



## PLANNING COMMISSION

**Regular Meeting**  
**Cape Charles Town Hall**  
**June 7, 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 and Sandra Salopek. Commissioner Joan Natali arrived at 6:02 p.m. Commissioner Bill Stramm was not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. There were four 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:**

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

### **CONSENT AGENDA**

Dennis McCoy requested that an item be added as New Business item 6c to discuss the possibility of changing the date of the July meeting.

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

The Commissioners reviewed the minutes for the May 16, 2016 Planning Commission Regular Meeting.

Michael Strub noted a grammatical correction to page one of the minutes under Reports.

**Motion made by Sandra Salopek, seconded by Andy Buchholz, to approve the minutes from the May 16, 2016 Planning Commission Regular Meeting as amended. The motion was approved by unanimous vote.**

### **REPORTS**

Larry DiRe reported the following: i) No start date had been received for the U.S. Army Corps of Engineers dredge project; ii) The 2016 Planning Commission Annual Report, covering the first six months of the year, would be reviewed at the July meeting; and iii) A Board of Zoning Appeals public hearing and meeting would be held on June 15 at 10:00 a.m. regarding an application for zoning variance for off-street parking requirements for the next phase of Patrick Hand's development on Mason Avenue.

### **OLD BUSINESS**

#### **A. Commercial-3 District Construction-Design Guidelines:**

Larry DiRe reviewed draft text amendment language for Article III, Section 3.8.E. of the Cape Charles Zoning Ordinance regarding design and guidelines for new development in the Commercial-3 District. A Town Council public hearing was required prior to adoption of the language.

**Motion made by Michael Strub, seconded by Andy Buchholz, to recommend Council approval of the proposed text amendment to Article III, Section 3.8.E of the Cape Charles Zoning Ordinance. The motion was approved by unanimous vote.**

*B. Dog Pens in Residential-1 District:*

Larry DiRe reviewed draft text amendment language regarding dog enclosures/pens in the Residential-1 District as requested by the Commissioners at the May meeting. The Commissioners were in agreement with the language for Section 2.9 and suggested the addition of language regarding enclosures in side yards.

There was much discussion regarding the issue of dogs being tethered. The Town's current ordinance permitted dogs to be tethered for 12 hours in a 24-hour period. Andy Buchholz cited language from the City of Suffolk ordinance which required that the owner be within the animal's proximity while it was tethered.

It was noted that dog enclosures and the tethering law were two different issues. Dog enclosures were in the Zoning Ordinance but the tethering law was in the Town Code. After further discussion, it was agreed to move forward with the recommendation to the Town Council regarding the dog enclosures and the tethering issue would be added to the July meeting agenda for further discussion. A Town Council public hearing was required prior to adoption of the language.

**Motion made by Joan Natali, seconded by Michael Strub, to recommend Council approval of the proposed text amendment to Article II, Section 2.9 and Article III, Section 3.2.B.8 of the Cape Charles Zoning Ordinance as presented. The motion was approved by unanimous vote.**

**NEW BUSINESS**

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

The Commissioners reviewed an application for conditional use permit (CUP) to operate a bed and breakfast (B&B) with swimming pool at 530 Randolph Avenue. Larry DiRe explained the following: i) The property could accommodate both the swimming pool and off-street parking; ii) The property backed up to the Commercial-Residential District which allowed for B&Bs as a permitted use; iii) Staff found the application in order; iv) The Planning Commission and Town Council were required to hold public hearings prior to approval of a CUP and a joint public hearing was recommended.

The Commission expressed their support for another B&B in town.

**Motion made by Dan Burke, seconded by Andy Buchholz, to schedule a joint public hearing with the Town Council preceding the July Planning Commission meeting. The motion was approved by unanimous vote.**

*B. Tea Room in Commercial-Residential District – Zoning Administrator Determination:*

Larry DiRe stated that a request was received to operate a commercial tea room at 439 Mason Avenue. The zoning administrator could allow certain uses if that use was found to generally conform to the zoning district's intent and if the Commission provided their consent with the zoning administrator's determination. Larry DiRe added that the property was currently used for residential purposes and added that he was a tenant of the property for 13 months. The proposed tea room would be a small establishment serving tea and light fair to a maximum of 15-20 customers at any given time. The applicants met with Code Official Jeb Brady regarding the maximum occupancy and building requirements. There was much discussion regarding the following: i) The property was surrounded by commercial establishments, the town hall and fire department; ii) The building would have to be modified to meet ADA requirements. Leon Parham was working on the plans; iii) The plans

for exterior modifications would be reviewed by the Historic District Review Board; and iv) The hours of operation would be four days per week from 12:00 p.m. – 5:00 p.m. Several of the Commissioners expressed their support for the proposed tea room.

**Motion made by Joan Natali, seconded by Dan Burke, to support the zoning administrator’s determination permitting the commercial operation of the tea room at 439 Mason Avenue. The motion was approved by unanimous vote.**

*C. Date Change for July Planning Commission Meeting:*

Dennis McCoy stated that he was unavailable on July 5 and asked that the Commissioners consider rescheduling the July Planning Commission meeting for July 18, which was the alternate date for Commission meetings.

**Motion made by Sandra Salopek, seconded by Andy Buchholz, to change the July Planning Commission meeting date to July 18, 2016. The motion was approved by unanimous vote.**

**ANNOUNCEMENTS**

There were no announcements.

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

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Chairman Dennis McCoy

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Town Clerk