

Notice of Joint Public Hearings

The Cape Charles Planning Commission and Town Council will hold joint public hearings on Monday, August 15, 2016 at 6:00pm at the Cape Charles Civic Center at 500 Tazewell Avenue to receive comment on the following:

- 1) A request for zoning map amendment to rezone Parcel 83A3-11-2 from Harbor District to Industrial District M-2.
- 2) A conditional use permit application for the following proposed conditional uses at Parcel 83A3-11-2: marine port facility, boatyard, bulk storage, transfer facility. The following uses are permitted in the M-2 District by conditional use (Cape Charles Zoning Ordinance Article III, Section 3.13.C.7-10, 13 and 23):
 7. Concrete plant; manufacturing, sales, and distribution of concrete and related products
 8. Railroad tracks, sidings, yards, or roundhouses
 9. Marinas, docks, and wharves, if contiguous to the Cape Charles Harbor
 10. Port facilities; marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and/or transport of containerized, bulk, and/or other cargo
 13. Outdoor storage provided it shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits
 23. Structures, other than buildings, exceeding 50 feet

The Planning Commission will hold their regular monthly meeting to vote on recommendations to Town Council for both applications immediately following the public hearings.

Information on the conditional use permit application can be viewed online at www.capecharles.org under Agendas, in the Planner's Office at 2 Plum Street or obtained by phone at 757-331-3259 x15, or email to planner@capecharles.org.

Planning Commission Staff Report

From: Larry DiRe 
Date: August 15, 2016
Item: 5a-Application for proposed zoning map amendment for tax map parcel # 83A3-11-2
Attachments: Application; letters; preliminary site plan; area map

Item Specifics

Application was received from the current owner and the contract purchaser to amend the zoning map for parcel 83A3 – 11 – 2 from the current Harbor District designation to the proposed Industrial M - 2 District. At the July 18, 2016 Planning Commission meeting, the Commissioners set August 15th as the date for public hearing as required in Article II Section 2.7.2.B of the Zoning Ordinance. A joint public hearing with the Town Council was held scheduled for August 15th to receive public comments on this application. Before any map amendment can be made the Planning Commission is to make a recommendation to Town Council on the applicant's request.

Discussion

The application for zoning map amendment for the above cited parcel comes from the expressed desire of the owner and contract purchaser to have the lot used for industrial purposes. Currently the lot stands vacant and is designated as Harbor District. According to Article II Section 2.7.1 zoning map amendments are allowed for "public necessity, convenience, general welfare, or good planning practice" purposes. This parcel is contiguous to an Industrial M – 2 District lot to the immediate west, and a General Business\Light Industrial District lot to the immediate south. Currently the Virginia Department of Transportation is improving an adjacent state roadway (Route 642).

Staff finds the application meets the Article II Section 2.7.1 standards, specifically the "good planning practices" clause. The current Harbor District designation has been underperforming particularly for parcels southside of the harbor. That District has experienced some modest development along the Mason Avenue mixed-use area. In recent years several large-scale developments have been proposed for the District, with no development occurring. Indeed, the location of a large industrial facility (Bayshore Concrete Products) as the western most border parcel, and the municipal wastewater treatment plant as the eastern-most parcel within the Harbor District may be zoning uses that are not practical use good neighbors for the type of development expected when the Harbor District was created. Among the land uses proposed for this parcel and adjoining area in the August 4, 2006 Harbor Area Conceptual Master Plan are residential mixed use and working waterfront (page 18). It should be noted that the 2006 document was the product of a comprehensive public input and planning process within the context of pre-2007 Recession economic development goals, and anticipated availability of capital investment.

In addition, the Town's 2009 Comprehensive Plan cites the Industrial (GB, M-1) and STIP Districts land use summaries (page 19) as "do not detract from residential desirability" and "encourage the revitalization of the local industrial economy and historic Port of Cape Charles." Since 2009 the STIP District designation has been removed. The Industrial M-2 District designation was created to accommodate those land uses. The Industrial M-2 District Statement of Intent section (Article III Section 3.13.A.1-5) language is virtually identical to the 2009 Comprehensive Plan STIP description language (Section III.3.3, page 17). Since both Town planning and zoning documents speak directly to the desired goals of revitalizing industry, and

the historic Port of Cape Charles, and advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers the opportunity to advance those goals on a parcel appropriately geographically situated should be pursued as a "good planning practice."

In conclusion, since Cape Charles organizes land uses according to the principles of Euclidean Zoning, the location of similar uses adjacent, or proximate, to each other conforms to overall "good planning practices."

Recommendation

Staff recommends that Pursuant to Article II Section 2.7 of the Zoning Ordinance the Planning Commission recommend approving this application for zoning map amendment as presented.

