



PLANNING COMMISSION & TOWN COUNCIL

Joint Public Hearing

Cape Charles Civic Center July 13, 2021

6:00 p.m.

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Kenneth Butta, Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. Also, in attendance were Interim Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and the applicants. There were 68 members of the public in attendance and 35 viewers on Facebook Live.

Mayor William "Smitty" Dize, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Dize, present were Vice-Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume.

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

PUBLIC HEARING PUBLIC COMMENTS:

Interim Planning/Zoning Administrator Katie Nunez presented a PowerPoint to clearly identify the proposed parcel being considered for the zoning map amendment. She stressed that a subdivision had been approved and would be an added buffer. Ms. Nunez stated that there were Wetlands throughout tax map #90-8-1A1 and any plans submitted would deal with all issues.

Chairman Stramm read the Notice of Public Hearings and opened the floor for comments.

Phil Goetkin, 602 Jefferson Avenue

Mr. Goetkin voiced his concerns about the trees and tree canopy. He requested that the decision on the text changes and rezoning be deferred until additional input by all stakeholders can be developed and evaluated. (Please see his full statement attached.)

Margaret Ballard, 115 Mason Avenue

Ms. Ballard and her husband were not opposed to Coastal Precast Systems. She respectfully requested that the decision for the proposed amendments be delayed until these proposals from Coastal Precast and the parcel owner have had a chance to be considered and completely reviewed by the boards and commissions the council has put in place to represent its citizens. (Please see her full statement attached.)

Joan Natali, 110 Blue Heaven Road

Ms. Natali supported the rezoning but had the following concerns about the proposed text amendments; first the maximum structure of 75 ft tall was too high and second the removal of sirens and other devices needs to be revised to include a noise that was not so loud that it was a nuisance. (Please see her full statement attached.)

Shannon Alexander, 15338 Quail Lane, Painter

Ms. Alexander was speaking on behalf of Virginia Department of Conservation and Recreation which were adjacent property owners. She said the area was important for the environment and wildlife habitats.

Beverly Steffey, 204 Jefferson Avenue

Ms. Steffey thanked the Town Council and Planning Commission. She worried that the decisions were being rushed and suggested a deferral until proper research could be done on the effects the changes may have on businesses and the environment.

Susan Eidam, 646 Tazewell Avenue

Ms. Eidam's comments addressed the importance of effective zoning ordinances, with respect to time, transparency, and process. She implored the Planning Commission to defer the decisions. (Please see her full statement attached.)

Arnie Fuog, 547 Mason Avenue

Mr. Fuog thought that the zoning changes should benefit everyone and not just one person or corporation.

Mark Tillotson, 216 Blue Heaven Road

Mr. Tillotson encouraged the Planning Commission to reject the proposed zoning changes written by Coastal Precast Systems and submitted by Mr. S. Eyre Baldwin. (Please see his full statement attached.)

Susan Tillotson, 216 Blue Heaven Road

Ms. Tillotson expressed concerns of clearcutting trees and encouraged the commissioners to reject both proposals. (Please see her full statement attached.)

Phillipa Wilcox, 401 Cassatt Knoll

Ms. Wilcox said that the reason for her moving her was to assess natural resources and asked what kind of community we wanted to be. She does not want to thwart progress but would like the decision to be paused. Ms. Wilcox thought the comprehensive plan should be completed first.

Chris Sheppard, Apartment 203 Plum Street

Mr. Sheppard objects to the zoning changes and does not think they were being done properly.

Bruce Evans, 652 Tazewell Avenue

Mr. Evans was in total agreement with most of the comments spoken. He added that this process was rushed, should have many open discussion meetings about these items, and thought the commissioners needed to kill the proposal or defer the decision.

Dave Doherty, 509 Nectarine Street

Mr. Doherty said the town needed trees, preservation, and the economy which made these proposals a complex issue. The right decision does not need to be rushed and more information was needed. He added that green energy would be great and suggested restricting traffic by waterway as a way to reduce noise.

Bill Payne, 103 Arnie's Loop

Mr. Payne said the issue was a Northampton County issue not just a Cape Charles one. He continued by saying that the Eastern Shore was measured by its economic development success and this proposal would add jobs. The town should not be selfish and the commissioners should help keep the progress moving forward with no delays to bring additional jobs.

Laura Weigand, 632 Madison Avenue

Ms. Weigand moved here to enjoy a quiet beach community and live a happy healthy life with her wife. They opposed the amendments. (Please see her full statement attached.)

Planning Technician Tracy Outten read comments submitted in writing prior to the meeting. (Please see attached.)

Motion made by Paul Grossman, seconded by Dennis McCoy, to close the public hearing portion of the Planning Commission meeting at 7:18 p.m. The motion was approved by unanimous vote.

Motion made by Councilman Buchholz, seconded by Vice-Mayor Bennett, to adjourn the Town Council Public Hearing. The motion was approved by unanimous vote.

Planning Commission Chair

Mayor Dize

Planning Technician

CURRENT ZONING

The map displays the following zoning districts and their locations:

- Industrial M-2:** Located in the western and central parts of the city, outlined in blue.
- Harbor:** Located in the central part of the city, outlined in green.
- General Business/Light Industrial:** Located in the eastern part of the city, outlined in red.
- Other Districts:** Various other districts are labeled, including 90-A-2, 90-A-3, 90-A-4C, 90-13-A, 90-20-1, 90-20-4, 90-20-5, 90-20-6, 90-20-7, 90-20-8, 90-20-9, 90-20-10, 90-20-11, 90-20-12, 90-20-13, 90-20-14, 90-20-15, 90-20-16, 90-20-17, 90-20-18, 90-20-19, 90-20-20, 90-20-21, 90-20-22, 90-20-23, 90-20-24, 90-20-25, 90-20-26, 90-20-27, 90-20-28, 90-20-29, 90-20-30, 90-20-31, 90-20-32, 90-20-33, 90-20-34, 90-20-35, 90-20-36, 90-20-37, 90-20-38, 90-20-39, 90-20-40, 90-20-41, 90-20-42, 90-20-43, 90-20-44, 90-20-45, 90-20-46, 90-20-47, 90-20-48, 90-20-49, 90-20-50, 90-20-51, 90-20-52, 90-20-53, 90-20-54, 90-20-55, 90-20-56, 90-20-57, 90-20-58, 90-20-59, 90-20-60, 90-20-61, 90-20-62, 90-20-63, 90-20-64, 90-20-65, 90-20-66, 90-20-67, 90-20-68, 90-20-69, 90-20-70, 90-20-71, 90-20-72, 90-20-73, 90-20-74, 90-20-75, 90-20-76, 90-20-77, 90-20-78, 90-20-79, 90-20-80, 90-20-81, 90-20-82, 90-20-83, 90-20-84, 90-20-85, 90-20-86, 90-20-87, 90-20-88, 90-20-89, 90-20-90, 90-20-91, 90-20-92, 90-20-93, 90-20-94, 90-20-95, 90-20-96, 90-20-97, 90-20-98, 90-20-99, 90-20-100.

