oversight and inspection services for renovation and/or construction contracts.

We received proposals from four firms: Dills Architects, GMB, HBA and VIA Design. The proposals were evaluated by a panel consisting of the Town Manager, Councilwoman O'Brien, the Project Manager and the Building Code Official. GMB and HBA were ranked highest. Three firms (Dills, GMB, HBA) were

advanced to the next stage for competitive negotiation of a specific scope of work and fee for Phase 1. After multiple discussions we have concluded that HBA provides the best value at a price of \$41,509. None of the proposals included a wetlands delineation and a Phase 1 Environmental Site Assessment for the property under consideration for new construction. It would be prudent to add these to the scope of work after an initial evaluation of the site. HBA estimates that this would cost in the range of \$2,000-\$5,000.

It is premature to price Phases 2 and 3 currently, but billing rates for the firms are similar.

The Town Manager has approval authority for professional services contracts up to \$30K, however this award exceeds this authority.

RECOMMENDATION:

That Council authorize the Town Manager to execute a contract with HBA initially in the amount of \$41,509 for architectural services for future office space, and up to \$45,000 to accommodate addition of a wetlands delineation and Phase 1 Environmental Site Assessment.

AGREEMENT

This Agreement is made effective September __, 2021 between the **Town of Cape Charles** (Owner) and **HBA** (Contractor) for **Architectural Services**, in accordance with the attached contract documents:

1. Request for Proposals dated May 14, 2021.
2. HBA Proposal dated June 10, 2021.
3. HBA Scope Document dated August 4, 2021.

Price. Lump sum price for Phase 1: \$41,509.00

Prices for Phases 2 and 3 will be negotiated after completion of Phase 1.

Payment. Contractor shall submit an invoice to the Owner's Representative for progress payment monthly. Payment shall be made by Owner within thirty (30) days of receipt.

Owners Representative: Bob Panek, Project Manager, 757-331-3259, x19 or bob.panek@capecharles.org

Owner

Contractor

Date

Date

TOWN OF CAPE CHARLES OFFICE SPACE EXPANSION PHASE 1 SCOPE DOCUMENT

August 4, 2021

PURPOSE:

The Town of Cape Charles offices are currently located in the Cape Charles Municipal Building at 2 Plum Street. The building was constructed in 1942 and originally housed the fire station. Currently the fire department has moved most of its operations to an adjacent structure, leaving the original space underutilized. The offices on the remainder of the first floor and all of the second floor no longer meet the needs of the Town. Due to the age of the facility several building systems and envelope components are reaching the end of their life expectancy.

The OWNER would like to evaluate the existing building and site to determine the adequacy of the facility to support their client's long-range goals. Additionally, the OWNER would like to evaluate a second building, the Library at 201 Mason Ave, to determine if the third floor and portions of the mezzanine could be used as growth space for the Town offices. The OWNER seeks to identify building improvements at both locations to help establish the integrity of each building.

The OWNER desires to evaluate the total space needed for the Town offices, including the Police Department, and explore design options for distributing the required space among the two existing buildings and a possible new building.

SCOPE:

1.0 SPACE NEEDS EVALUATION

- The ARCHITECT will conduct one (1) kick off meeting with Town staff and designated stakeholders to review and confirm requirements.
- The ARCHITECT will administer and manage a space needs evaluation.
- The ARCHITECT will provide a space needs survey form for completion by Town staff.
- The ARCHITECT will prepare a summary of the space needs requirements incorporating owner's review comments.
- The ARCHITECT will conduct up to two (2) meetings with Town staff and designated stakeholders to review and confirm evaluation summary.

2.0 SITE/BUILDING ASSESSMENT AND FIELD INVESTIGATION

EXISTING CONDITIONS/INFORMATION GATHERING –

- The ARCHITECT will obtain field measurements and create basic existing condition plans of both buildings for use during the facility condition assessment and the concept design phases.
- The ARCHITECT AND CONSULTING ENGINEERS will visit the site evaluate the facility condition.

The following systems will be evaluated as they relate to the proposed new uses and space changes identified.

