



PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
February 7, 2017
6:00 p.m.

At 6:00 p.m., 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, Sandra Salopek and Michael Strub. Commissioners Dan Burke, Keith Kostek and Bill Stramm were not in attendance. Also in attendance were Town Planner Larry DiRe, Town Manager Brent Manuel and Town Clerk Libby Hume. There were two members of the public in attendance.

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

PUBLIC COMMENTS:

Karen Gay, 506 Monroe Avenue

Ms. Gay addressed the Commission regarding the animal tethering ordinance. (Please see attached.)

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

CONSENT AGENDA

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

The Commissioners reviewed the minutes from the January 3, 2017 Planning Commission/Town Council Joint Public Hearing and Planning Commission Regular Meeting.

Motion made by Sandra Salopek, seconded by Michael Strub, to approve the minutes from the January 3, 2017 Planning Commission/Town Council Joint Public Hearing and Planning Commission Regular Meeting as presented. The motion was approved by unanimous vote.

REPORTS

Larry DiRe reported the following: i) The Board of Zoning Appeals (BZA) approved a variance from the accessory building maximum square footage requirement for 2449 Old Cape Charles Road/tax map #90-3-A2 due to the size of the lot. The BZA also recommended a text amendment regarding the size of accessory buildings to show a percentage of the lot size; and ii) Staff was reviewing materials regarding the "Homestay" issue as it related to online short term stay and accommodation activities. The issue was in regards to the ability to collect taxes and require the owner of the property to obtain a business license. This item was being reviewed by the Virginia General Assembly and staff would monitor the status of the bill. Currently, there were 15 Cape Charles properties listed on Airbnb.com.

OLD BUSINESS

A. *Fiscal Year 2017-2018 Capital Improvement Plan Review:*

Dennis McCoy expressed his concern that all the Commissioners weren't able to attend this evening's meeting to review the draft Capital Improvement Plan (CIP) and stated his preference to postpone the review to the March meeting as it was important for all the Commissioners to have the opportunity to provide input on the CIP.

B. *Sign Ordinance Proposed Text Amendments; Subdivision Ordinance Section Text Amendment – Set April Public Hearing Date:*

Larry DiRe reported the following: i) The various fees in the subdivision ordinance would be replaced with general language regarding fees as set by the Town Council; ii) There were conflicting areas (Articles 2 and 4) regarding the measurement of sign area. This language would be kept as simple as using a geometric measurement for the size of the sign vs. measuring the actual area of the sign text; iii) At the February 2 work session, the Town Council opted to continue to allow the Strawberry Street businesses to place their pop-up signs on the corner of Mason Avenue until the wayfinding signage was installed. The Community Enhancement Board (CEP), under the town's Virginia Main Street initiative, would be charged with designing the wayfinding signage. The CEP would be formed soon, but the wayfinding signage most likely wouldn't be installed for another year. Andy Buchholz explained that the town was currently providing funding for the CEP, but it would eventually have to stand alone and report to the Town Council based on the funding provided to them; and iv) The previously approved language regarding dog pens would also be included in this public hearing.

Motion made by Andy Buchholz, seconded by Michael Strub, to schedule a public hearing on April 4, 2017 regarding the proposed text amendments to the Cape Charles Zoning Ordinance. The motion was approved by unanimous vote.

C. *Planning Documents Review – Accessory Unit Study (July 2006):*

As part of the Comprehensive Plan review process, Town Council directed staff to develop a process to evaluate the importance of existing planning documents identified in the Comprehensive Plan. Council expressed concern over the age of the documents listed as references. A monthly review of certain documents was being performed by the Commission.

Larry DiRe stated that the 2006 Accessory Unit Study was attached. It was a good report but had not been updated since July 2006. There was value in keeping portions of the document and updating it accordingly. There was much discussion regarding the recent issue with the BZA regarding size of units and basing the size of the accessory unit on the size of the lot. The Commissioners were in agreement to update the document, including tables. Larry DiRe stated that the information could be obtained from the building permits issued.

Dennis McCoy asked that this item be added to the March agenda as well so the other members of the Commission could provide their input.

D. *Animal Tethering Ordinance:*

Larry DiRe stated that, at their November 3, 2016 work session, the Town Council reviewed the proposed draft language for the Town's animal tethering ordinance. The tethering ordinance was part of the Town Code and did not require a public hearing in order to amend the language.

There was some discussion regarding the following: i) The Town had limited staff resources to watch tethered animals to determine the timeframe. Enforcement was done by the

County Animal Control department vs. the Town's police officers; and ii) Fairfax County allowed an animal to be tethered for an hour. In the city of Suffolk, it was unlawful to tether an animal regardless of the timeframe. Andy Buchholz stated that it would be easier to enforce the issue if unattended tethering of animals was prohibited. If someone saw an unattended dog being tethered, it would be a violation of the ordinance. Town Clerk Libby Hume read an email submitted by Dan Burke which stated his preference for a simple anti-tethering ordinance reading "No unattended tethering of animals under any circumstances," adding that anything else would be unenforceable.

Motion made by Andy Buchholz, seconded by Sandra Salopek, to recommend Town Council adoption of an ordinance prohibiting unattended tethering of animals. The motion was approved by unanimous vote.

NEW BUSINESS

There was no New Business to review.

ANNOUNCEMENTS

There were no Announcements.

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

The meeting adjourned at 6:31 p.m.

Chairman Dennis McCoy

Town Clerk

**Planning Commission Regular Meeting
Comments Submitted in Writing
February 7, 2017**

Karen Gay, 506 Monroe Avenue

I understand that there is a discussion tonight by the Planning Commission on an Animal Tethering Ordinance. I would like to say that I am in favor of an ordinance that prohibits tethering of animals in the Town of Cape Charles. Dogs, in particular, are social creatures, and do not belong tied up outside. When dogs are tethered they are vulnerable to loose animals, the heat of the sun, and lack of water. Dogs can inadvertently knock over their water bowls, and unless their owners check on them periodically, they can be stuck out in the hot sun without water and die. Unfortunately, we can't count on owners to check on their animals every half hour or so, as evidenced by the many reports in the news of animal cruelty.

Please place my comments in the public record.

Karen Gay
506 Monroe Avenue
Cape Charles, VA 23310