MUNICIPAL CORPORATION OF CAPE CHARLES, VIRGINIA
Application for Zoning Map Amendment

Zoning Map Amendment Number: _____ Date: JULY 8, 2016

Map Reference: _____ Tax Map Sheet: O83A3-22 SEC 083A3 OA-00-2
Parcel: LOT 2
Deed Book: 298 PAGE 595; PLAT BOOK 26 PAGE 9

To the Governing Body of the Town of Cape Charles, Virginia

1. I/We CHERRYSTONE I LLC owner(s) contract owner(s)
2. of PO BOX 395, EASTVILLE, VA 23347 (Mailing Address)
(757) 331-3100 (Telephone) _____ (Fax)
3. do hereby petition you to amend the Zoning Map of the Town of Cape Charles, Virginia, by reclassifying and rezoning from the HARBOR District to the INDUSTRIAL (M2) District the property described as follows and shown on the attached plat and outlined in red attached hereto, which is made a part of the application.
4. 1267 BAYSHORE ROAD (Address of Property, if any)
CAPE CHARLES CAPEVILLE DISTRICT (Magisterial District)
18.4 AC (Total Area - acres or sq. ft.)
5. Property Location SOUTH SIDE OF CAPE CHARLES HARBOR
6. Description of Property (attach if described by metes and bounds) APPOX. 18 ACRE FORMER INDUSTRIAL SITE ADJACENT TO SKANSKA YARD.
7. Proposed Use MARINE PORT FACILITY, BOATYARD, BULK STORAGE, TRANSFER FACILITY. SEE TRANSMITTAL LETTER FOR MORE SPECIFIC DESCRIPTION
8. HARBOUR DEVELOPMENT GROUP, LLC - PATRICK CUNNINGHAM (Name of Owner of Record)
2728 NESTLEBROOK TRAIL, VIRGINIA BEACH, VA 23456 (Address)
9. Signature of Owner(s) _____
SEE ATTACHED LETTER
Signature of Contract Owner(s) X
S.E. Baldwin (Agent)
By: PO Box 395 Eastville VA 23347 (Address and phone)

(Office Use Only)

	Date	Time	Action
Planning Commission Public Hearing:	(1) _____		
	(2) _____		
Town Council Public Hearing:	(1) _____		
	(2) _____		

Supplemental Information Required (check appropriate items)

- Legal Plat
- Plan of Development
- Other _____
- Fee: Single Family \$300 + \$50 ac. Multi-Family \$600 + \$70 ac. Commercial \$600 + \$70 ac.



July 8, 2016

Ref: 34205.00

Larry DiRe
Municipal Building
2 Plum Street
Cape Charles, Virginia 23310

Re: Rezoning Request for Lot 83A3-11-2-South Cape Charles Harbor:

Dear Mr. DiRe:

As we have discussed, Cherrystone I LLC is currently under contract to purchase Lot 83A3-11-2, an approximate 20 acre parcel located along the southern shoreline of Cape Charles Harbor. Cherrystone's purchase of this property is contingent upon its ability to implement a development plan that incorporates facilities for a marine terminal and a boat yard that performs major repairs and maintenance on commercial fishing vessels and mega-yachts. The boatyard will be operated in cooperation with Cape Charles Yacht Center, the adjacent waterfront property owner to the east (Lot 83A3-11-1). Both properties are currently in the Harbor District zoning designation.

While the Harbor District allows for a marina, associated facilities and operations, it does not specify port or terminal facilities as a by-right or conditional use. Therefore, we respectfully request that the Town change the zoning designation of Lot 83A3-11-2 from Harbor District to Industrial District M-2. Accordingly, please find attached the 1) Application for Zoning Map Amendment; 2) Owner's Authorization Letter; 3) Legal Plat and, 4) Proposed Plan of Development for your review and distribution to the Planning Commission.

We understand that following rezoning approval, a Conditional Use Permit will be needed to operate the intended facilities. Cherrystone wishes to make the Planning Commission aware of its intent to apply for a Conditional Use Permit for the following designated Conditional uses:

- No. 7 Concrete plant; manufacturing, sales and distribution of concrete and related products
- No. 8 Railroad tracks, sidings, yards or roundhouses
- No. 9 Marinas, docks and wharfs, if contiguous to Cape Charles Harbor
- No. 10 Port facilities, marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and /or transport of containerized, bulk, and or other cargo
- No. 13 Outdoor storage (with required screening)
- No. 23 Structures, other than buildings, exceeding 50 feet

Cherrystone's intention is to accommodate both currently planned and potential future uses of the property consistent with its stated purpose.

The attached development plan depicts the anticipated improvements to the property. Cherrystone and its partners intend to demolish the existing dilapidated docks and remove the concrete debris from the shoreline. A new dock/wharf facility will be installed and the shoreline will be stabilized using a living shoreline approach

Engineers | Scientists | Planners | Designers

351 McLaws Circle
Suite 3
Williamsburg, Virginia 23185
P 757.220.0500
F 757.903.2794



which includes a stone sill for wave protection backed with sand fill and marsh and buffer plantings. Existing vegetation will be left as screening at select locations around the site and new buffer plantings will be installed to provide a screen in areas where vegetation is lacking. Stormwater management will be handling in accordance with current regulations and will be incorporated into the natural landscape features to the degree possible. It is understood that a more complete site plan must be prepared for the Conditional Use Permit and for the Town's site plan review process. At that time, all engineering, stormwater management and rights-of-way requirements will be addressed in detail.

We suggest that this request represents an exceptional opportunity for the Town as it is a reasonable zoning action that is consistent with each of the specific objectives of the M-2 District:

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. Encourage cost effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.