- Exterior Envelope (Roofing, Masonry, Flashing, Exterior Openings)
- Interior Spaces (Finishes)
- Heating, Ventilation, and Air Conditioning Systems
- Lighting Systems (Interior and Exterior)
- Electrical Systems
- Structural Systems
- AV/Communication Systems

- The ARCHITECT will evaluate the building and site for ADA compliance.

3.0 CONCEPT DESIGN

- The ARCHITECT will analyze options for allocating the required space in varying combinations of the two existing buildings and new construction and will document up to (3) options for OWNER review.
- The ARCHITECT will prepare conceptual design floor plans corresponding to the (3) space allocations referenced above.
- The ARCHITECT will meet with the OWNER and designated stakeholders to review the concept design documents, gather input and feedback and make any necessary revisions to the concepts.
- The ARCHITECT will prepare final concept design documents for OWNER approval.
- The ARCHITECT will facilitate one (1) final concept review meeting.

4.0 FINAL REPORT

- The ARCHITECT will provide all the above-listed deliverables in a Draft Report with an Executive Summary in 8.5" x 11" format as a PDF file. Note that Conceptual Design Drawings will be in 11" x 17" format. Printed color copies can be provided as a reimbursable expense.
- After receipt of OWNER review comments on the Draft Report, the ARCHITECT shall revise the Draft Report as necessary and provide a Final Report.

5.0 COMPLETION SCHEDULE

- | | |
|---|--|
| • Space Needs Evaluation | 30 Days After Notice to Proceed |
| • Facility Assessment/Field Investigation | 30 Days After Notice to Proceed
(Concurrent with Space Needs) |
| • OWNER Review | 21 Days Estimated for Review |
| • Concept Design Phase | 30 Days After Receipt of OWNER comments |
| • OWNER Review | 21 Days Estimated for Review |
| • Draft and Final Report Phase | 30 Days After Receipt of OWNER
Comments |
| • Total Estimated Work Order Completion is 132 Days | |

HBA ARCHITECTURE & INTERIOR DESIGN

4-Aug-21

PROJECT NAME: Cape Charles Office Space Study Phase 1
HBA PROJECT No. 21MIL.16

SCOPE OF WORK MEETING / FEE PREPARATION / PROJECT MANAGEMENT	\$1,664.00
FIELD INVESTIGATION/FACILITY CONDITION ASSESSMENT	\$23,065.00
SPACE NEEDS ASSESSMENT	\$5,496.00
CONCEPT DESIGN	\$7,584.00
FINAL REPORT	\$3,200.00
TOTAL BASIC SERVICES FEE	\$41,009.00
ESTIMATED REIMBURSABLE EXPENSES	\$500.00
TOTAL FEE for PROFESSIONAL A/E SERVICES	\$41,509.00

Normal reimbursable expenses will be billed as stipulated in our contract and are in addition to the basic services fee.

HBA ARCHITECTURE & INTERIOR DESIGN**4-Aug-21****PROJECT NAME: Cape Charles Office Space Study Phase 1**
HBA PROJECT No. 21MIL.16**SCOPE OF WORK MEETING / FEE PREPARATION / PROJECT MANAGEMENT****\$1,664.00****ARCHITECTURAL [HBA]****\$1,664.00**

Principal-in-Charge	4.00 hrs @	\$216.00 =	\$864.00
Project Manager	4.00 hrs @	\$200.00 =	\$800.00
Staff Architect	0.00 hrs @	\$129.00 =	\$0.00
Construction Administrator	0.00 hrs @	\$144.00 =	\$0.00
Sr. CADD Technician	0.00 hrs @	\$113.00 =	\$0.00
Architectural Intern	0.00 hrs @	\$87.00 =	\$0.00
CADD Technician	0.00 hrs @	\$87.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$62.00 =	\$0.00

INTERIOR DESIGN [HBA]**\$0.00**

Sr. Interior Designer	0.00 hrs @	\$113.00 =	\$0.00
Interior Design Intern	0.00 hrs @	\$77.00 =	\$0.00

