

**Planning and Zoning Commission Meeting
November 20, 2019 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioners Cathy Scheck, Glen Faden and Tim Roe; Town Manager Debbie Botchie; GMB Representative Andrew Lyons, Jr.; and Town Code & Building Administrator Robin Caporaletti.

1. **CALL TO ORDER**: P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m.
2. **ROLL CALL**: Mr. Plocek stated all were present.
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF MINUTES**
 - A. October 10, 2019

P&Z Secretary Marshall Gevinson motioned to adopt the October 10, 2019, P&Z minutes. P&Z Commissioner Cathy Scheck seconded the motion. Motion carried 4-0-1 abstention.

5. **NEW BUSINESS**

- A. Review, discuss and vote on a possible recommendation to the Town Council, a revised Subdivision Final Site Plan submitted by Land Design Inc. on behalf of H&D Development LLC, for the removal of the pool and pool house, to be replaced by a pavilion and dog park; and add 30 additional parking spaces for Sea Edge development, located on Tax Map Parcels #134-16.00-5.00 and 7.01. *Synopsis*: This subdivision was approved in 2011 and was granted 2 extensions by the Town Council.

Mr. Tom Ford, of Land Design, stated this is a revision to a site plan which was already approved in May 2011, and it's been recorded but there are some revisions which the applicant is requesting, which is why they're here tonight. Mr. Ford stated the product of homes has gotten smaller in size than what was originally recorded, so there is a little more opportunity on the site for additional parking, so wherever the applicant and Mr. Ford could, they tried to increase the parking, coming up with a total of twenty-eight (28) additional parking spaces. Mr. Ford stated in today's age, there is always a need for more spaces. Mr. Ford stated on the amenity end, there was a pool with fence and pavilion twice the size of what's being proposed now. Mr. Ford stated now, they are requesting to remove the pool and pool house and replace it with a dog park, as well as placing an open-air pavilion next to the dog park. Mr. Ford stated everything else will remain the same.

P&Z Commissioner Glen Faden asked what the surface would be made for the dog park. Mr. Ford stated to maintain the area in a sanitary way, they are looking at a gravel base, a filter claw, and about an eight (8)- to twelve (12)-inch topping of a sandy material or fine-stone type of material, so when dogs dig, at about twelve (12) inches, they would hit that end, and this would also allow for drainage in the park and keep it somewhat clean. Mr. Ford stated there will be image there to show and tell the rules of the park, and the dog owner will have to clean up after their dog(s). Mr. Faden asked if the applicant is considering any dog stations which would hold bags for dog excrement. Mr. Ford stated

yes, and fifty-six percent (56%) of the site is open space so the dog park they are designating is an agility area, and it will be improved with some kind of equipment for dogs to jump, walk through tunnels, etc., and it would only be available to residents of this community. Mr. Faden asked about the parking spaces being twenty-eight (28), but the application says thirty (30). GMB representative Andrew Lyons Jr. stated the number on the plan is twenty-eight (28) and he did verify there were five (5) parking spaces which were not with the units or by the pool before. Mr. Lyons stated if you take the five (5) out of the thirty-three (33), it makes the twenty-eight (28) spaces. Mr. Ford stated he's assuming there was no problem with the original parking when it was originally approved in May 2011, and now they are not diminishing the total parking number but ultimately adding to it. Mr. Faden stated he simply didn't see the comparison from the originally approved site plan to this new revision. Mr. Ford stating there was nothing to really compare it to because it has not been built yet, but when it is, the builder will be going off this revised plan. Mr. Lyons stated the parking from the original plan will stay in the same place but this will merely add new spaces.