A change to the Industrial District M-2 compliments the surrounding properties, which are either already in the M-2 District or have related designations that are not in conflict with the intended uses. The recently initiated improvements to State Route 642 for the purpose of "enhancing access to the Cape Charles Harbor" provides further support for the appropriateness of the requested re-zoning.

We note that there is a degree of urgency with this request as Cherrystone has immediate opportunities with two potential operating partners; one, a major east coast commercial fishing consortium and the second an internationally prominent shipyard with existing operations in the northeast. Both entities have expressed a desire to be operational on the site in early to mid-2017.

Should you have any questions regarding this application or require additional information, don't hesitate to contact me at 757.220.0500 or 804.695.4344. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Neville Reynolds".

R. Neville Reynolds, PWS

Managing Director – Williamsburg

CC: Eyre Baldwin
Jim Gunn
Dan Brown
Bert Turner, Esq.

June 15, 2016

Patrick Cunningham
Harbour Development Group, LLC
2728 Nestlebrook Trail
Virginia Beach, VA 23456

Brent Manuel
Cape Charles Town Manager
2 Plum Street
Cape Charles, VA 23310

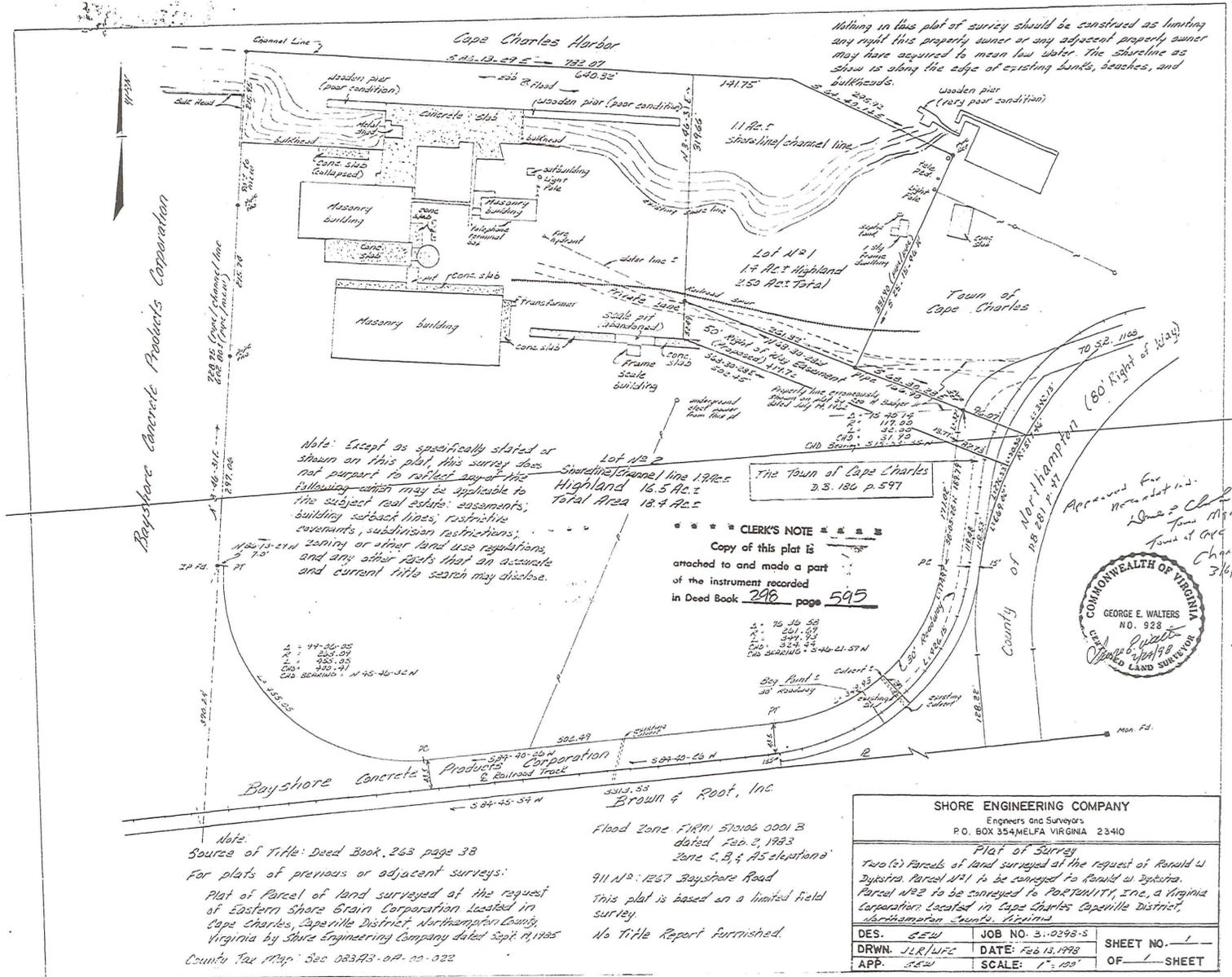
Dear Mr. Manuel,

Please allow Cherrystone I, LLC, Eyre Baldwin, and/or James Gunn to submit a request to Town of Cape Charles to change the zoning of lot #83A3-11-2 to Industrial. The parties mentioned above have contracted to purchase this land. Please let this correspondence serve as current land-owner consent allowing Cherrystone I, LLC/Baldwin/Gunn to move forward with the zoning request. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick L. Cunningham', with a long horizontal flourish extending to the right.