CURRENT ZONING – SELECTED PARCEL #s

The map displays the following zoning districts and parcel identifiers:

- M-2**: Multiple locations in the upper left and center.
- 90-A-2**: Located in the upper left.
- 90-A-3**: Located in the lower left.
- GBI H-1**: Located in the center and right.
- 90-A-1A**: Located in the lower right, with a red rectangle highlighting a specific parcel.
- HARBOR**: Located in the center, with a green rectangle highlighting a specific area.

Other labels on the map include "Cape Charles Coastal Highway", "Old Cape Charles Rd", and "Old Cape Charles Rd".

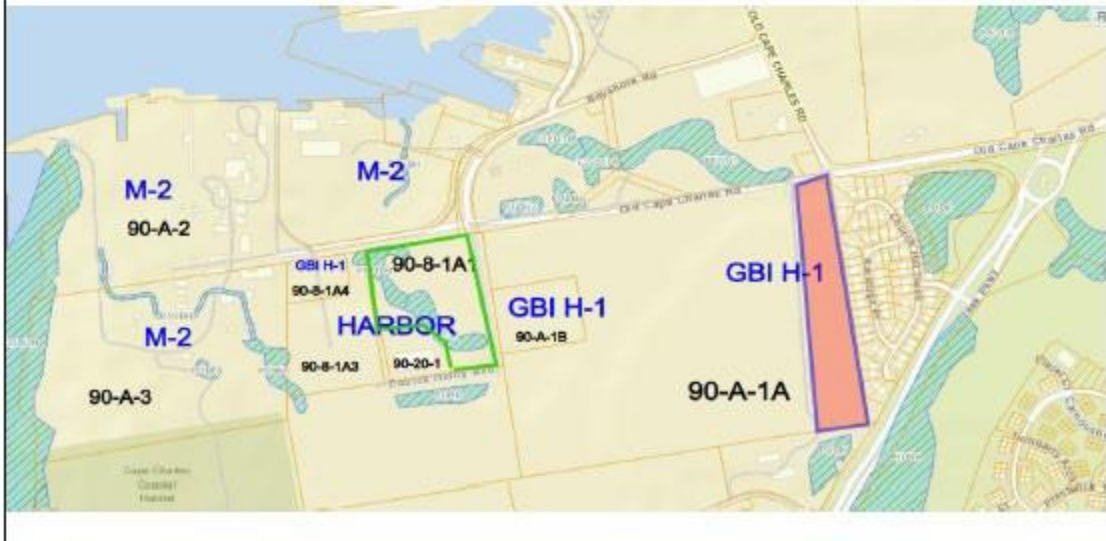
4

CURRENT ZONING with SELECTED PARCEL #s & AERIAL IMAGING



3

WETLANDS OVERLAY



4

WETLANDS OVERLAY WITH AERIAL IMAGING



5

Comments Heard and Submitted in Writing
July 13, 2021, Planning Commission/Town Council Joint Public Hearing

Phil Goetkin, 602 Jefferson Avenue

Conservation and protection of the trees and tree canopy is a well-documented high priority for the citizens of Cape Charles. Just take a look at the language included in the recently approved Strategic Planning Document or our most recently approved Comprehensive Plan; take a look at our Master Tree Plan or take a look at Appendix F of the Zoning Ordinance otherwise known as the Tree Conservation and Preservation Ordinance. All of these documents reinforce the critical importance of trees in our town.

The intent of the Master Tree Plan and the Zoning Ordinance is to develop a vibrant green infrastructure in all of our Town districts by protecting existing trees and promoting the planting of new trees. Appendix F of the Zoning Ordinance applies to all undeveloped property and property undergoing redevelopment. It requires a ten percent (10%) tree canopy cover for any site zoned business, commercial or industrial. It also requires a permit before any tree may be destroyed or removed. The Town Council, the Planning Commission, and the Town Staff need to work together to insure the Tree Preservation and Conservation Ordinance is strictly administered and enforced.

The zoning changes and rezoning being discussed tonight will certainly enable Coastal Pre-Cast Systems (or whoever might develop property in question) to increase the industrial base of the Town. I think we can all agree that economic development is a good thing – more jobs and an increased tax base. At the same time, we need to be aware of the potential environmental costs the development of these properties (90-8-1A 11.79 acres and 90-A-1A 7.66 acres) might create. The natural resources on these properties are at risk – the forest and all of the plants and animals that exist within it.

A property owner has the right to develop her or his property in any way the laws, rules and regulations permit. However, it is critical that development be done in an environmentally and ecologically sustainable manner. The development that has occurred in this area of Town over the last several years has fallen dramatically short. Trees have been clear-cut all the way to property lines. As recently as last week many more trees were being cut down. If the zoning changes being proposed are approved, it is my belief that the trees on these properties in question will be clear-cut as well – thereby, permanently changing these critical natural landscapes forever.

Before any decision is made on the zoning text changes or the rezoning request, I am requesting that a detailed tree plan that follows the Zoning Ordinance be submitted and approved. It is critical to know which trees will be saved and how these trees will be saved. Also, this plan should also be made public to insure that all citizens of this town are aware of what the consequences of this development could be.

Finally, I am requesting that the decision on these text changes and rezoning be deferred until additional input by all stakeholders can be developed and evaluated.

Good evening, Chairman Stramm, Mayor Dize and members of the Commission and Council. Thank you for the opportunity to speak to the proposed changes in the text of the Cape Charles zoning ordinances which would allow rezoning of parcel 90-8-1A1 from Harbor to General Business/ Light Industrial H1 (GBH/H1).