STRUCTURAL ENGINEERING**\$0.00**

Principal Engineer	0.00 hrs @	\$192.00 =	\$0.00
Senior Structural Engineer	0.00 hrs @	\$192.00 =	\$0.00
Senior Project Manager	0.00 hrs @	\$165.00 =	\$0.00
Structural Engineer	0.00 hrs @	\$148.00 =	\$0.00
Professional Construction Adminis	0.00 hrs @	\$137.00 =	\$0.00
Senior CADD Technician	0.00 hrs @	\$126.00 =	\$0.00
Special Inspector	0.00 hrs @	\$126.00 =	\$0.00
Structural CADD Technician	0.00 hrs @	\$121.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$66.00 =	\$0.00

PME ENGINEERING**\$0.00**

Principal Engineer	0.00 hrs @	\$187.00 =	\$0.00
Mechanical Engineer	0.00 hrs @	\$132.00 =	\$0.00
Electrical Engineer	0.00 hrs @	\$132.00 =	\$0.00
Plumbing Engineer	0.00 hrs @	\$132.00 =	\$0.00
Modeling CADD Technician	0.00 hrs @	\$93.00 =	\$0.00
CADD Technician	0.00 hrs @	\$82.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$71.00 =	\$0.00

HBA ARCHITECTURE & INTERIOR DESIGN**4-Aug-21****PROJECT NAME: Cape Charles Office Space Study Phase 1**
HBA PROJECT No. 21MIL.16**FIELD INVESTIGATION/FACILITY CONDITION ASSESSMENT REPORT****\$23,065.00****ARCHITECTURAL [HBA]****\$7,584.00**

Principal-in-Charge	0.00 hrs @	\$216.00 =	\$0.00
Project Manager	24.00 hrs @	\$200.00 =	\$4,800.00
Staff Architect	0.00 hrs @	\$129.00 =	\$0.00
Construction Administrator	0.00 hrs @	\$144.00 =	\$0.00
Sr. CADD Technician	0.00 hrs @	\$144.00 =	\$0.00
Architectural Intern	32.00 hrs @	\$87.00 =	\$2,784.00
CADD Technician	0.00 hrs @	\$87.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$62.00 =	\$0.00

INTERIOR DESIGN [HBA]**\$0.00**

Sr. Interior Designer	0.00 hrs @	\$113.00 =	\$0.00
Interior Design Intern	0.00 hrs @	\$77.00 =	\$0.00

STRUCTURAL ENGINEERING**\$5,796.00**

Principal Engineer	16.00 hrs @	\$192.00 =	\$3,072.00
Senior Structural Engineer	0.00 hrs @	\$192.00 =	\$0.00
Senior Project Manager	0.00 hrs @	\$165.00 =	\$0.00
Structural Engineer	8.00 hrs @	\$148.00 =	\$1,184.00
Professional Construction Adminis	0.00 hrs @	\$137.00 =	\$0.00
Senior CADD Technician	0.00 hrs @	\$126.00 =	\$0.00
Special Inspector	0.00 hrs @	\$126.00 =	\$0.00
Structural CADD Technician	4.00 hrs @	\$121.00 =	\$484.00
Clerical/Administrative	16.00 hrs @	\$66.00 =	\$1,056.00

PME ENGINEERING**\$9,685.00**

Principal Engineer	7.00 hrs @	\$187.00 =	\$1,309.00
Mechanical Engineer	19.00 hrs @	\$132.00 =	\$2,508.00
Electrical Engineer	19.00 hrs @	\$132.00 =	\$2,508.00
Plumbing Engineer	19.00 hrs @	\$132.00 =	\$2,508.00
Modeling CADD Technician	0.00 hrs @	\$93.00 =	\$0.00
CADD Technician	0.00 hrs @	\$82.00 =	\$0.00
Clerical/Administrative	12.00 hrs @	\$71.00 =	\$852.00

HBA ARCHITECTURE & INTERIOR DESIGN**4-Aug-21****PROJECT NAME: Cape Charles Office Space Study Phase 1**
HBA PROJECT No. 21MIL.16**SPACE NEEDS ASSESSMENT****\$5,496.00****ARCHITECTURAL [HBA]****\$5,496.00**

