CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3040 TELEPHONE (757) 868-3105 FAX

May 23, 2016

To: The Honorable City Council

Through: City Manager

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit For A Cat Sanctuary In A Residential District- Tax Parcel No. 32-1-44**

The City has received a request from Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, to amend their existing conditional use permit, issued on September 23, 2013, to request an increase in the number of cats allowed on their property. Presently, PAWS is permitted to have no more than 50 cats on average daily over the course of the month. The applicant is requesting to increase this number to 100. The cat sanctuary is located at 181 Messick Road and is further identified as Tax Map Parcel No. 32-1-44. The property is zoned R-2, Single Family Residential.

The Planning Commission held a public hearing on this item at their Monday, May 16, 2016 meeting and has recommended its approval unanimously, by a vote of 6-0.

This application was advertised for public hearing in the Daily Press on April 29, 2016 and May 6, 2016. Adjacent property owners were notified of this request by letters mailed on April 29, 2016.

KMW

RESOLUTION NO. _____

A RESOLUTION APPROVING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT TO OPERATE A PET SANCTUARY AT 181 MESSICK ROAD, POQUOSON TAX MAP PARCEL NO. 32-01-00-0044

WHEREAS, a request was submitted by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single-Family Residential by increasing the maximum number of cats on-site from 50 to 100; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on May 16, 2016 and City Council on May 23 2016; and

WHEREAS, careful and thorough consideration was given the request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Poquoson, Virginia:

Section 1: That the request by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044 by increasing the maximum number of cats on-site from 50 to 100 is hereby approved inclusive of the following amendment to Condition #8 of the original permit:

8. The use shall not house any more than ~~fifty (50)~~ <u>one hundred (100)</u> cats daily on average over the course of a month.

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____
City Clerk

RESOLUTION

A RESOLUTION DENYING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT TO OPERATE A PET SANCTUARY AT 181 MESSICK ROAD, POQUOSON TAX MAP PARCEL NO. 32-01-00-0044

WHEREAS, a request was submitted by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single-Family Residential by increasing the maximum number of cats on-site from 50 to 100; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on May 16, 2016 and City Council on May 23, 2016; and

WHEREAS, careful and thorough consideration was given the request.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Poquoson, Virginia:

Section 1: That the request by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044 by increasing the maximum number of cats on-site from 50 to 100 is hereby denied.

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____
City Clerk

CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3040 TELEPHONE (757) 868-3105 FAX

MEMORANDUM

Date: May 16, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit For A Cat Sanctuary In A Residential District- Tax Parcel No. 32-1-44**

Introduction

The City has received a request from Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, to amend their existing conditional use permit, issued on September 23, 2013, to request an increase in the number of cats allowed on their property. Presently, PAWS is permitted to have no more than 50 cats on average daily over the course of the month. The applicant is requesting to increase this number to 100. The cat sanctuary is located at 181 Messick Road and is further identified as Tax Map Parcel No. 32-1-44. The property is zoned R-2, Single Family Residential.

Public Notice

This application was advertised for public hearing in the Daily Press on April 29, 2016 and May 6, 2016. Adjacent property owners were notified of this request by letters mailed on April 29, 2016.

Applicant's Proposal

As mentioned above, the applicant is requesting an increase in the number of felines allowed on the property from 50 to 100. Since the issuance of the conditional use permit for this operation the City has received no complaints and the owner has operated the use in compliance with all specified conditions. Within the first year of the permit's issuance, a feature was installed on the top of the chain link fence surrounding the parcel that deters cats from leaving the property. This was installed to satisfy condition number two (2) of their issued use permit. The original staff report (dated September 16, 2013) and the approved resolution issuing the use permit (dated September 23, 2013) are attached for your convenience. If the Planning Commission recommends approval of the request to City Council, the following condition must be amended:

8. The use shall not house any more than ~~fifty (50)~~ one hundred (100) cats daily on average over the course of a month.

Attachments

CITY OF POQUOSON
PLANNING DEPARTMENT
500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3040 TELEPHONE (757) 868-3105 FAX

MEMORANDUM

Date: September 16, 2013

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit For A Cat Sanctuary In A Residential District- Tax Parcel No. 32-1-44**

Introduction

The City has received a request from Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, to establish and operate a pet sanctuary (short-term/long-term housing facility) on a collection of adjoining parcels located at 181 Messick Road, further identified as Tax Map Parcel No. 32-1-44. The property is zoned R-2, Single family Residential.