My name is Margaret Ballard. My husband and I reside full-time at 115 Mason Avenue, Cape Charles. I want to emphasize that my husband and I are NOT opposed to Precast Coastal Systems. We applaud the efforts of Dan McGhee, the plant manager, and the owners for keeping the doors of communication open. Our request is that the Planning Commission and Town Council create a much stronger vision of integrating the goals of Coastal Precast with the goals of ALL of the town's citizens, voters and property owners.

I also respectfully request that you delay the ordinance change until these proposals from Coastal Precast and the parcel owner have had a chance to be considered and completely reviewed by the boards and commissions the council has put in place to represent its citizens. (The Wetlands and Dune Commission, the Harbor District Review Board, the Tree Advisory board, and the Chesapeake Bay Preservation Board)

I would now like to review the Purposes of the GBH 1 District outlined in the current zoning ordinance.

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**

If the ordinance changes are passed without review by the various town organizations, where are the guard rails to ensure these purposes are fulfilled? Will the Commission recommend and the Town enact amendments that support these purposes?

Thank you.

July 13, 2021

My name is Joan Natali and I reside at 110 Blue Heaven Road in Cape Charles.

I have reviewed the complete agenda package and also reviewed the Zoning Ordinance referred to and under consideration tonight.

In general, I support the recommended revisions to Article III of the Zoning Ordinance and the rezoning of Tax Map #90-8-1A1 located at 1201 Bayshore Road from Harbor District (H) to General Business/Light Industrial H-1 (GBI H-1).

I have three concerns that I would like the Planning Commission and the Town Council to consider in their deliberations.

First: I understand that the change to the GBI H-1 District Conditional Use paragraph adds to statement 2:

or building or structure other than building may be constructed to a maximum height of 75 feet if the building is set back at least one hundred twenty-five (125) additional feet from the required setback for all yards abutting residential properties.

I understand that any proposed development of a property in this district has to apply for and go through the Conditional Use process. That process includes review and public hearings before a permit is either granted or denied prior to the development of the property, I personally think a height of 75' is too high for our Town.

Consider the following Zoning Ordinance Height Regulations for the Districts currently in that area:

- Harbor District – 40' height, (55' with a Conditional Use)
- GBI District & Industrial District M-1 – 45'
- Industrial District M-2 – 45' for buildings; 50' for structures other than buildings
- **General Business/Light Industrial H-1 (GBI H-1)** – 40' for buildings; 50' for structures other than buildings; (with a Conditional Use, Structures, other than buildings, exceeding 50 feet and Buildings over 40 feet but equal or less than 50 feet

I would like you to revise the 75' height maximum to 55', which I believe is the highest height currently stated in the Zoning Ordinance for the Town of Cape Charles.

Second, I am concerned about section F. Additional Development Requirements:

#9. the removal of "sirens" and "or other devices"

Please consider adding wording to ensure that noise from sirens or other devices are not so loud as to become a public noise nuisance to nearby residential neighborhoods and neighboring business(s) in the area. If not now, maybe the subject can be considered in the near future.

Third: Please do everything you can to ensure that as many trees, bushes and plantings present along the perimeter of a property in the areas south of the Harbor and north and east of the PUD are preserved, maintained and replaced if and when they die. Also require hedges, or fast-growing shrubs to be planted and maintained within the buffer yards as a noise-reducing element.

Thank you for your time and consideration.

Good evening. I am grateful to address The Planning Commission and Town Council.

The respect for residents, business and regulatory input has made Cape Charles a wonderful place.

My comments address the importance of effective Zoning Ordinances, with respect to Time, Transparency and Process.

My goal is not to influence an outcome but, ask questions about how the process *leading* to the outcome can be as inclusive as possible.

Your decisions affect the way we live, legislate, vote, and develop economically.

Planning Commissioners invest time, expertise and thorough study with everyone's best interests in mind, to ensure that Ordinances remain effective over time and changes evolve consistently with the Comprehensive Plan.

Prudence and due diligence are the foundation of any resilient framework.

In the Rezoning and Text Amendment application before the Planning Commission tonight, two parties have rightfully sought modifications to the existing Zoning and Text of Zoning Ordinance.

There is no criticism here. Business people with an interest in bringing more commerce to Cape Charles, and be profitable, is economic development.

A sound proposal is one where the shared interests of industry, residents, property stability and environmental sustainability are considered.

Our Planning Commissioners can assure they are making quality decisions by engaging the community, *before* a Resolution is advanced to Town Council.

For the Commission to exercise due diligence consult with Citizen Groups, Boards, Commissions, and Agencies may encourage and refine the initial proposal.

It takes time.

Time to review zoning, maps, and ordinance text.

Time to study Staff Reports

Time to ask Questions.

No Commission regardless of expertise can submit to Council a well-considered opinion, in a week. Council should respect the time it takes for the Commission to submit a more informed recommendation.

The practice of swiftly re-negotiating planning, zoning, and ordinance language, to accommodate an implied sense of urgency - often means we compromise our responsibility to fully explore and question the implications that those changes mean to the public at large.

In summary,

I request that citizens have ample time to read and study related documents and seek out our elected council members to ask questions and offer insights before a resolution is passed.

Changes that have such a visible impact on the landscape of the Town can be scary.

Let's mitigate the presumptive fear that can snowball into hostility and distrust, let's replace it with framework where community partners meet face to face; foster a sense of mutual cooperation, transparency, and support around change and growth.

I implore the Planning Commission to please return a decision tonight to:

defer The Resolution of Intent to modify the Cape Charles Zoning Ordinance § 3.14.

And provide a timeframe for the due diligence process, in which to advance a thoughtfully considered opinion to the Town Council.

Thank you.

Mark Tillotson, 216 Blue Heaven Road

July 13, 2021

Planning Commission and Town Council
Cape Charles, VA

My name is Mark Tillotson, and I would like to make the following statement for the permanent record to the Cape Charles Planning Commission public hearing on the Zoning Text Amendment.

My wife, Susan Tillotson, and I are residents of Cape Charles, and speaking for both of us, we **strongly** encourage the Planning Commission **to reject** the proposed zoning changes written by Coastal Pre-Cast Systems (CPS) and submitted by Mr. S Eyre Baldwin.