Principal-in-Charge	0.00 hrs @	\$216.00 =	\$0.00
Project Manager	24.00 hrs @	\$200.00 =	\$4,800.00
Staff Architect	0.00 hrs @	\$129.00 =	\$0.00
Construction Administrator	0.00 hrs @	\$144.00 =	\$0.00
Sr. CADD Technician	0.00 hrs @	\$144.00 =	\$0.00
Architectural Intern	8.00 hrs @	\$87.00 =	\$696.00
CADD Technician	0.00 hrs @	\$87.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$62.00 =	\$0.00

INTERIOR DESIGN [HBA]**\$0.00**

Sr. Interior Designer	0.00 hrs @	\$113.00 =	\$0.00
Interior Design Intern	0.00 hrs @	\$77.00 =	\$0.00

STRUCTURAL ENGINEERING**\$0.00**

Principal Engineer	0.00 hrs @	\$192.00 =	\$0.00
Senior Structural Engineer	0.00 hrs @	\$192.00 =	\$0.00
Senior Project Manager	0.00 hrs @	\$165.00 =	\$0.00
Structural Engineer	0.00 hrs @	\$148.00 =	\$0.00
Professional Construction Adminis	0.00 hrs @	\$137.00 =	\$0.00
Senior CADD Technician	0.00 hrs @	\$126.00 =	\$0.00
Special Inspector	0.00 hrs @	\$126.00 =	\$0.00
Structural CADD Technician	0.00 hrs @	\$121.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$66.00 =	\$0.00

PME ENGINEERING**\$0.00**

Principal Engineer	0.00 hrs @	\$187.00 =	\$0.00
Mechanical Engineer	0.00 hrs @	\$132.00 =	\$0.00
Electrical Engineer	0.00 hrs @	\$132.00 =	\$0.00
Plumbing Engineer	0.00 hrs @	\$132.00 =	\$0.00
Modeling CADD Technician	0.00 hrs @	\$93.00 =	\$0.00
CADD Technician	0.00 hrs @	\$82.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$71.00 =	\$0.00

HBA ARCHITECTURE & INTERIOR DESIGN**4-Aug-21****PROJECT NAME: Cape Charles Office Space Study Phase 1**
HBA PROJECT No. 21MIL.16**CONCEPT DESIGN****\$7,584.00****ARCHITECTURAL [HBA]****\$7,584.00**

Principal-in-Charge	0.00 hrs @	\$216.00 =	\$0.00
Project Manager	24.00 hrs @	\$200.00 =	\$4,800.00
Staff Architect	0.00 hrs @	\$129.00 =	\$0.00
Construction Administrator	0.00 hrs @	\$144.00 =	\$0.00
Sr. CADD Technician	0.00 hrs @	\$144.00 =	\$0.00
Architectural Intern	32.00 hrs @	\$87.00 =	\$2,784.00
CADD Technician	0.00 hrs @	\$87.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$62.00 =	\$0.00

INTERIOR DESIGN [HBA]**\$0.00**

Sr. Interior Designer	0.00 hrs @	\$113.00 =	\$0.00
Interior Design Intern	0.00 hrs @	\$77.00 =	\$0.00

STRUCTURAL ENGINEERING**\$0.00**

Principal Engineer	0.00 hrs @	\$192.00 =	\$0.00
Senior Structural Engineer	0.00 hrs @	\$192.00 =	\$0.00
Senior Project Manager	0.00 hrs @	\$165.00 =	\$0.00
Structural Engineer	0.00 hrs @	\$148.00 =	\$0.00
Professional Construction Adminis	0.00 hrs @	\$137.00 =	\$0.00
Senior CADD Technician	0.00 hrs @	\$126.00 =	\$0.00
Special Inspector	0.00 hrs @	\$126.00 =	\$0.00
Structural CADD Technician	0.00 hrs @	\$121.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$66.00 =	\$0.00