Public Notice

This application was advertised for public hearing by legal notice appearing in the Daily Press on August 29 and September 5, 2013. Adjacent property owners were notified by letters mailed on August 26, 2013 with additional notifications being mailed September 9, 2013.

Applicant's Proposal

The Poquoson Animal Welfare Sanctuary, (PAWS) Inc. obtained ownership of the property in August 2013. The group was founded in response to the overpopulation of homeless cats within the City and focuses their efforts to help control the overpopulation of felines in the community by trapping and caring for them in hopes of preparing the cats for adoption. The group, which is a non-profit and is currently preparing to obtain the Internal Revenue Service's 501(c)(3) non-profit status, wishes to conduct large scale trapping of homeless cat throughout Poquoson in an effort to spay or neuter them, as well as conduct blood testing and provide them with the necessary vaccinations. PAWS, Inc. is proposing to use the property as an animal sanctuary that will offer both long and short term care for rescued cats. The organization is proposing housing up to 50 felines on the property, most of which will live inside the unoccupied residential structure or accessory building located on the property. A handful of the rescued cats will live outdoors. The property has been used for a similar operation over the last fourteen years by a former property owner; however, it has been to a lesser scale.

Site Character

The site consists of a collection of four parcels, however; the central lot which consists of approximately 2 acres will be the location of the animal sanctuary. The property sits approximately 170' northeast of Messick Road and is accessible by a private drive. The single family dwelling located on the property consists of around 840 square feet and lay approximately 230' from Messick Road. Additionally, a smaller out building, consisting of approximately 60 square feet is located at the southwestern corner of the property. The site is well vegetated and is not visible from Messick Road. Furthermore, the perimeter of the property is vegetated in a manner where general visibility from adjacent properties is difficult.

Surrounding Land Uses

The property is surrounded by the R-2, Single Family Residential district to its south and west. The properties to the north and east of the parcel consist of parcels zoned for Conservation as those properties largely consist of marshland. In total, the property is surrounded by approximately a dozen single family homes within a 250' radius.

Zoning and City Code

The property is zoned R-2, Single family Residential. Uses permitted in this district without a conditional use permit include single family residential structures and accessory buildings used in conjunction with those structures, playgrounds and parks of a non-commercial nature as well as public utilities. Schools and churches are permitted within this district with a conditional use permit. A use of this nature is neither defined nor specifically permitted in any zoning district in the City. The use that may be the most closely related that is permitted within the ordinance is a veterinary hospital. Veterinary hospitals are permitted with a Conditional Use Permit within the B-2, Business/Commercial district. Additionally, dog kennels are not regulated by the zoning ordinance and instead are regulated by the Treasurer's Office as stated in the City Code. Kennels housing no more than 20 canines are permitted throughout the City and are subject to the following regulations:

(a) The owner of a kennel shall securely fasten the license tag issued to him under this division to the kennel enclosure, in full view, and keep one of the identification plates provided therewith attached to the collar or harness of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to the animal control officer or other officer upon request.

(b) A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show.

(c) A kennel shall not be operated in such manner as to defraud the city of the license tax applying to dogs which cannot be legally covered thereunder or in any manner to violate other provisions of this article. If the owner of the kennel is found to have violated sections of this article through negligence or carelessness, the court may, in addition of the prescribed penalty, revoke the kennel license and the owner shall thereupon be required to obtain an individual license for each dog.

With a use of this nature not being specifically permitted for within the zoning ordinance, in accordance with Article I. Section 1-8 of the City's zoning ordinance, the property owner(s) has opted to petition the City Council, with a recommendation from the Planning Commission, to operate this use within the R-2, Single Family Residential zoning district.

It is important to note that Chapter 14. Animals, Article II. Cats, of the City Code regulates the keeping of cats within the City. Specifically, this section of the code stipulates that no more than 10 cats be permitted on any one parcel in the City. If a Conditional Use Permit is issued for this use, it would not only allow for a use that is not specifically permitted for within the R-2, Single family Residential district, it would be offering the property owners an exemption from the above cited section of the City Code.

