



PLANNING COMMISSION/TOWN COUNCIL
Joint Public Hearing &
PLANNING COMMISSION
Regular Meeting
Cape Charles Town Hall
July 18, 2016
6:00 p.m.

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing with the Town Council and Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Vice Chairman Michael Strub, and Commissioners Andy Buchholz, Dan Burke, Sandra Salopek and Bill Stramm. Commissioner Joan Natali was not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. There were seven members of the public in attendance.

Vice Mayor Bannon, having established a quorum, called to order the Public Hearing with the Planning Commission. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Brown and Buchholz. Mayor Proto and Councilwomen Natali and Sullivan were not in attendance.

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

PUBLIC HEARING COMMENTS:

There were no public comments to be heard nor any written comments submitted prior to the hearing.

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

Motion made by Bill Stramm, seconded by Dan Burke, to close the Planning Commission Public Hearing. The motion was approved by unanimous vote.

REGULAR MEETING PUBLIC COMMENTS:

There were no public comments to be heard nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Motion made by Michael Strub, seconded by Dan Burke, to approve the agenda format as presented. The motion was approved by unanimous vote.

The Commissioners reviewed the minutes for the June 7, 2016 Planning Commission Regular Meeting.

Motion made by Sandra Salopek, seconded by Dan Burke, to approve the minutes from the June 7, 2016 Planning Commission Regular Meeting as presented. The motion was approved by unanimous vote.

REPORTS

Larry DiRe reported that the Harbor Area Review Board met earlier in the evening and recommended Council approval to locate a two-story, wood frame building on Lot 19.

OLD BUSINESS

A. *530 Randolph Avenue Conditional Use Permit Application:*

Larry DiRe stated that the applicant sent an email notifying him that she was out of town and unable to attend the meeting this evening.

Michael Strub stated that the application and information was reviewed at the June meeting and unless there were any changes, he did not have any comments.

Motion made by Dan Burke, seconded by Bill Stramm, to recommend Council approval of the Conditional Use Permit for 530 Randolph Avenue as presented to operate a bed and breakfast with swimming pool. The motion was approved by unanimous vote.

B. *Dog Tethering Ordinance:*

Larry DiRe stated that the current Town Ordinance allowed tethering of animals for a period of 12 hours in a 24 hour period. The City of Suffolk's ordinance stated that it was unlawful classifying it as a class 4 misdemeanor. Any changes to the Town Ordinance fell under the Town Council's purview.

There was much discussion as follows: i) Enforcement issues with the 12-hour timeframe; ii) The possibility of using Suffolk's language making it unlawful to tether animals; iii) Possible restrictions regarding dog pens. Larry DiRe explained that dog pens were structures and fell under the zoning ordinance vs. the Town Code. Text amendments to the zoning ordinance required a public hearing prior to approval. The tethering issue was in the Town Code. Amendments of the Town Code did not require a public hearing prior to approval by the Town Council.

Motion made by Dan Burke, seconded by Andy Buchholz, to recommend a text amendment to the Town Code prohibiting tethering of animals. The motion was approved by unanimous vote.

C. *Limited Access Commercial Activity in Open Space:*

Larry DiRe stated that a number of business owners, such as food trucks and vendors for beach chairs and umbrellas, had expressed their interest in vendor stations on the beach by the public bathrooms and kiosk area.

There was much discussion regarding the following: i) Vendors were already permitted in Central Park on a limited basis during events; ii) Increased garbage in the areas; iii) The demand for beach chair and umbrella rentals; iv) Possible liability to the Town for injuries caused by rented equipment. The vendors would be required to obtain liability insurance; v) Enforcement of business licenses and if food oriented, compliance with the health department regulations; vi) The amount of space available for vendors and the establishment of boundaries; vii) Multiple vendors offering the same services; viii) Signage issues; ix) The seasonal nature of the Town. Food trucks were necessary during the tourism season. People would not wait for hours to get a table in a restaurant. If they couldn't find a place to eat, they would leave and not come back; x) If too many vendors used the parking spaces along Bay Avenue, it could create an issue with adequate spaces for beachgoers, who would then park on the side streets; and xi) Issues with generators and noise.

After further discussion, the Commissioners asked the intent of the discussion and what the town was trying to accomplish. The Commissioners tasked Larry DiRe to draft proposed language for further review.

NEW BUSINESS

A. Application for Zoning Map Amendment – Tax Parcel 83A3-11-2 from Harbor District to Industrial M-2 District:

Larry DiRe stated that an application was received to amend the zoning map for parcel 83A3-11-2 from the current Harbor District to Industrial M-2 for proposed use as a marine port facility, boatyard bulk storage and transfer facility, which were permitted by conditional use in the Industrial District. The parcel was adjacent to Bayshore Concrete which was in the Industrial District. The applicants were in attendance to answer any questions. If the zoning amendment was approved, the conditional use permit (CUP) application would be considered.

There was some discussion as follows: i) This parcel would be a transition from Industrial District to the development in the Harbor District; ii) The project looked appealing; iii) Limitations on the cargo – No hazardous materials other than fuel. The Commissioners asked Larry DiRe to research definitions for cargo/bulk cargo; and iv) The effect of the CUP on the value of the property.

Mr. Bert Turner, representative for Cherrystone I LLC, explained that the applicant wanted to contract for purchase of the parcel conditioned on rezoning, which was a procedural issue, and the application for CUP. Mr. Turner requested consideration to hold the public hearing for the CUP on the same date as the hearing for the rezoning request. The facility would be a traditional port facility and hazardous materials were not being contemplated.

Motion made by Dan Burke, seconded by Michael Strub, to move the regular Planning Commission meeting date to August 15, 2016 and schedule a joint public hearing with the Town Council preceding the Planning Commission meeting. The motion was approved by unanimous vote.

ANNOUNCEMENTS

There were no announcements.

Motion made by Bill Stramm, seconded by Dan Burke, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.

Chairman Dennis McCoy

Town Clerk