Mr. Lyons stated because this was an approved plan, he's basically just reviewing the changes; and, in reviewing the changes, it was twenty-eight (28) parking spaces which are being discussed tonight, and removing the pool and pool house to replace with the dog park and open-air pavilion. Mr. Lyons stated this revised plan is basically the same footprint and all the impervious area remains the same, so the applicant does not have to go back for any of those permits. Ms. Scheck asked who carries the liability insurance for the dog park, or is it the owner's responsibility? Mr. Ford stated he knows the HOA documents will have to address the management, and he's assuming there will be general liability across the entire site which would also include the dog park; but Mr. Ford is not an attorney and it's something he can't really address. Ms. Scheck asked if there will be some kind of separation by size of dogs. Mr. Ford stated he knows most of the west coast or northwest coast states have dog parks which try to separate dogs by size, and he does have a drafted set of rules which address aggression and barking in which case the dog owner will have to leave the park with their unruly dog, and it will have to be put in the HOA documents. Mr. Ford further stated it would be something the HOA would have to rule over. P&Z Secretary Marshall Gevinson asked if there was discussion of having water stations for dogs in the park. Mr. Ford stated no, there is discussion about having a water, frost-proof hydrant which would be in the pavilion, to help serve for dogs, but there will be no water station for dogs in the dog park. Mr. Gevinson asked, regarding the fine-stone gravel base for the dog park, will there be a drain for the area as well? Mr. Ford stated no, which is why they're doing a good gravel base with the filter cloth on top to keep the gravel from being infiltrated with vines, followed by a topping of sandy or fine-stone of about eight (8) to twelve (12) inches, but that detail is yet to be fully worked out. Mr. Ford stated there will be plenty of drainage for that site. Mr. Gevinson stated he was concerned because if there were mulch, you'd have to periodically replace the mulch to decontaminate it. Mr. Ford stated yes, that's why they're not using mulch. Mr. Gevinson stated in this case, if you have to wash it down and there is drainage, it would take care of the problem too. Mr. Ford stated they are looking at nature "taking most of that in its own course" but, if it needs to be cleaned, the hydrant will be there to manage that area. Mr. Gevinson stated he lives in Bishop's Landing and they have dog parks divided for bigger dogs and smaller dogs, so there won't be any aggression, so running a fence up to divide this big area may be the way to go. Mr. Ford stated this is a

smaller area than usual for a dog park but the HOA will have to make those determinations, and if the HOA does so, they can take down a portion of the fence to run into the wooded area to increase the area. Mr. Ford stated they also left the area open so just in case there are kids, and the HOA decides, there will be room to put a little tot lot in the area. Mr. Ford stated it ultimately will be a HOA decision but they are leaving the open area there for those kinds of options.

P&Z Commissioner Tim Roe asked if most of the enforcement of the dog park will be with the HOA. Mr. Ford stated yes, but he also believes it will be self-regulated; and all the open spaces and walkways will be that way as well. P&Z Chairman Pat Plocek stated he has worked in the parks business for forty-seven (47) years and he cannot see taking a people-oriented amenity – such as a pool – out and putting an amenity in for dogs. Mr. Plocek stated he thinks a majority of people within the Sea Edge subdivision would use a pool more than they would use a dog park. Mr. Plocek stated the dog park is also way too small, it would need to be at least twice the size presented tonight, and the best way dog parks usually work is having one next to the other, so one may rest for six (6) months as the other gets used, and then, after six (6) months, the one which was rested will be used and the first one used will get rested for six (6) months. Mr. Plocek stated sand sounds very good but sand will hold the dog urine and it will start smelling – even with the rain coming down – and the same goes for the wood chips. Mr. Plocek stated you would have to go into the dog park every one (1) or two (2) years to completely remove all the sand, and put all new sand down for it to be sanitary for the dogs using the park, otherwise you risk transmitting disease from one dog to another. Mr. Plocek stated he's happy the applicant is looking at other recreational potentials and he thinks there's other areas on the site which if the applicant wanted something for dogs, they could relocate it. Mr. Plocek stated his feeling is the swimming pool which was originally planned would have been a better use for the plan and for the people moving into that development. Mr. Plocek stated it's just his opinion but he thinks the applicant, with this dog park, is creating a "tremendous maintenance headache" for the HOA, and, frankly, the dog parks he does see around here don't get the use they should be getting. Mr. Ford stated he would have to get the developer to speak to the usage of a dog park as opposed to a pool because his understanding was a pool only gets good usage from June to August, whereas a dog park can be used twelve (12) months per year. Mr. Plocek asked if the developer was planning on making this a community for older people since a dog park is going in as opposed to a playground. Mr. Ford stated he would have to refer that question to the developer but there is more pressure on developers to have a dog park facility on site. Mr. Mike Horsey, of Common Sense Solutions LLC (CSS), stated he is the builder and he's working with the applicant Mr. Gerry Hocker Jr. and his partner, and last year he landscaped a lot of different subdivisions, and he's noticed a lot of subdivisions where people don't use their pools. Mr. Horsey stated, to Mr. Ford's point, you're lucky if you may get people in June, July, August, maybe the first few days of September, but if you don't put heaters in them, it's a waste and the pools don't get used. Mr. Horsey stated in regards to policing a dog park, you would police it the same way you would a pool – through the HOA. Mr. Horsey stated he's also worked on subdivisions where developers aren't putting in tot lots – even McDonald's is taking their playground equipment out – because the liability insurance is just too much. Mr. Horsey stated he and his son have asked around to small communities with dog parks and they love them. Mr. Plocek stated he understands, but there are amenities such as tennis courts, pickleball courts