PME ENGINEERING**\$0.00**

Principal Engineer	0.00 hrs @	\$132.00 =	\$0.00
Mechanical Engineer	0.00 hrs @	\$132.00 =	\$0.00
Electrical Engineer	0.00 hrs @	\$132.00 =	\$0.00
Plumbing Engineer	0.00 hrs @	\$93.00 =	\$0.00
Modeling CADD Technician	0.00 hrs @	\$82.00 =	\$0.00
CADD Technician	0.00 hrs @	\$71.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$0.00 =	\$0.00

HBA ARCHITECTURE & INTERIOR DESIGN**4-Aug-21****PROJECT NAME: Cape Charles Office Space Study Phase 1**
HBA PROJECT No. 21MIL.16**FINAL REPORT****\$3,200.00****ARCHITECTURAL [HBA]****\$3,200.00**

Principal-in-Charge	0.00 hrs @	\$216.00 =	\$0.00
Project Manager	16.00 hrs @	\$200.00 =	\$3,200.00
Staff Architect	0.00 hrs @	\$129.00 =	\$0.00
Construction Administrator	0.00 hrs @	\$144.00 =	\$0.00
Sr. CADD Technician	0.00 hrs @	\$144.00 =	\$0.00
Architectural Intern	0.00 hrs @	\$87.00 =	\$0.00
CADD Technician	0.00 hrs @	\$87.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$62.00 =	\$0.00

INTERIOR DESIGN [HBA]**\$0.00**

Sr. Interior Designer	0.00 hrs @	\$113.00 =	\$0.00
Interior Design Intern	0.00 hrs @	\$77.00 =	\$0.00

STRUCTURAL ENGINEERING**\$0.00**

Principal Engineer	0.00 hrs @	\$192.00 =	\$0.00
Senior Structural Engineer	0.00 hrs @	\$192.00 =	\$0.00
Senior Project Manager	0.00 hrs @	\$165.00 =	\$0.00
Structural Engineer	0.00 hrs @	\$148.00 =	\$0.00
Professional Construction Adminis	0.00 hrs @	\$137.00 =	\$0.00
Senior CADD Technician	0.00 hrs @	\$126.00 =	\$0.00
Special Inspector	0.00 hrs @	\$126.00 =	\$0.00
Structural CADD Technician	0.00 hrs @	\$121.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$66.00 =	\$0.00

PME ENGINEERING**\$0.00**

Principal Engineer	0.00 hrs @	\$132.00 =	\$0.00
Mechanical Engineer	0.00 hrs @	\$132.00 =	\$0.00
Electrical Engineer	0.00 hrs @	\$132.00 =	\$0.00
Plumbing Engineer	0.00 hrs @	\$93.00 =	\$0.00
Modeling CADD Technician	0.00 hrs @	\$82.00 =	\$0.00
CADD Technician	0.00 hrs @	\$71.00 =	\$0.00
Clerical/Administrative	0.00 hrs @	\$0.00 =	\$0.00

 TOWN OF CAPE CHARLES	AGENDA TITLE: Reappointment of Board of Zoning Appeals Members		AGENDA DATE: September 16, 2021
	SUBJECT/PROPOSAL/REQUEST: Reappointment of Board of Zoning Appeals members		ITEM NUMBER: 8D
	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 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:

Pete Baumann and Dolores Blackburn currently serve on the Board of Zoning Appeals and their terms will be expiring on October 31, 2021. They have both expressed their interest in continuing their service on the BZA for another term.

RECOMMENDATION:

Staff recommends Council reappoint Mr. Pete Baumann and Ms. Dolores Blackburn to the Board of Zoning Appeals for another five-year term.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Re-Appointment of Member to the Planning Commission		AGENDA DATE: September 16, 2021
	SUBJECT/PROPOSAL/REQUEST: Reappointment of Planning Commissioner		ITEM NUMBER: 8E
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume, Town Clerk	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.

DISCUSSION:

Kenneth Butta currently serves on the Planning Commission and his term will be expiring on October 31, 2021. Mr. Butta has expressed his interest in continuing his service on the Planning Commission for another term.

RECOMMENDATION:

Staff recommends Council reappoint Mr. Kenneth Butta to the Planning Commission for another four-year term.