



PLANNING COMMISSION

Regular Meeting

Cape Charles Civic Center

August 5, 2014

At 6:00 p.m. in the Cape Charles Civic Center, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Dan Burke, Joan Natali, Sandra Salopek and Bill Stramm. Commissioner Mike Strub arrived at 6:01 p.m. Commissioner Andy Buchholz and Town Planner Rob Testerman were not in attendance. Also present was Town Clerk Libby Hume. There were no members of the public in attendance.

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

PUBLIC COMMENTS

There were no comments from the public nor any comments submitted in writing prior to the meeting.

CONSENT AGENDA

Motion made by Mike Strub, seconded by Joan Natali, to accept the agenda format as presented. The motion was unanimously approved.

The Commissioners reviewed the minutes for the July 8, 2014 Regular Meeting and the July 28, 2014 Comprehensive Plan Work Session.

Joan Natali commented on the July 28, 2014 minutes and suggested a change to the language item 6.i).

Motion made by Joan Natali, seconded by Sandra Salopek, to approve the minutes from the July 8, 2014 Regular Meeting as presented, and the July 28, 2014 Comprehensive Plan Work Session as amended. The motion was unanimously approved.

REPORTS

With the absence of Rob Testerman, there were no reports to review.

OLD BUSINESS

A. *Backyard Chickens – Review Comments from legal and set a public hearing*

The Commissioners reviewed a letter from Frank Rennie of CowanGates and the draft language for § 3.2.C.7 regarding the conditional use and requirements for the keeping of chickens. The following changes were discussed: i) Typically, a Conditional Use Permit (CUP) runs with the property, but the Commissioners asked if a condition could be placed on CUPs for backyard chickens stating that the CUP would terminate if the property owner were to move, rent the property or sell the property since it could be purchased for a rental; ii) If the applicant decided at a later time to stop raising chickens, or they moved, language needed to be included to require the chicken coops be removed or dismantled. If we did not require the coops to be removed, they still would need to be inspected annually to ensure that the coops were kept clean/sanitary; iii) Language needed to be included that if the Town had to physically remove the coops, if abandoned or not maintained, a fee would be assessed to the property owner and a lien would be placed on the property similar to code enforcement issues; iv) In the opening

paragraph of C.7., “egg-laying” was deleted because after some time, hens would stop laying eggs. If the property owner decided to keep the hen as a pet, the Commissioners did not want them to get another egg-laying hen. They wanted to keep the limit of no more than a total of 5 hens; v) The Commissioners asked that staff check the Accawmacke Plantation PUD documents regarding chickens. They felt that the PUD documents basically followed the Town’s zoning, but wanted to make sure. If language regarding chickens was not in the PUD documents, the Commissioners wanted to give the Bay Creek Homeowners’ Association notification of this upcoming change; vi) There was much discussion regarding renters vs. owners and the Commissioners agreed to limit this to property owners only and they must be full-time occupants of the residence; and vii) Language should be added regarding assessment of penalties if any provision of the ordinance was violated, similar to penalties in other ordinances. The Commissioners requested that staff research what the Town could and could not do.

The Commissioners agreed that they wanted to review the complete ordinance with all changes made one final time before scheduling a public hearing.

B. *Floodplain Ordinance – Discuss model floodplain ordinance*

Town Clerk Libby Hume explained that Rob Testerman was working on the revisions to the draft Floodplain Ordinance and staff report before he was called away. The Commissioners discussed alternate meeting dates to review the Floodplain Ordinance since it had to be submitted to the Department of Conservation and Recreation (DCR) in September. The Commissioners requested that Rob Testerman complete the staff report and revisions to the ordinance when he returned and email it to the Commissioners as soon as possible for their review. Bill Stramm would be out of the country from August 13 through August 27 and wanted to be able to review the information prior to leaving so he could provide his comments to staff. A special meeting to review this issue was scheduled for August 25 immediately following the Comprehensive Plan Work Session.

NEW BUSINESS

A. *September Planning Commission Regular Meeting – Discuss possible date change*

The September Regular Meeting was currently scheduled for Tuesday, September 2, 2014, which was the day after Labor Day. This item was placed on the agenda to poll the Commissioners regarding a possible date change. Dennis McCoy polled the Commissioners regarding their preference. Since a quorum would be present for September 2, the meeting date was not changed.

OTHER

There was some discussion regarding the 100 MPH wind load requirement for new buildings in the Town and whether this was required for the entire Town or certain areas in the Town and whether it was required in the County. Libby Hume stated that she would check with Rob Testerman and Code Official Jeb Brady. The Commissioners requested that an email be sent to them clarifying the issue.

There was some discussion regarding drones in the area and whether the Town could do anything to regulate them and their use. Joan Natali found an article online which stated that Charlottesville, VA was the first locality in the country to pass a resolution requesting the Virginia legislature to review the issue and suggested legislation stating that a drone could not be flown below 400’. After further discussion, the Commissioners requested that Rob Testerman research the issue and report back at a future meeting.

Bill Stramm stated that he reviewed a website that listed dark sky-compliant towns in the country. He added that Cape Charles was not listed on the site and requested that staff review the website and look into getting the Town registered.

ANNOUNCEMENTS

There were no announcements.

Motion made by Bill Stramm, seconded by Joan Natali, to adjourn the Planning Commission meeting. The motion was approved by unanimous consent.

Chairman Dennis McCoy

Town Clerk