Traffic

Access to the property is provided by the private drive mentioned above. Access to the property is controlled by a gate that is locked when a PAWS representative is not on the site. As previously outlined, the dwelling on the property will not be occupied for residential purposes, thus no vehicular trips will be conducted for that purpose. PAWS representatives will visit the site daily; however, their trips would be no more frequent than the trips created by a single family on average. The organization does take adoption appointments and at this time, staff does not anticipate these appointments to be frequent enough to exceed the number of daily vehicular trips taken by the average family in a residential district.

Relationship to the Comprehensive Plan/Staff Findings

The property is designated for use as Low Density Residential as defined in the City's Comprehensive Plan. A detailed description of the purpose and intent of the Low Density Residential land use designation is outlined as follows:

> *This category is for single-family residential areas in Poquoson that are intended to have a maximum of one and a half (1.5) to two (2) dwelling units per acre, as prescribed by the three current land use zoning districts: R-S, R-1, and R-2. Low Density Residential is the base layer of zoning for the City and is proposed for all parts of the City not designated for commercial, conservation, public use or medium to high density residential development.*

This use is unique and could potentially be beneficial to the entire community, as Poquoson does have an issue with feline overpopulation. The parcel is well screened from adjacent properties with existing vegetation and is setback approximately 230' from Messick Road. Its location allows for minimal visual impact to neighbors. However, this use could become quite impactful to the adjacent residents if actions are not taken to ensure cats are kept within the confines of the property. Controls should be taken to minimize feline trespass on to neighboring parcels. As stated in their application, the organization plans to construct a fence surrounding the parcels in an effort to discourage cats from leaving the property; however, further methods of control may be necessary. If the Planning Commission recommends approval of the request to City Council, staff recommends that approval be subject to the following conditions:

1. Appointments shall be limited to between the hours of 8:00am and 8:00pm daily.

2. The use shall have one (1) year from the issuance of this permit to provide the City with a plan outlining measures to be taken to ensure felines are kept within the confines of the property. Said plan shall be reviewed and approved by City staff and implemented within two (2) years from the issuance of this permit.
3. All existing vegetation located on the boundary of the property must be perpetually maintained for screening purposes. Any needed replacement of this vegetation shall consist of evergreens of no less than six (6) feet tall at the time of planting.
4. Over the course of one (1) year from the issuance of this permit, City staff will monitor the vegetated perimeter of the property to ensure that the vegetation satisfactorily screens the use from adjacent properties during all months of the year. If the screening is found not to be satisfactory during this time, the property owner shall submit and implement a plan, approved by City staff, which successfully shields the use from view of the adjacent properties.
5. The operation shall obtain all required local, state and federal permits.
6. Upon the discontinuance of such use for a contiguous period of two (2) years or more, the Conditional Use Permit shall become null and void.
7. If at any time the operation is in violation of any local, state or federal regulations, including the conditions set forth in this use permit, the City reserves the right to revoke the permit.
8. The use shall not house any more than fifty (50) cats daily on average over the course of a month.
9. If at any time the operation is not in compliance with the conditions set forth in this use permit, it shall be subject to revocation.

Attachments

RESOLUTION NO. 3877

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT AND OPERATION OF A PET SANCTUARY AT 181 MESSICK ROAD, POQUOSON TAX MAP PARCEL NO. 32-01-00-0044

WHEREAS, a request was submitted by the Poquoson Animal Welfare Sanctuary, Inc. (PAWS), applicant and property owner, for a Conditional Use Permit to establish and operate a pet sanctuary (short-term/long-term housing facility) at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single Family Residential; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on September 16, 2013 and before City Council on September 23, 2013; and

WHEREAS, careful and thorough consideration was given the request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Poquoson, Virginia:

Section 1: That the request by the Poquoson Animal Welfare Sanctuary Inc. (PAWS), applicant and property owner, for a Conditional Use Permit to establish and operate a pet sanctuary (short-term/long-term housing facility) at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single Family is hereby approved with the following conditions:

1. Appointments shall be limited to between the hours of 8:00am and 8:00pm daily.
2. The use shall have six (6) months from the issuance of this permit to provide the City with a plan outlining measures to be taken to ensure felines are kept within the confines of the property. Said plan shall be reviewed and approved by City staff and implemented within one (1) year from the issuance of this permit.
3. All existing vegetation located on the boundary of the property must be perpetually maintained for screening purposes. Any needed replacement of this vegetation shall consist of evergreens of no less than six (6) feet tall at the time of planting.
4. Over the course of one (1) year from the issuance of this permit, City staff will monitor the vegetated perimeter of the property to ensure that the vegetation satisfactorily screens the use from adjacent properties during all months of the year. If the screening is found not to be satisfactory during this time, the property owner shall submit and

implement a plan, approved by City staff, which successfully shields the use from view of the adjacent properties.