Today, I wish to respond to the request to change the Zoning of Lot 90-8-1A1 (referred to in the document as **Lot Baldwin**) from Harbor (H) to General Business / Light Industrial (GBI/H1). We **disagree** with Mr. Baldwin's assertion that the previous re-zoning of Lot 83A3-11-2 (referred to here after as **Lot Yacht**) set a precedent. That lot is **further** from the residential area of Bay Creek. While this rezoning action had the potential to negatively affect the Cape Charles because it is visible to downtown Main

Street, it was in keeping with the nature of the **Land Use Plan** for the Harbor in the Comprehensive Plan since it was planned to be a **yacht repair facility**. The change in zoning was needed to allow for the building of the repair facility. However ... for the Lot in question (**Lot Baldwin**), this property is closer to residential property and is **not anticipated to support** Harbor Planning, so it is **not the same**, and we feel **no precedent** has been set and that this action must **be evaluated on its own merits**.

Currently we live at the north end of the Hollies in Bay Creek. Already the existing noise from the CPS plant is obnoxiously loud. This proposal being considered brings additional industrial sounds even closer to within $\frac{1}{4}$ mile to our house.

This proposed change directly affects the residential property at New Quarter and the Hollies on Bay Creek. But we contend, just as we are dissatisfied with the level of noise that exists today from even a greater distance, expanding the industrial operations towards Bay Creek would put the **sale of the new residential lots** at Bay Creek in the Bluffs (to include the Muirfield Bluffs being advertised now) and Village J at **higher risk**. This **certainly** would not be good for the economic benefit to Cape Charles since all of these residents shop on main street, eat at the town restaurants and generally support Cape Charles economically.

Making it **less desirable** for visitors to come enjoy the tranquility and charm of the town of Cape Charles, as well as less desirable to live on the northern end of Bay Creek does not sound like it is in Cape Charles best interest. This re-zoning is obviously opportunistic for some at the expense of most others in Cape Charles.

Cape Charles has **previously** modified the Comprehensive Plan and **approved** a revised Town Zoning Map **without** additional study. As a former US Army Corps of Engineers leader in charge of **environmental planning** and a former Department of Veterans Affairs leader in charge of **community planning**, I am intimately aware how supposedly **minor changes** to a city plan can have a **large** unintended but negative impact on the local environment and economy. Based on my reading of the **Planning Commission Staff recommendation**, it appears that the town is prepared to continue to **incrementally change** the Zoning Map **by fiat**, rather than to **fully study** the effects to the Land Use Plan for Cape Charles (death by a 1,000 cuts). We think this is **shortsighted** in the interests of the city. Plus this could have a **domino effect** on other properties in this area without the due diligence required for a full review. For example, has an Environmental Impact Study (EIS) been prepared, complete with an analysis of **alternative options**, to determine the effects from **point source pollution** control into the Chesapeake Bay, **air pollution** control, a **noise level** study, or a Virginia Department of Transportation (VDOT) **Road Study** to determine the **affect of traffic** and the **safety** of the town residents and visitors? We contend that rezoning is **premature**, and that Cape Charles and its citizens do not have **sufficient knowledge** of this proposal to make this decision at this time as to the consequences of implementation.

So ... our objection to the proposal to redesignate the Lot Baldwin from H to GBI/H1 is based on **inadequate analysis** of the effects of this proposal. We feel that the negative impact to the community outweighs the benefits. We **strongly encourage** the Planning Commission to **reject** the proposed zoning changes.

Susan Tillotson, 216 Blue Heaven Road
July 13, 2021

Planning Commission and Town Council
Cape Charles, VA

Good evening, my name is Susan Tillotson. My husband Mark Tillotson previously spoke about the rezoning.

My intent is to address the text changes in the General Business / Light Industrial (GBI/H1) Zone requirements. The proposed text changes to the zoning requirements for Lot 90-8-1A1 (which we called Lot Baldwin), would also affect the wooded Lot 90-A-1A (which I will refer to as Lot Buffer) that is directly adjacent to the residential property on Bay Creek communities. In Section 3.14 General Business/Light Industrial H-1 (GBI H-1), A, the purpose of the "GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan". Currently, we know of no comprehensive development plan. This comprehensive development plan should:

1. Serve as a model for advancing the **traditional settlement patterns of Eastern Shore's town**;
2. Incorporate comprehensive, cost-effective approaches to resource conservation, **wise use of renewable resources**, and ecologically based industrial development in all aspects of the design and development of the project.

The July 2021 issue of "Southern Living" has an article titled: "The Best Little Beach Town in Virginia; Cape Charles Has Been Flying Under the Radar, but not Anymore." The article talks about historic Cape Charles as "the economic hub of the Eastern Shore until the decline of the railroad industry. Now more than 50 years later, the salty little hamlet has officially made a comeback, holding tight to its small-town character even as it welcomes a new and growing crowd of beach lovers." Changing zoning text will have a negative effect to this small-town character as defined later.

We are unaware of a comprehensive plan that is ecologically sound. Clearcutting trees (which is highly likely), while profitable for some, is certainly not ecologically sound nor probably a wise use of renewable resources. So, we object to adding "assembly and/or storage" as this will certainly have to be done by clearcutting ~~tress~~ since the existing lot is forested in order to make room for assembly and storage of large pre-cast items, those items that the company Coastal Pre-cast Systems indicate are primary products. The inevitable removal of trees will reduce the natural sound buffering for all adjacent properties.

Further, we do not support changing the height of buildings to 75'. This is 1.5 times higher than any structure in Cape Charles, other than the Water tower. Likewise for any other new owners, the provision for 75' high buildings in this area also would create the possibility of looming high-rise buildings over future residential areas.

As mentioned above, we strongly disagree with changing the text to allow sirens and OSHA warning signals (e.g. back up horn and door closure warnings) so close to a residential area. Allowing it on Lot Baldwin also allows these changes to Lot Buffer which is adjacent to residential neighborhoods.

We understand this to be in the economic interest of some entities. But it feels like this is the equivalent of clearcutting of a forest for strip mining extractions which you cannot suddenly reverse course and restore. You can expect there will be a rise in temperatures due to increased concrete / buildings where once stood groves of cooling and CO2 absorbing woods. Plus, flooding is more likely to be exacerbated on paved or hard packed ground. So, ask yourself these questions which have not been answered to our satisfaction without a study:

1. What is the effect on local agriculture?
2. What is the effect on local wildlife?
3. And ultimately, what will be the effect on the quality of life for residents and tourists in Cape Charles?