Patrick L. Cunningham
Managing Member - Harbour Development Group, LLC



Nothing in this plat of survey should be construed as limiting any right this property owner or any adjacent property owner may have acquired to mean low water. The shoreline as shown is along the edge of existing banks, beaches, and bulkheads.

Note: Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate easements; building setback lines; restrictive covenants, subdivision restrictions; zoning or other land use regulations; and any other facts that an accurate and current title search may disclose.

CLERK'S NOTE
Copy of this plat is attached to and made a part of the instrument recorded in Deed Book 296 page 595



SHORE ENGINEERING COMPANY Engineers and Surveyors P.O. BOX 354 MELFA VIRGINIA 23410		
Plat of Survey		
Two (2) parcels of land surveyed at the request of Ronald W Dykstra. Parcel #1 is to be conveyed to Ronald W Dykstra. Parcel #2 is to be conveyed to PORTHORITY, Inc., a Virginia Corporation located in Cape Charles Capeville District, Northampton County, Virginia.		
DES. G.E.W.	JOB NO. 3-0298-5	SHEET NO. 1
DRWN. J.L.R./L.W.C.	DATE: Feb 13, 1998	OF 1 SHEET
APP. G.E.W.	SCALE: 1" = 100'	

Note:
Source of Title: Deed Book, 263 page 38
For plats of previous or adjacent surveys:
Plat of Parcel of land surveyed at the request of Eastern Shore Grain Corporation located in Cape Charles, Capeville District, Northampton County, Virginia by Shore Engineering Company dated Sept 17, 1985
County Tax Map: Sec 02343-07-00-022

Flood Zone FIRMI Floods 0001 B dated Feb 2, 1983
Zone C, B, & A5 elevations
911 N.P. 1267 Bayshore Road
This plat is based on a limited field survey.
No Title Report furnished.



June 8, 2016

Brent Manuel
Cape Charles Town Manager
2 Plum Street
Cape Charles, VA 23310

Dear Brent,

Thank you for meeting me on Monday at our site on the harbor. In order for our business to reach expectations we must expand our physical presence on Cape Charles Harbor. We have contracted to purchase the 20 acre tract of land in between Bayshore Concrete and our site. We are hopeful this transaction will be complete by October 1, 2016.

One of the contract contingencies is a change in the zoning classification from Harbor District to Industrial. We will provide justification for the request at a later date. Please let this correspondence serve a formal request to change the current zoning on lot #83A3-11-2. Thank you.