5. The operation shall obtain all required local, state and federal permits.
6. Upon the discontinuance of such use for a continuous period of two (2) years or more, the Conditional Use Permit shall become null and void.
7. If at any time the operation is in violation of any local, state or federal regulations, including the conditions set forth in this use permit, the City reserves the right to revoke the permit.
8. The use shall not house any more than fifty (50) cats daily on average over the course of a month.

Section 2: That this resolution shall be in effect on and after its adoption.

ATTESTE:

Judy F. Wiggins

Judy F. Wiggins, City Clerk

ADOPTED: September 23, 2013

W. Eugene Hunt Jr.

W. Eugene Hunt, Jr., Mayor

Tue 'ay Feb 23

City Poquoson
500 City Hall Avenue
Poquoson, Virginia 23662
(757) 868-3040

APPLICATION FOR A CONDITIONAL USE PERMIT

To the Planning Commission/City Council
of the City of Poquoson:

I/We, the Board of Directors of the Poquoson Animal Sanctuary

the undersigned owner(s) of the described property:

Shirley Myers - President
Karen P. Dyer, vice president Sol Cauly - Secretary
[illegible] Bahlach VICE PRESIDENT Tracy B Burnett co-manager

hereby apply for a conditional use permit for the following reasons:

We request to change Resolution Number 3877 adopted 9-23-2013, Section 1 Part 8, to increase the number of cats housed at 181 Messick Road from a maximum of 50 daily average over the course of a month to 100. Attached are statistics demonstrating our progress within the city from 2013-2015. During the height of kitten season there can easily be 30 on the property in our six "sheds" or "cottages" including moms and kittens. Even though we adopt increasing numbers, there are still many cases where we must take in stray single feral cats or we take in friendly abandoned cats. Although we adopt out all we can, there are cases where cats are simply not adoptable mostly due to health or behavioral issues such as friendly males who were not fixed as kittens and they spray. Just in the past two months we have taken in about a half dozen friendly abandoned cats. People move and just leave the cats. It is terribly sad. All of the cats are named, well cared for & we have a system in place to keep up

(CONTINUED)

Revised 1/11/10

I HEREBY AUTHORIZE CITY REPRESENTATIVES TO HAVE ACCESS TO THE PROPERTY DURING REASONABLE HOURS.

SIGNATURE OF PROPERTY OWNER(S):

X Tracy B Burnett co-manager

X Karen P. Ayer co-manager

NAME: Tracy B Burnett Karen P. Ayer

ADDRESS: 181 Messick Rd Poquoson VA 23662

(Mrs. Burnett) (Mrs. Ayer)

TELEPHONE: 757-817-2826 757-287-4757

SIGNATURE OF PERSON REPRESENTING APPLICATION:
(IF OTHER THAN OWNER)

X _____

NAME: _____

ADDRESS: _____

_____

TELEPHONE: _____

INCLUDE WITH THIS APPLICATION:

1. A $500 FEE TO COVER ADVERTISING COST. MAKE CHECK PAYABLE TO "CITY OF POQUOSON".

2. A SURVEYED PLAT OF THE PROPERTY.

Our second request to to have 2 outbuildings placed on the property.. One is a 16x10 wooden barn style which houses supplies + records. The second a 10x12 maximum barn style outbuilding we need to house our event supplies and yard sale donations. Other than those all other spaces are dedicated to cat care and housing.

Thank you for your consideration..

PAWS Statistics

	2013	2014	2015
Number of Cats Neutered:	114	200	340
Adopted:	76	116	159
Trapped/ Neutered Returned to the Wild:	38	48	185
Assisted Citizens with Cats:		16	15
Neutered and Permanent Residents of the Sanctuary:	9	9	9
Cats Deceased /Euthanized:	14	23	14
Pending Adoption:		10	

FY 2016, 2017 and 2018 Estimate

Number of Cats Neutered: 300-400

Overall goal is within 4 years, we have a limited numbers of unneutered cats.

Mission Statement

Dedicated to the protection, care and humane treatment of animals in the City of Poquoson "Committed to the Cause for PAWS"