These are not just some tree-hugger perspectives. Cape Charles is a town with a permanent population of around 1,000 which swells to 4,000 in the "season". Those tourists and visitors are outdoorsy people, attracted by the bay, the beach, the town charm, the golf course, the fresh air, the bird life, the peace, a different pace of life. Have we really considered the risk to one of the largest employers in Cape Charles – the tourist and hospitality industry? We feel that this is an opportunistic short-term solution which has not been well thought out and researched. We strongly encourage the Planning Commission to reject the proposed zoning changes.

Instead, we propose a full study of possible options and better use of Mr. Baldwin's property that furthers both the town values and the economic well being of all residents, present and future. We also state for the record = these developments might best be underwritten by the town itself. Put it to a vote.

Laura Weigand, 632 Madison Avenue

July 13, 2021

Dear Honorable Mayor, members of town council and planning commissioners:

My wife and I have owned our home at 632 Madison Avenue for 5 years. We bought our home here originally as our future retirement home after falling in love with the peaceful, beautiful community here in Cape Charles. When the pandemic hit last year, we reassessed our life and decided it was time to move and enjoy this quiet beach community and live our happiest, healthiest life possible.

We are now full-time residents of the Town of Cape Charles and oppose the amendment of the zoning text amendment and zoning map amendment which would allow for Coastal Concrete to use the land as industrial and erect buildings taller than 40 feet.

How ironic that we moved from Los Angeles to escape overcrowding and a concrete landscape to Cape Charles and have to battle the eyesore of a concrete industrial plant taking over the coastal views in the marina. We understand that the plant brings jobs, great, so do a lot of other industries that could be established in town without destroying the landscape and wildlands that have drawn the residents of Cape Charles to call this their home and invest their hard earned money to restore this beautiful town.

As elected officials of the residents of Cape Charles, you all have a duty to be the voice of the residents of Cape Charles. Your decisions should represent the residents of Cape Charles. And as you can see by the overwhelming response to this issue, the residents oppose the expansion of Coastal Concrete. If the sale of the land moves forward with rezoning to allow industrial use to this land, where will it end? Isn't it bad enough how much they have continued to encroach on the coast line? They are already an eyesore, causing noise pollution and dust to those merchants on Mason Ave. I am sure this hinders the merchants business which relies on tourism. Tourists don't want to see giant buildings in the line of sight from their dinner at the Shanty, stroll down Main Street or balcony on the two hotels in town, not to mention the numerous vacation rental homes business which could also be effected.

Don't let the charm of this town be taken over by big industry with big money. Please vote NO to the amendment to the land use for the lot in question being sold by Baldwin to Coastal Concrete.

I expect this to be read for the record if I am unable to speak myself in person.

Thank you,

Laura Weigand & Michele Molina

632 Madison Ave.

Cape Charles

Nikki Tiffany

Subject: Zoning Changes

We feel that the Cape Charles natural area and the surrounding wetlands should be preserved as much as possible to protect the unique habitat environment and the wildlife that reside there. For this reason, we do not agree with the rezoning requests.

Nicki & Paul Tiffany
22650 Benders Lane
Cape Charles VA 23310
585-313-7582

David J. Parham

Subject: Zoning Changes

Dear Mayor Dize and Honorable Members of Town Council & Dear Honorable Commissioners:

I am writing in advance of the Joint Meeting of the Planning Commission/Town Council to be held on Tuesday, July 13 at 6:00PM to consider changes to the text of the General Business/Light Industrial H1 zoning district (GBI/H1) and Re-zoning parcel 90-8-1A1 from Harbor to General Business/Light Industrial H1 (GBI/H1) .

I believe these zoning changes could have a huge impact on the residents, businesses and general environment in Cape Charles and any decision related to zoning changes should not be rushed through without a proper and complete review. I don't feel that an educated decision on this matter could be made without such a thorough and complete review of all considerations and impacts and can't imagine how the Planning Commission and Town Council could decide without a complete comprehensive review. I respectfully request that any decision be postponed until all the potential impacts are thoroughly studied. I would suggest that all the various boards and commissions we have in Cape Charles should be given the opportunity to review any and all impacts of the proposed zoning changes, these include, but not limited to, the Wetlands and Dune Commission, Harbor District Review Board, Tree Advisory Board, and whoever is in charge of the Chesapeake Bay Preservation Ordinance. In addition, environmental impact studies should be conducted and impact of sound and dust pollution seriously considered.

We all agree that new business growth is desirable. However, years of comprehensive reviews along with professional consultation has set the comprehensive plan which is currently in place and has led to a rebirth of Cape Charles. The existing planning and zoning should not be hastily changed without a complete and proper evaluation of the economic impact to downtown businesses, commercial property values, taxes, and the impact on tourism along with any environmental impacts. This is a serious issue and requires a complete and thorough investigation before any decision is made.

Thank you for your considerations.

Best Regards;

David J. Parham

William Lowe

Subject: Comments from landowner for July 13 meeting

To the members of the Planning Commission and Town Council:

My wife and I own 101 Tazewell Avenue. We wish to comment on the proposed zoning changes allowing the expansion of the Coastal Concrete operation in Cape Charles.

Please have our opinions read into the record of the Town Council Meeting and Planning Commission Meeting on July 13, 2021. Additionally we ask that the comments also be read into the Record of the regular Town Council meeting on Thursday July 15, 2021. To begin with, we wish to say that we understand the importance of this business to the local economy, and their right to use the property in accordance with **current** zoning regulations. That being said, it does not enhance the view shed from Mason Avenue; it creates noise, dust, and negatively impacts the business district and tourism. We strongly oppose acquisition of more land to expand the operation. We object strongly to the proposed "Text" changes to GBI/H1 on its own merit and their impact on other parcels. We strongly oppose the rezoning request because of its impact on surrounding areas. We are also strongly opposed to any action that would allow buildings to exceed 40 feet.

Thank you for your consideration of our opinion in the matter.

Regards,

Karen Reed Lowe and William Richard Lowe

Dan Coffey

Subject: Coastal Concrete

We are full time Cape Charles residents, taxpayers and registered voters. We have kept silent over recent changes at the concrete plant realizing the long history of the concrete plant that offers much needed jobs. We were pleased by the apparent cooperation between the town and the concrete plant to reduce noise and dirt from the operation. However, the current rezoning proposal has caused us to realize that now is the appropriate time for us to voice our concern over the proposed rezoning as it may further destroy the delicate balance between industry and the scenic beauty of this town, one of our greatest and fragile resources.

We ask that the Town Council and Planning Commission take the time and due diligence to study the effects the proposed zoning changes may have on the Mason Avenue view shed, the Town Harbor, the parcel designated Wetlands/Harbor, the treescape, property values, the Baycreek development and the tourism industry. Of utmost concern is the request for an exemption for property zoned Light Industrial, to allow 75' tall buildings for the purpose of assembly and storage.

We wish Coastal Concrete success but also desire the continued success of Cape Charles. There is a delicate balance that is too important to the futures of both Cape Charles and Coastal Concrete. Please take the time and resources to insure that both Cape Charles and Coastal Concrete can work together for all.

Please read our comments into the record of both the July 13 Town Council/Planning Commission Joint Meeting as well as the July 15 Town Council Meeting.

Thank you.

Dan and Macy Coffey
615 Strawberry St.
Cape Charles, VA 23310

Dan Coffey
coffeyd@wlu.edu
(540) 460-1156

Macy Coffey
coffeym@wlu.edu
(540) 460-2390

Jim Granger

Subject: 13 July Joint Public Hearing – Town Council and Planning Commission

I am writing this to voice my opposition 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. I recognize the industrial nature of the south side of Cape Charles Harbor, however, 1201 Bayshore Road is much closer to the Yacht Center and Hook at Harvey. Marinas and restaurants are, in my opinion, a better use for that parcel. Also, allowing buildings up to 75 feet high would have a major negative impact on the view shed and appearance of the Harbor. For those reasons, I oppose the proposed Zoning Ordinance amendments and the proposed rezoning of 1201 Bayshore Road.

Sincerely,

Jim Granger

524 Jefferson Avenue
Cape Charles, VA 23310

Margot Gorske

Subject: Tuesday July 13th, 2021 Joint Meeting

The Gorske Family
205 Madison Ave.
Cape Charles, VA 23310

July 11, 2021

RE: Joint Meeting of the Planning Commission/ Town Council
Tuesday, July 12, 2021 6pm.

Subject: To consider changes to the text of the GB/LI H1 zoning district and to Re-zone parcel 90-8-1A1 from Harbor to GB/LI H1

Dear Planning Commission Members, Town Council, Mayor, and Town Manager:

I ask that you defer a decision on the above requested changes at this time. Coastal Precast Systems and South Port Investors, LLC wrote the changes to the wording and zoning for their mutual benefit. While not opposed to business advancement or a land purchase, I am opposed to this being approved without additional consideration.

Our wetlands, residents of the Hollies and New Quarter, future residents of lots abutting this parcel, our town; all would be affected by these changes. Structures would be permitted to nearly double in height. Sirens, audible devices, and outside manufacturing/assembly and storage would also be permitted. The parcel in question for sale is designated wetlands and zoned Harbor. This would change. The clear cut by Coastal Precast has already impacted the greensward near Waco and this affect would only increase.

Due diligence requires that decisions on rezoning and changes to the text be deferred until fully examined by our extant, cogent boards. Cape Charles Tree Advisory Board and the Wetlands Board need to review this proposal in consideration of current ordinances such as the Chesapeake Bay Preservation ordinance, Wetlands Ordinance, and the Tree Conservation and Preservation Ordinance.

This joint meeting of council and Planning commission followed by a meeting of Town Council next week is a clear effort to expeditiously decide this request. From 2008- 2021 only five zoning changes have occurred. I believe this underscores that we have time for due diligence before approving these changes. Please conclude today's meeting with an approval to defer a decision for the text and zoning changes until due diligence of cogent boards has occurred.

Sincerely,

The Gorske Family

Cape Charles Tree Advisory Board

TO: Cape Charles Town Council & Planning Commission

FROM: Cape Charles Tree Advisory Board

The Cape Charles Tree Advisory Board is concerned about the proposed zoning and text changes to accommodate the sale of Harbor area property to Coastal Precast Systems. There are many legal, aesthetic, economic and environmental aspects to consider in granting approval

for these changes; however, the focus of this letter is primarily on the environmental impact to this property and to the Town of Cape Charles.

This proposal would rezone a current heavily forested area with a section of wetland to light industrial. It would change the wording to allow indoor and outdoor "Assembly and Storage" and increase the size of the structures on this property to allow buildings up to 75 feet tall, the equivalent of a 5-story building. Additionally, any wording on landscape screening or environmental protection is, at best, vague.

With this, if the changes are approved, there is a high risk that the new owner would plan to treat this property as they have done the parcel of land recently purchased. The recently purchased land, directly to the north of the Cape Charles Nature Preserve, once offered a pristine approach through a native maritime forest which led to a lovely view of the Chesapeake Bay. It not only had value for its peacefulness and beauty, but it also offered shade to visitors seeking a cool respite during the hot summer months. This is no longer the case since all of the trees were cut down, leaving the land bare and destroying a high value asset for Cape Charles residents and visitors.

In evaluating the proposed zoning and text changes, TAB asks that the town to seriously consider the quality of life and environmental value that would be sustained through protecting this forested/wetland area. The existing flora and fauna residing on these properties provide a richness which could be forever lost if the changes were approved as written.

In weighing the pros and cons, the Town of Cape Charles would be wise to acknowledge the value that the existing trees provide to our town, to the Chesapeake Bay, and to the region as a whole. The reduction of air pollution, a serious health threat that causes asthma, respiratory and heart disease, and cancer, is one of the most valuable ways that trees benefit the community. This is done by removing harmful gases that contribute to smog, acid rain, and the greenhouse effect, a proven contributor to climate change. Trees sequester carbon dioxide in their roots, trunks, stems and leaves with one acre of forest able to absorb six tons of carbon dioxide per year according to the US Department of Agriculture. Just think of all the CO₂ absorbed by the many acres of trees under consideration which are now at risk of being replaced by the expansion of a concrete manufacturing plant!

If approved, the strong likelihood that existing trees will be removed from these parcels of land would result in even more negative impact. Residential properties adjacent to these areas would experience a loss of value as well as quality of life. With the ability of trees to slow down stormwater runoff, there is a risk that pressure on the town's wastewater filtration system would increase. And, with the proposal to expand plant operations to place it within view of Mason Avenue, the town's "Mayberry" image would be at risk of being replaced, instead, with the image of a small industrial town. The town would be wise to consider the aesthetic and economic impact to downtown businesses, property values, and tourism by the replacing the current tree line with unsightly industrial operations that offer no protection from the sounds of beeping and banging of heavy equipment and from residual air and water pollution.

It is to be noted, also, that there are current ordinances and regulations that address the management of Cape Charles trees. These legal guidelines provide the town with leverage to decline and, if necessary, control the amount of tree coverage allowed in a given area. The Town of Cape Charles' Zoning Ordinance, Appendix F, Tree Conservation and Preservation Act contains two specific requirements for tree preservation that apply in this instance. First, Section 1.4.1 A requires a ten percent (10%) tree canopy for a site zoned business, commercial or industrial. Second, Section 2.2 A requires that a property owner submit and have approved a tree removal permit before any tree can be removed or destroyed. It is incumbent on Town staff insure that such requirements are met by all applicants.

In summary, there is much to be considered in the response to the proposed zoning and text changes that are necessary to enable the expansion of the existing concrete plant. Before being too hasty in approving these changes, the town should exercise due diligence in evaluating all aspects of this proposal and obtaining input from all stakeholders. TAB encourages the town to weigh heavily the negative environmental impact that could result through the implementation of these proposed changes.

Respectfully Submitted by Members of Cape Charles Tree Advisory Board:

Christine Williams
Phil Goetkin
Barbara O'Hare
Joe Fehrer
Charlie Grizzard
Jane McKinley

Gary McKinney

Subject: Coastal Concrete Plant Expansion/Proposed Property Purchase and Rezoning
Cape Charles Town Council and Planning Commission,

As full-time residents of Cape Charles, Gary and I strongly oppose the expansion of the concrete facility. We are hopeful Town Council and the Planning Commission will also strongly oppose any expansion for Coastal Concrete by rezoning this property to allow large scale industrial use.

We already experience a huge amount of dust and noise on certain days from the facility. The dust has an unhealthy impact on the community and adversely affects our homes.

It is my understanding the parcel in question for sale is at present zoned harbor and a portion is designated wetlands. Therefore, should not the Chesapeake Bay Preservation Board and possibly other state entities be consulted prior to approval. Why is this being pushed through so quickly? At the very least, all residents and business owners should be given notice of these changes and proposals and given time to respond. Especially since the repercussions of approval would impact property values, the View Shed from Mason Avenue, and the wetlands.

We are asking you, as our Town Council and Planning Commission, to not make this worse! Please keep Cape Charles as magical as it is now.

Thank you for your consideration,
Gary and Shiela McKinney
14 Bay Avenue
Cape Charles, VA 23310

Luke Saunders

Subject: Coastal Concrete Concerns (to be read into the record of the Joint Meeting on July 13)

To whom it may concern:

My wife and I are relatively new to town. We decided to purchase in Cape Charles because it felt refreshingly removed from corporate commotion and the unchecked encroachment of inconsiderate industrial and commercial development.

That sentiment has changed as Coastal Precast Systems has continued to ramp up operations. It's been unfortunate to see CPS negatively impact much of the feel of the harbor and to some degree Mason Ave. It's noisy, it's an eyesore and it benefits very few in the town of Cape Charles.

I would like for us to strongly consider taking more time to evaluate the holistic impact that we would be enabling by allowing CPS to rezone and develop on more natural land along the harbor. I would also urge us to consider what other governing bodies or environmental agencies we should feel ethically obligated to partner with in making this decision.

Thanks for your consideration,

Luke Saunders
516 Madison

Robert D. Brown

Subject: 90-8-1A1 rezoning

Good evening,

I, Robert Brown and my wife, Donna Brown are property owners and residents of Bay Creek. We would recommend against rezoning the property adjacent to the resort as requested by the concrete plant. The area and adjacent property is part of the nature preservation area and is adjacent to housing in Bay Creek. Changes in the zoning of this area and commercial development would be detrimental to the environment and to quality of the life experience there.

Please consider the impact this would have on the environment, natural habitat, and socially in the area and deny a change in the zoning in this area.

Sincerely,

Robert Brown

Mary Barrow

Subject: To consider changes to the text of the GB/LI H1 zoning district and to Re-zone parcel 90-8-1A1 from Harbor to GB/LI H1

Dear Planning Commission Members, Town Council, Mayor, and Town Manager:

As a home-owner in the Historic district of Cape Charles, I am writing to request that any decision regarding the text of the General Business/Light Industrial H1 zoning district (GB1/H1) and Re-zoning parcel 90-8-1A1 from Harbor to General Business/Light Industrial H1 (GB1/H1) be **DEFERRED** until consideration can be given, and summaries submitted, from the various boards and commissions available to Cape Charles as objective resources for projections regarding the consequences of this decision. These entities would include but are not limited to:

- 1) The Wetlands and Dune Commission
- 2) The Harbor District Review Board
- 3) The Tree Advisory Board
- 4) The Historic Review Board
- 5) Any Chesapeake Bay environmental study committee(s)
- 6) Any real estate association
- 7) Mainstreet

While I believe that Coastal Cement has every right to ask for the changes suggested, I also believe that such changes may have unforeseen and potentially detrimental consequences to the town of Cape Charles.

I appreciate your consideration.

Sincerely,

Mary Barrow

Monroe Avenue

Lori Blewitt

Subject: Wetland, Cape Charles and Harbor Concerns

Does our community want more industry right on the bay? More noise and dust.

Once it's done, can it be undone? Why is this such a rush job? It appears to be a recent request within the last sixty (60) days. I think we should step back and not be pressured into making this decision without studying and considering all impacts this change could have on our environment and town. Who does this benefit?

Has the EPA and the Nature Conservancy been notified of this potential change and the impact it may have on the Chesapeake Bay? Is it against the law to make this type of decision without having notified these entities? The Chesapeake Bay has lost 90% of it submerged and 50% of its coastal marshes per the EPA. What will be the impact

on the nearby wetlands from the development of this parcel? Isn't it in the communities' best interest to preserve any wetlands in and around Cape Charles?

Do we want to contribute to this loss?

We have a Tree Conservation and Preservation Ordinance and a Tree Advisory Board. We are also bound by the Chesapeake Bay Preservation Ordinance. To date, it appears that none of those Boards or ordinances have been consulted. I did not see any minutes to this respect.