Sincerely,

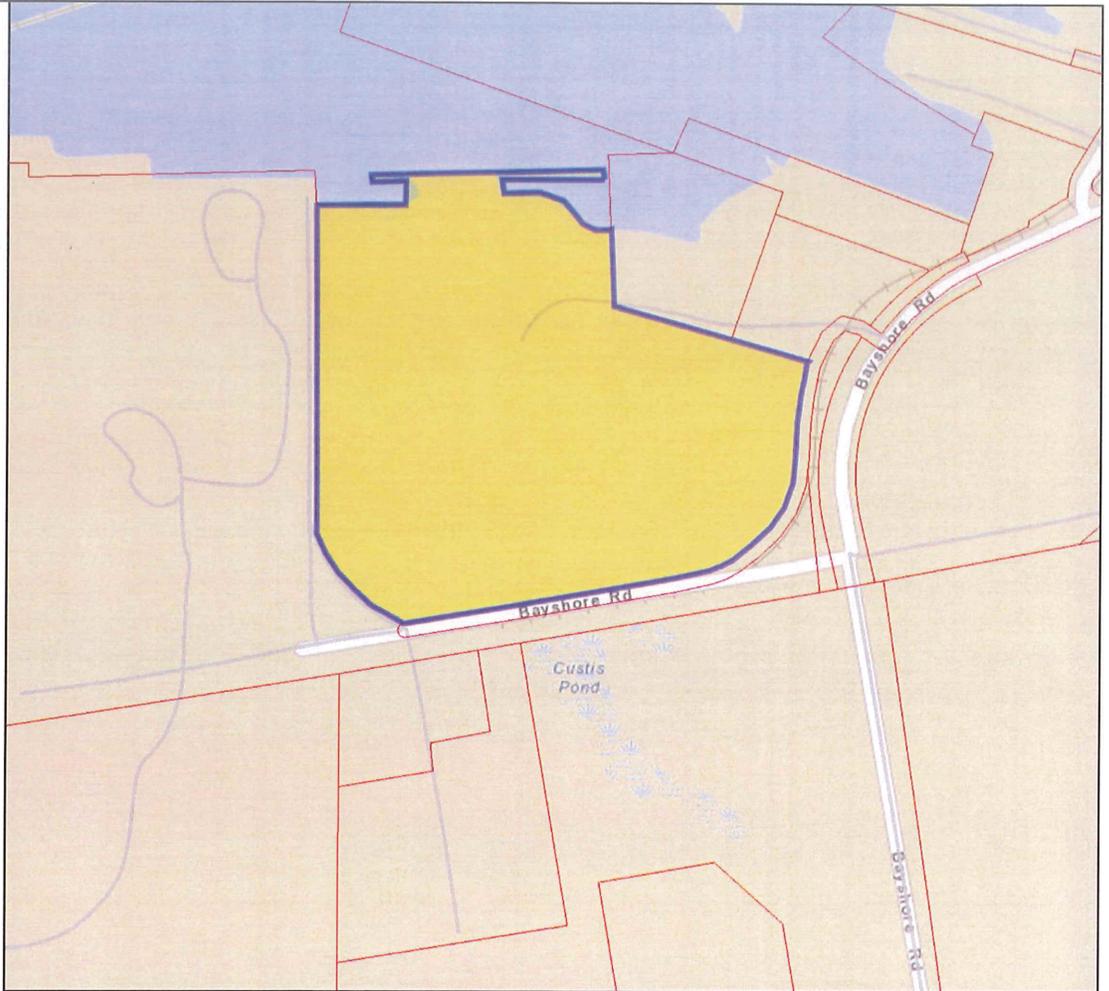


S. Eyre Baldwin
Managing Member - Southport Investors, LLC

Northampton County, Virginia

Legend

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



Map Printed from Northampton
<http://northampton.mapsdirect.net/>

Feet

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

Title: Parcels

Date: 7/8/2016

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

Planning Commission Staff Report

From: Larry DiRe 
Date: August 15, 2016
Item: 5b - Tax map parcel # 83A3-11-2 Conditional Use Permit application for a variety of port and industrial uses
Attachments: Application form, letters, preliminary site plan

Item Specifics

Staff received an application for a conditional use permit to perform a variety of port and industrial uses at tax map parcel #83A3-11-2. The conditional use permit process is described in *Article IV Section 4.3* of the Town Zoning Ordinance. *Article IV Section 4.3.B* states the Conditions for Issuance as follows: 1) not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood; 2) not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; 3) not be in conflict with the purpose of the comprehensive plan of the town.

The applicant seeks conditional use permits for the following industrial and port conditional uses (*Cape Charles Zoning Ordinance Article III Section 3.13.C.7-10, 13, and 23*) at parcel tax map # 83A3-11-2:

- 7. Concrete plant; manufacturing, sales, and distribution of concrete and related products*
- 8. Railroad tracks, sidings, yards, or roundhouses*
- 9. Marinas, docks, and wharves, if contiguous to the Cape Charles Harbor*
- 10. Port facilities; marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and/or transport of containerized, bulk, and/or other cargo*
- 13. Outdoor storage provided it shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits*
- 23. Structures, other than buildings, exceeding 50 feet*

The Cape Charles Comprehensive Plan states the following about the importance of industrial and navigational activity to the Town economy: *The Town must be involved in development of the area formerly known as the STIP (Sustainable Technologies Industrial Park) and several other large land tracts. It must continue support of existing economic infrastructure including the harbor and railroad (Section II.4 Economy, page 10).* The Comprehensive Plan further states:

III.3.2 Industrial

The Industrial designation permits certain industries, which do not in any way detract from residential desirability, and will not be permitted to locate in any area adjacent to a residential area. This category should contribute to the existing maritime and industrial nature of Cape Charles and may consist of buildings used for manufacturing and warehousing. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation (page 17).

The parcel's location is not proximate to any residential district. Certain residential development is allowed as conditional use in the Harbor District, with upper floor residential being by right in the Main Street Mixed Use area. While the 2006 *Conceptual Master Plan and Design Guidelines* describe an area with mixed use and residential development throughout, including for the subject parcel, the lived experience of the past decade shows no such development occurring and shifts in local demographics as well in the regional and national economy that may continue being a long-term block on such envisioned development patterns.

As a precaution against potentially adverse development within the Industrial M-2 District, *Article III Section 3.13.F* defines a series of requirements. All development activities in the District need to conform to these requirements. That section reads as follows:

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 and 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 four-foot centers 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.*
- 3. No parking or drive aisles shall be located within the required buffer yards.*
- 4. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the M-2 District.*
- 5. No outside manufacturing, assembly, or servicing of products used on the property or trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.*
- 6. 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.*
- 7. No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or other devices designed to or which transmit a warning message or other communication or signal audible outside any building shall be allowed on the property. No equipment used outdoors, excluding half-ton trucks, shall be equipped with or use any device to emit a warning noise or audible signal while in use on the property.*
- 8. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.*
- 9. No delivery or transmission of materials of products shall be permitted to or from the property by truck or rail before 8 a.m. and after 9 p.m. Monday through Saturday and no such deliveries to or from the property by rail or truck, excluding half-ton trucks, shall occur on Sunday.*

Several of the proposed conditional uses presented by the applicant easily reconcile with the Conditions for Issuance as stated in *Article IV Section 4.3.B*. Among these uses are: 7) *Concrete plant; manufacturing, sales, and distribution of concrete and related products;* 8) *Railroad tracks, sidings, yards, or roundhouses;* 9) *Marinas docks, and wharves if contiguous to the Cape Charles Harbor*. Staff believes these easily reconcile due to current conditions on adjacent or proximate lots (existing Bayshore Concrete Products plant and railroad tracks), or because the adjacent Harbor District lots can be the site of the proposed conditional uses in the Industrial M-2 District as by right uses (marinas, docks, and wharves if contiguous to the Cape Charles Harbor).

The proposed conditional uses in *Section 3.13.C.10* and *.23* are more difficult to reconcile with the Conditions for Issuance since there are more possible variables with the operation of each individual use. For example, given the proximate water, road, and rail transportation an intermodal terminal or transportation center fits each of the three Conditions for issuance.

However, also under *Section 3.13.C.10* “containerized, bulk, and/or other cargo” is amorphous. Likewise, both the zoning ordinance and comprehensive plan are silent on such cargo and containers. Without specifics it is difficult to reconcile the proposed conditional use with the Conditions for Issuance. Given the presence of large structures on the adjacent concrete plant lot it can be stated with relative confidence that the presence of such structures on the subject lot as a conditional use pose little potential for adverse or detrimental effects on the neighboring properties. Again, it is not possible to make that unqualified statement not knowing what those structures would be. Finally, if the proposed uses in *Section 3.13.C.13* (outdoor storage) conform to the requirements of *Section 3.13.F.4, .8, and .9* then the Conditions of Issuance should reconcile.

Discussion

Staff finds the application in order. The applicant must meet all procedural obligations before approval of a conditional use permit for certain industrial and port uses at this location.

Recommendation

Staff recommends that the Planning Commission discuss the application as needed and make a recommendation to the Town Council for action on this conditional use permit application.



July 29, 2016

Ref: 34205.00

Larry DiRe
Municipal Building
2 Plum Street
Cape Charles, Virginia 23310

Re: Conditional Use Permit for Lot 83A3-11-2-South Cape Charles Harbor

Dear Mr. DiRe:

As we have discussed, Cherrystone I LLC is currently under contract to purchase Lot 83A3-11-2, an approximate 20 acre parcel located along the southern shoreline of Cape Charles Harbor. Cherrystone's purchase of this property is contingent upon its ability to implement a development plan that incorporates facilities for a marine terminal and a boat yard that performs major repairs and maintenance on commercial fishing vessels and mega-yachts. The boatyard will be operated in cooperation with Cape Charles Yacht Center. Cherrystone I LLC is currently also under contract to purchase the adjacent lot to the east (Lot 83A3-11-1). Both properties are currently in the Harbor District zoning designation.

While the Harbor District allows for a marina, associated facilities and operations, it does not specify port or terminal facilities as a by-right or conditional use. Therefore, we respectfully request that the Town change the zoning designation of Lot 83A3-11-2 from Harbor District to Industrial District M-2. On July 8, 2016 we submitted a request for zoning map amendment comprised of the following elements: 1) Application for Zoning Map Amendment; 2) Owner's Authorization Letter; 3) Legal Plat and, 4) Proposed Plan of Development. Since the proposed uses of Lot 83A3-11-1 are allowed under the Harbor District zoning (marina and related activities), rezoning of this parcel is not necessary.

We understand that following rezoning approval, a Conditional Use Permit will be needed to operate the intended facilities on Lot 83A3-11-2. Accordingly, we are submitting the attached Application for Conditional Use Permit and required supporting information for the following designated Conditional uses:

- No. 7 Concrete plant; manufacturing, sales and distribution of concrete and related products
- No. 8 Railroad tracks, sidings, yards or roundhouses
- No. 9 Marinas, docks and wharfs, if contiguous to Cape Charles Harbor
- No. 10 Port facilities, marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and /or transport of containerized, bulk, and or other cargo
- No. 13 Outdoor storage (with required screening)
- No. 23 Structures, other than buildings, exceeding 50 feet

Cherrystone's intention is to accommodate both currently planned and potential future uses of the property consistent with its stated purpose.

The attached development plan depicts the anticipated improvements to the property. Cherrystone and its partners intend to demolish the existing dilapidated docks and remove the concrete debris from the shoreline. A new dock/wharf facility will be installed and the shoreline will be stabilized using a living shoreline approach which includes a stone sill for wave protection backed with sand fill and marsh and buffer plantings. Existing

351 McLaws Circle

Suite 3

Williamsburg, Virginia 23185

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F 757.903.2794

Engineers | Scientists | Planners | Designers



vegetation will be left as screening at select locations around the site and new buffer plantings will be installed to provide a screen in areas where vegetation is lacking. Stormwater management will be handling in accordance with current regulations and will be incorporated into the natural landscape features to the degree possible. It is understood that a more complete site plan must be prepared for the Town's site plan review process. At that time, all engineering, stormwater management and rights-of-way requirements will be addressed in detail. Similarly, the secondary access depicted on the Concept Plan of Development (attached) will require further routing considerations which may result in obtaining easements from the Town of Cape Charles, Eastern Shore Railroad and/or Bayshore Concrete. These details will also be worked out and a final alignment will be determined during site plan development.

We suggest that this request represents an exceptional opportunity for the Town as it is a reasonable zoning action that is consistent with each of the specific objectives of the M-2 District:

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. Encourage cost effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.

A change to the Industrial District M-2, with the requested conditional uses, compliments the surrounding properties, which are either already in the M-2 District or have related designations that are not in conflict with the intended uses. The recently initiated improvements to State Route 642 for the purpose of "enhancing access to the Cape Charles Harbor" provides further support for the appropriateness of the requested re-zoning.

We note that there is a degree of urgency with this request as Cherrystone has immediate opportunities with two potential operating partners; one, a major east coast commercial fishing consortium and the second an internationally prominent shipyard with existing operations in the northeast. Both entities have expressed a desire to be operational on the site in early to mid-2017.

Should you have any questions regarding this application or require additional information, don't hesitate to contact me at 757.220.0500 or 804.695.4344. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Neville Reynolds".

R. Neville Reynolds, PWS

Managing Director – Williamsburg

CC: Eyre Baldwin
Jim Gunn
Dan Brown
Bert Turner, Esq.



Application for Conditional Use Permit

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Date July 27, 2016

Fee: \$712.50

*(Attach Plans)

Applicant: CHERRYSTONE I LLC, ATTN: DAN BROWN Signature: _____
Address: PO BOX 395, EASTVILLE VA City: EASTVILLE State: VA Zip: 23347
Telephone: (757) 331-3100 Email: danbrown.va@gmail.com

Owner(s): HARBOUR DEVELOPMENT GROUP, LLC - PATRICK CUNNINGHAM
Address: 2728 NESTLEBROOK TRAIL City: VIRGINIA BEACH State: VA Zip: 23456
Telephone: _____ Email: _____

Contractor: _____
Address: _____ City: _____ State: _____ Zip: _____
Telephone: _____ Email: _____
Town License: _____ State License: _____

Location of Improvement: SOUTH SIDE OF CAPE CHARLES HARBOR
Lot No.: 2 Block No.: 00 Lot Size: 16.5 Lot Area: 16.5
Type of Improvement: RECLASSIFYING AND REZONING
Proposed Use: MARINE PORT FACILITY, BOATYARD, BULK STORAGE, TRANSFER FACILITY. SEE TRANSMITTAL LETTER FOR MORE SPECIFIC DESCRIPTION
Estimated Construction Costs: _____

Conditional Use Permit Checklist

(Applicant must attach items 1-7)

1. completed application
2. payment of fees (\$300.00 + \$25.00 per acre)
3. letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4. concept plan (see attached information for recommended contents)
5. plot plan of property
6. disclosure statement signed and notarized verifying ownership
7. names and addresses of adjacent property owners
8. Zoning Administrator's review of documentation

CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer, and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Owner/Agent: _____

