



PLANNING COMMISSION
Regular Meeting
Immediately following joint public hearing
Cape Charles Civic Center
October 7, 2014

At approximately 6:07 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 Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Also present were Town Planner Rob Testerman and Assistant Town Clerk Amanda Hurley. There were three 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 September 2, 2014 Regular Meeting and the September 25, 2014 Town Council & Planning Commission Joint Work Session.

Motion made by Joan Natali, seconded by Sandra Salopek, to approve the minutes from the September 2, 2014 Regular Meeting and the September 25, 2014 Town Council & Planning Commission Joint Work Session as presented. The motion was unanimously approved.

REPORTS

Town Planner Rob Testerman reported the following: i) The HDRB met on September 16 to review two applications – one for a new home on Jefferson Avenue and one for a renovation at 9 and 11 Monroe Avenue. Both proposals were approved unanimously. The Board would be meeting in October to review proposals for a renovation and a new home; ii) A revised site plan had been received for Cape Charles Lofts. The revision was at the request of VDOT and entailed adding a note to the plans. The revision did not affect the Town’s approval of the plans; iii) Staff had received information from DEQ regarding portions of the local Chesapeake Bay Preservation Act that needed to be amended as a result of the requirements put into place by the Virginia Stormwater Management Act. Staff would compile the amendments to present to the Planning Commission for action; iv) He would be attending the DEQ sponsored Stormwater Management Training classes on October 15 and 16 and would enroll in additional training on October 29; v) The draft Floodplain Ordinance had been submitted to the Department of Conservation and Recreation. Staff was awaiting comments, but the review would be happening soon; and vi) Staff was researching the feasibility and potential requirements of posting a “designated swimming area” sign at the Town beach. Signage at beach entrances and possibly in the water warning swimmers of deep water ahead was also being discussed. Jen Lewis had contacted Daniel Jordan with Kiptopeke State Park regarding their designated swimming area and the process for creating one.

OLD BUSINESS

A. *Backyard Chicken Ordinance – Discuss and make recommendation*

Rob Testerman began by stating that if the draft chicken ordinance was approved, it would allow property owners in the R-1, R-2 and RE zoning districts to raise up to five hens which would be permitted on a case by case basis through the issuance of a Conditional Use Permit (CUP). Roosters or hens that crowed in a manner resembling a rooster would not be allowed. The property where the chickens would be raised would have to be a single family dwelling and the individual raising the hens would have to own and occupy the property. The applicant would be required to provide both a hen house and a fenced outdoor enclosure in the rear yard where the hens would be kept at all times. The structures would be required to meet setback requirements as defined in the draft language. A permit would be required annually to continue to raise chickens. If the permit was not renewed or conditions of the CUP were not being met or corrected, the CUP would become null and void and the chickens would be required to be removed. Flocks and coops would be inspected annually, at a minimum, to ensure compliance. Inspections would also result if a complaint were received or if the Zoning Administrator observed a violation. If an individual raising the chickens were to relocate, the CUP would expire. Any additional issues would be addressed as conditions for approval. Virginia Code had been amended to allow police officers to seize any dog found attacking chickens.

Of the 55 historic district residents who responded to the chicken survey, 31 (56.36%) were in favor of allowing chickens in town, 20 (36.36%) were opposed and 4 (7.27%) answered with maybe. Rob Testerman pointed out that this was a small sample size compared to how many homes were in Town. The survey had been posted on the Town's website and in the Cape Charles Gazette for several months, notices had been included on the utility bills and printed copies had been available at Town Hall.

Motion made by Mike Strub, seconded by Andy Buchholz, to recommend disapproval of the draft chicken ordinance amendment regarding chicken keeping in Town, thus continuing the position that raising chickens in Town was prohibited. The motion was unanimously approved.

B. *Tourism Zone*

Rob Testerman stated that he had been in contact with the Virginia Tourism Corporation (VTC) and had developed a draft tourism zone. The Commission would need to decide if Cape Charles would like to require both jobs and investment or simply one or the other. Specific requirements and benefits would also need to be determined.

Joan Natali asked how one could classify a business that did some of the things that a qualified seasonal or full time tourism business did but also did other things that didn't qualify for tourism. One example was Cape Charles Yacht Center. Joan Natali did not consider non-tourism repair and maintenance as tourism. There was much discussion regarding the yacht center and whether it qualified as tourism. Bill Stramm stated that he felt that anything to do with the Harbor qualified as tourism. Andy Buchholz stated that it would be difficult to manage. Joan Natali compared the boat repair to auto repair in relation to tourism. It was suggested that marinas and yacht centers or boat repair facilities could be added to the qualified businesses list.

There was much discussion regarding jobs and investment and seasonal businesses. It was noted that The Shanty had created jobs and added investment. There was discussion regarding businesses that generated partial tourism related business and how they could be validated. The definition of qualified business would need to include that the business would have to be in compliance with all town ordinances.

Rob Testerman suggested that he and any interested Commission members attend an upcoming Cape Charles Business Association meeting to receive the Association's input on the numbers for the Tourism Zone.

It was recommended that a minimum of two or three new full time jobs should be created and maintained for existing and new qualified tourism businesses. Joan Natali suggested that an existing or new qualified tourism business would need to make a new verified capital investment of no less than \$25K, excluding real estate.

NEW BUSINESS

There was no New Business to review.

ANNOUNCEMENTS

Rob Testerman pointed out that Dan Burke had volunteered for the Source Water Protection Committee and stated that the committee still needed one more volunteer. No one else from the Planning Commission was able to volunteer.

Motion made by Sandra Salopek, seconded by Andy Buchholz, to adjourn the Planning Commission meeting. The motion was approved by unanimous consent.

Chairman Dennis McCoy

Asst. Town Clerk