Noted from the Joint Meeting Planning Commission/Town Council Tuesday, July 13 at 6:00P: #6 -The purpose of the joint meeting of the Planning Commission and the Town Council is to gain the approval of the Planning Commission on July 13 and then allow the Town Council to approve it on July 22. This is too quick to fully understand the ramifications of the proposed amendment changes and the re-zoning.

I've heard recently that the town is trying to promote tourism in Cape Charles. In fact, we appear to be all about it if you own a rental home, restaurant or retail store. Eroding our nature is not conducive to this end if that is where we are heading.

Do we want to see and I quote from the Joint Meeting Planning Commission/Town Council Tuesday, July 13 at 6:00P:

"potentially outdoor pilings of raw and waste materials and newly assembled products awaiting transport and/or delivery and warehousing in newly constructed facilities of 75' tall)".

When Coastal Precast purchased this facility, I would think they knew what they were getting and that it would be sufficient for their needs. Or, were they hedging their bets and given the wink, wink on expanding and expecting the town to allow them to do just that without question.

We want to see new job opportunities but not at the expense of our natural environment.

From what we've heard town council has already rubber stamped this huge change. How can that be decided so quickly? How can you do this without all of the environmental agencies being involved and to analyze and consider the impact. I am certainly not qualified, are you?

Please consider your vote carefully that you are about to take - does this truly benefit Cape Charles, our community and the Chesapeake Bay?

Sincerely,

Lorian Gallagher-Blewitt
A Come Here of 30+ years
Cape Charles, VA

John D. and Jeanne B. Evans, 4512 Park Road, Alexandria

Dear Ladies and Gentlemen:

This letter is from John & Jeanne Evans, owners since 2004 of the house and property located at 207 Monroe Ave in Cape Charles. We are writing in reference to the joint meeting of the Planning Commission and the Town Council to be held on July 13, 2021. First of all, thank you for providing homeowners and residents with an opportunity to express our thoughts and opinions on the proposed changes to the Zoning Code which would allow for expansion of the cement factory. In short, we are strongly opposed to the requested change in zoning and to any expansion of the factory so close to the Town Center and recreational areas adjacent to the town harbor, including the beach and the fish pier. Please do not rush to a decision in this matter that is so critical to the Town and its future. This matter is far too important to be decided without proper studies and recommendations by experts in land use management, environmental studies, conservation of land and animal species.

When we read of the proposed plans, the first thought that came to our minds was a quote from Thoreau: "Thank God they cannot cut down the clouds!"

We want to see people on the lower Eastern Shore being given the opportunity for employment that the factory provides. At the same time, we want to see that the

beauty of the land and green spaces surrounding the harbor are preserved and protected and, also, that the air quality standards are met and the air is safe to breathe. We are greatly concerned that the proposed growth of the cement factory will increase the amount of dust we are breathing and also increase the level of noise pollution that already exists with the present size of the factory.

Cape Charles has a charm that deserves protection and we do not believe that expanding the size of the cement factory is in the best interests of the residents or visitors. Tourists and new home buyers coming here in recent years have made a significant impact on the local economy and we believe many will no longer want to return here if the dust, noise, air quality and unsightly machinery increase in size and volume.

We urge the Planning Commission and the Town Council to adopt an environmentally sound approach and vote to deny or at least delay the rezoning request for the property adjacent to Fuji Waco Lab and the nearby conservation area pending in-depth studies of the long-range implications of such a critical decision. We thank you in advance for your consideration of our concerns and urge you to vote for preservation and protection. With climate change increasing around the world, we all need to do what we can to counter global warming in our own backyard and to do our best to protect the environment and manage precious resources.

Thank you for this opportunity for public comment. Please do not rush to judgement, but consider public opinion and request expert assistance. This decision is far too important to be taken without adequate input from experts and feedback from constituents.

Yours sincerely,

(signed)

John D. Evans and Jeanne B. Evans

July 12th, 2021

To the members of Cape Charles Town Council and Planning Commission

Dear members,

I understand you will discuss some serious amendments to Cape Charles zoning. I am in favor of business development in the municipality of Cape Charles if it benefits the People living here full time.

Regarding the project currently discussed, I would like to know how it will:

- Generate substantial revenues to the town?
- Protect the environment (I already notice serious deforestation)?
- Improve the quality of life of the residents?

If Cape Charles is an historic town with a beach then the view, the noise, and the dust generated by the existing concrete plant does not fit the description of who we are and want to remain.

Cape Charles is experiencing a major population change mostly due to the property values. Do not jeopardize the opportunity to attract higher income patrons to the existing retailers by transforming Cape Charles into an industrial park.

Your administration has been weak to raise revenues for the town outside increasing taxes; everything is free for the visitors: parking, pier, beach and concerts. Maybe it is time to think out of the box. Instead of granting an out-of-control extension of the concrete plant, maybe one could focus on attracting other businesses more related to who lives and visits Cape Charles. Don't you feel there is need for entertainment like a good size minigolf and an indoor shooting range for example. These businesses will buy or lease the land necessary for the activities.

I count on you to do the right thing. Do not change the character of Cape Charles, the concrete plant is big enough and bigger will not be better for all of us.

Sincerely,

Eric Feuillatte

Lothar and Cornelia Haselberger, 208 Harbor Avenue

Subject: Joint Meeting on July 13th, 2021

Members of the Planning Commission and the Town Council,

Please read this into the record of the Joint Meeting on July 13th:

It is with great concern that we – home owners in Cape Charles since 2007 – see both the haste and the magnitude of what is under consideration at today's meeting. We would like to voice our views as we cannot attend the meeting in person.

In one hastily scheduled decision, major zoning changes are requested that, directly or indirectly, will impact indefinitely those who work, live, or vacation in Cape Charles – all this for a text change in current zoning that allows the one requesting person to receive a higher sales value for property owned.

The consequences will be permanent and irreversible and, we believe, to the detriment of our community. The wording in the "Community Call" leaves no doubt about:

- the domino effect on developers and corporations intending to bring light industry to Cape Charles
- the massively intensified use of current lots for the monoculture of one heavy industry (intending to nearly double the existing factory building heights to 75 feet!)
- the lasting side effects on
 - the view sheds from Cape Charles
 - the adjacent Nature Preserve (parcel 90-A-4C)
 - the existing WACO Fuji Lab
 - the adjacent private properties.

We urge the Planning Commission and the Town Council to resist both the temptation and the pressure of the proposed changes,

Respectfully,

Lothar and Cornelia Haselberger