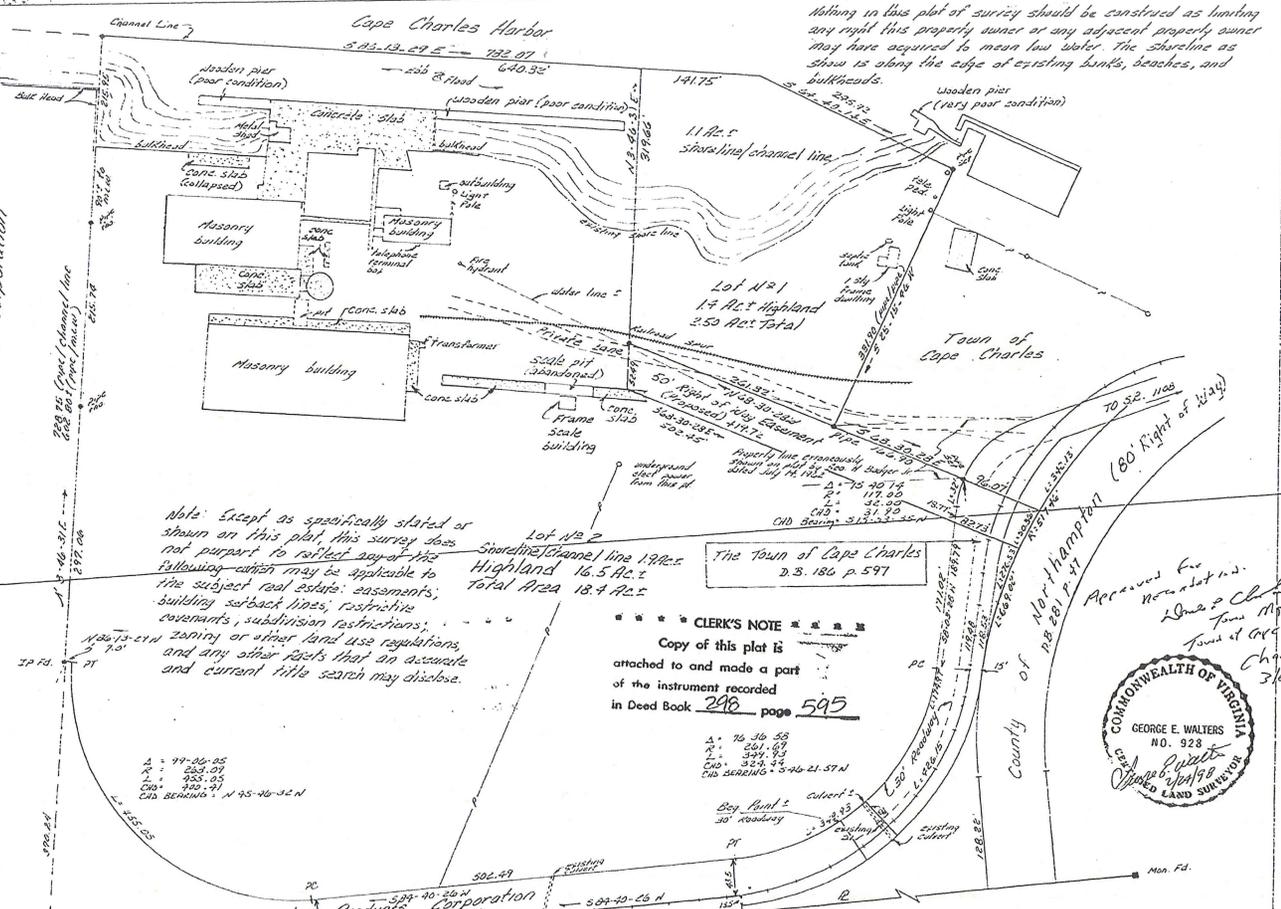
Conditional Use Permit Plan Checklist

Town of Cape Charles
 2 Plum Street
 Cape Charles, VA 23310
 757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Contact Person: DAN BROWN / NEVILLE REYNOLDS Submittal Date: JULY 28, 2016
 Address: PO BOX 395, EASTVILLE VA Phone #: (757) 331-3100 / (804) 695-4344
 Email: danbrown.va@gmail.com

Requirement	Yes	No	N/A	Comments
Are the project title, name of applicant, and project designer (if applicable) provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the date, north arrow, and graphic scale provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the concept plan the minimum size of 8½" x 11" or maximum size 11" x 17"? If only plans larger than the maximum size are feasible, has the applicant provided 15 copies of the plan for distribution to the Planning Commission and Town Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the size of the entire parcel in acres and, if applicable, is size of portion of parcel showing? Are the meets and bounds provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the adjacent streets, alleys, railroads, water bodies, natural features, etc. shown?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the locations, dimensions, and heights of all structures provided?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Are the number, type, and size of dwelling, retail or commercial office units, the gross density, and the location, size and type of recreational amenities provided for the residential, commercial, and mixed use projects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Are the location and dimensions of pedestrian access and plazas as well as vehicular driveways, parking spaces, and unloading facilities shown?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are any outstanding natural features to be conserved, such as slope, ground cover, surface water, trees and vegetation, floodplain, etc. shown?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are any signs, including type, area, height, and placement on site shown?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is lighting information provided, if applicable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is the location and description of any screening and buffering along the lot perimeter or within the lot provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the building elevations or renderings and description of landscape improvements provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there other information pertinent to the specific request including areas outdoors which are designated for conditional uses, for example, accessory uses, storage areas, recreation area, loading/unloading areas, and dumpster areas on the concept plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Beyschore Concrete Products Corporation



Note: Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations; and any other facts that an accurate and current title search may disclose.

CLERK'S NOTE
 Copy of this plat is attached to and made a part of the instrument recorded in Deed Book 296 page 595

Δ = 76 30 58
 P. = 201.69
 T. = 399.93
 C. = 324.45
 C. = 526.16
 C. = 546.21-57N



Received for
 record at 11:00
 11/21/98
 Town of Cape Charles
 Town of Cape Charles
 County of Northampton
 3/16/98

June 15, 2016

Patrick Cunningham
Harbour Development Group, LLC
2728 Nestlebrook Trail
Virginia Beach, VA 23456

Brent Manuel
Cape Charles Town Manager
2 Plum Street
Cape Charles, VA 23310

Dear Mr. Manuel,

Please allow Cherrystone I, LLC, Eyre Baldwin, and/or James Gunn to submit a request to Town of Cape Charles to change the zoning of lot #83A3-11-2 to Industrial. The parties mentioned above have contracted to purchase this land. Please let this correspondence serve as current land-owner consent allowing Cherrystone I, LLC/Baldwin/Gunn to move forward with the zoning request. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick L. Cunningham', with a long horizontal flourish extending to the right.

Patrick L. Cunningham
Managing Member - Harbour Development Group, LLC

LIST OF ADJACENT PROPERTY OWNERS

83A3-11-1

PROPERTY	TAX MAP	OWNER	ADDRESS	MAILING		
1	83A3-A-20	The Town of Cape Charles	Bayshore RD	PO Box 395	Eastville, VA	23347
2	83A3-11-2	Harbour Development Group, LLC	1101 Bayshore RD	2728 Nestlebrook Trail	Virginia Beach, VA	23456
3	90-A-2	Bayshore Concrete Products Corporation	1134 Bayshore RD	1134 Bayshore Road	Cape Charles, VA	23310