and other human amenities which may be more preferable, and he knows the costs of upkeep for dog parks, so if you're going to do a dog park, you're going to do it right, and the dog park may cost the developer more than the pool will cost them. Mr. Horsey stated Ryan Homes will be the ones building the houses and when he mentioned the dog park to NVR, NVR stated the dog park will go over well because a majority of their customers want a place to have their dogs run free. Mr. Horsey stated there are a majority of developments where people don't use their clubhouses or don't use them enough to justify the cost. Mr. Plocek stated he understands but the size the applicant is looking at, he thinks the applicant is trying to build something which just isn't going to function in that small space. Mr. Faden stated he agrees with Mr. Plocek's sentiments on the space because he comes from a small community and their pool, which is seasonal, gets used a lot; and there are plenty of spaces in their community for dogs to be walked, with dog waste stations. Mr. Faden stated if the dog park does move forward, he has an issue with the usage of sand as it can be blown around and might be hard to get back to the designated area. Mr. Horsey stated this kind of sand will be somewhat different from beach sand in that this will be more coarse and resemble somewhat of a baseball field. Mr. Ford stated he's had a volleyball court alongside his house for about twenty (20) years, it's all sand, and it's still in the same place he put it. Mr. Ford stated the urine issue could be a condition set with this recommendation to have the HOA do seasonal testing of the soils and any remedy will have the HOA have the financial support to correct any improvements.

Town Manager Debbie Botchie stated tonight's recommendation is only for changing the pool and pool house to a dog park as well as the additional parking spaces, and this will go to final approval to Town Council at a public hearing. Ms. Botchie stated, if it were her, she would start small with a dog park because you don't know how many dog owners will move in, but she did move in a home like this, and she would have loved a dog park because her yard was only a few feet in the front, and, unlike some developments, there was no other place to go to let your dogs loose. Ms. Botchie stated if the applicant wants to expand, they can still come back to request it.

Ms. Scheck motioned to recommend to Council for approval the revised Subdivision Final Site Plan for the removal of the pool and pool house, to be replaced by a pavilion and dog park; and add 28 additional parking spaces for Sea Edge development. Mr. Roe stated he would like to make an amendment to the motion so it may include the condition of the HOA covenants drafted to include the dog park maintenance being the responsibility of the Sea Edge HOA. Mr. Roe motioned to recommend to Council for approval the revised Subdivision Final Site Plan for the removal of the pool and pool house, to be replaced by a pavilion and dog park; and add 28 additional parking spaces for Sea Edge development, with the condition of the HOA covenants drafted to include the dog park maintenance being the responsibility of the Sea Edge HOA. Mr. Faden asked if the dog park will be for daytime use only. Mr. Ford stated yes. Mr. Faden seconded the motion. Motion carried 4-1.

6. CITIZENS PRIVILEGE

There were no comments.

7. ANNOUNCEMENT OF NEXT MEETING

Mr. Plocek stated the next P&Z meeting will be on Thursday, December 12, 2019.

8. ADJOURNMENT

Mr. Faden motioned to adjourn the meeting at 7:44 p.m. Ms. Scheck seconded the motion.
Motion carried 5-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk