



PLANNING COMMISSION
Regular Meeting
Cape Charles Town Hall
May 16, 2016
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 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 was one member of the public in attendance.

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

PUBLIC COMMENTS:

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

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 for the April 5, 2016 Planning Commission Regular Meeting.

Motion made by Bill Stramm, seconded by Andy Buchholz, to approve the minutes from the April 5, 2016 Planning Commission Regular Meeting as presented. The motion was unanimously approved.

REPORTS

Larry DiRe reported the following: i) The U.S. Army Corps of Engineers issued a notice to proceed for the next phase of the federal harbor dredge project on April 27, 2016. The Town was expecting an update soon; ii) Two Wetlands and Coastal Dunes Board meeting were scheduled for June 1st and June 16th to discuss dune management practices; iii) Plans and a rendering were received for the next phase of the Strawberry Street Station with parking proposed behind the building. Phase 2 mirrored Phase 1; and iv) The Kellogg building was getting some interest from an out-of-town developer.

There was much discussion regarding the comprehensive plan process.

OLD BUSINESS

A. *Follow-up to April Discussion of Dog Beach.*

No conclusion was reached at the April meeting regarding the possibility of a dog beach. Discussion continued as follows: i) Larry DiRe stated that there was no more liability to the Town than other public property and added that Virginia did not have any breed-specific legislation; ii) The Commission agreed that there did not seem to be much support for a dog

beach but the Town could consider the possibility of a dog park. A lot of dog-friendly people came to town and would be happy with a dog beach but others would complain. Also, it was felt that the beach wasn't big enough for a designated area which could be closed off from the main portion of the beach; iii) The possibility of changing the timeframe prohibiting dogs on the beach from April 1 through Labor Day to Memorial Day to Labor Day. The times could be changed during the week to allow dogs on the beach after 7:00 p.m. and keep it at 9:00 p.m. for weekends. Libby Hume stated that in early 2015, Council formed a citizen committee to review the issues with dogs on the beach. They had recommended a time change to 10:00 a.m. to 7:00 p.m. from Memorial Day to Labor Day and the Town Council decided to keep the current times; and iv) The Commission asked Libby Hume to publish something in the Gazette asking for public opinion regarding dates and times to allow dogs on the beach.

B. *Dog Pens in the Residential – 1 District.*

The Commissioners discussed comments received at the March Planning Commission meeting regarding dogs kept in pens in poor conditions at a number of houses in town. At the March meeting, a photo was provided by a citizen showing a dog in a pen standing in muddy water. Ordinances from the City of Suffolk were reviewed. There was much discussion as follows: i) Northampton County Animal Control officers had visited this site and could not do anything since no laws were broken; ii) This particular house was vacant and the dog owner was given permission from a third party living across the street from the property. There were no ordinances regarding storing dogs on someone else's property; iii) The Town's tethering ordinance was discussed and some of the Commissioners felt that the current law was too lenient since it allowed for a dog to be tethered up to 12 hours in a 24 hour period. Some other localities limited the time to an hour; iv) The dogs wake people in neighboring houses up in the middle of the night barking. This could possibly be enforced as a nuisance or under a noise ordinance; v) The Town could require that the owner(s) of a dog(s) kept in a pen had to live on the property; vi) This dog pen was actually a shed surrounded by a chain-link fence. It was unknown whether the owner obtained a zoning clearance for the fence; and vii) The issue of mosquitos was discussed as well since water would stand in the area and the photo depicted the dog standing in the water.

The Commissioners asked Larry DiRe to draft language for review at the June meeting to include: a definition, standards for acceptable construction and maintenance of a pen, the issue of interior fencing, the requirement that the dog owner live on the property, etc. The Commissioners also asked that tethering ordinances from other localities be reviewed to possibly strengthen the Town's current tethering ordinance; and suggested that a resident from the neighboring property be invited to the next Planning Commission meeting to discuss their issues regarding living next door to this vacant property.

NEW BUSINESS

A. *Commercial-3 District Construction-Design Guidelines as Discussed in Article II Section 3.6.F.1.e.*

Larry DiRe explained that the Commercial-3 (C-3) District covered the lots on the south side of Stone Road coming into Town and currently had no development. Some trees had recently been taken down for future development. The ordinance required a review body for plans in the C-3 District. The Town Council reviewed this issue at their March meeting and designated the Historic District Review Board (HDRB) as the review body for the C-3 District since a number of lots overlapped with the Historic District. Currently, there were no guidelines for the C-3 District. Council directed staff to bring the issue to the Planning Commission for study and recommendation to Council.

The Commission reviewed Zoning Ordinance Article III, Sections 3.6.F.1.e, 3.8.E, and 3.8.F. of the Zoning Ordinance pertaining to regulations in the Commercial-1 District.

After much discussion, the Commissioners asked Larry DiRe to draft language extending the HDRB's purview to include the C-3 District.

ANNOUNCEMENTS

There were no announcements.

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

Chairman Dennis McCoy

Town Clerk