1. 1-25-16 Agenda Summary

   Documents: 1-25-16 AGENDA.PDF

   1.I. 1-11-16 Regular Meeting Minutes

   Documents: 1-11-16 REG SES MINUTES.PDF

2. 1-11-16 Work Session Minutes

   Documents: 1-11-16 WK SES MINUTES.PDF

   2.I. Car Sales CUP

   Documents: CAR SALES CUP.PDF

   2.II. Pre-Budget Hearilng

   Documents: PREBUDGET HEARING.PDF

   2.III. GMA Temporary Position

   Documents: GMA EMPLOYEE.PDF

   2.III.i. Boards & Commission Appointments

   Documents: BD-COM APPMTS.PDF

POQUOSON CITY COUNCIL
MEETING OF
MONDAY, JANUARY 25, 2016
7:00 P.M.
REGULAR SESSION

A. MEETING CALLED TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS

1. **Mayor Hunt – Bay Star Homes**
   GFOA Budget Award

2. **City Manager – New Employee(s)**

3. **Mr. Paul Whitlow – Poquoson Museum Presentation**

D. AUDIENCE FOR VISITORS

E. APPROVAL OF THE MINUTES

1. **Regular Meeting – January 11, 2016**
2. **Work Session – January 11, 2016**

F. PUBLIC HEARING

1. **Request for Conditional Use Permit For Auto Sales Use at 346 Wythe Creek Road**

   (a) **Public Hearing**
   (b) **Consideration by Council**

2. **Pre- Budget**

   (a) **Public Hearing**

G. NEW BUSINESS

1. **Resolution Authorizing the Establishment of a Temporary (One Year) Full Time Position of Graduate Management Assistant**

2. **Resolution Making Appointments to Various Boards and Commissions**

H. COMMENTS OF THE CITY MANAGER

I. COUNCIL DIRECTIVES

J. ADJOURNMENT

MINUTES OF THE CITY COUNCIL MEETING
JANUARY 11, 2016, 7:00 P.M.
REGULAR SESSION

PRESENT: The Honorable W. Eugene Hunt, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
The Honorable Traci-Dale Crawford
The Honorable Charles M. Southall III
The Honorable Herbert R. Green, Jr.
The Honorable Raymond D. Vernall
The Honorable Henry W. Ayer III

J. Randall Wheeler, City Manager
Judy F. Wiggins, Assistant City Manager/City Clerk
D. Wayne Moore, City Attorney

MEETING CALLED TO ORDER:

Mayor Hunt called the meeting to order at approximately 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Hunt rendered the invocation and led the audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

New Employee Introduction

Street Maintenance Supervisor, Brad Wilkens, introduced the new Public Works employee, Daniel Reeder. Mayor Hunt, on behalf of Council, welcomed the new employee to the City.

Bay Star Homes

Mayor Hunt recognized and presented a Bay Star Home flag, provided by the Hampton Roads Planning District Commission GoGreen initiative, to Poquoson residents, Traci Crawford and Joseph Zawodny, for making positive adjustments to their home and yard to improve the natural environment and help clean our waterways. Both Councilwoman Crawford and Mr. Zawodny encouraged other citizens to consider taking the appropriate measures to become a Bay Star Homeowner as well.

AUDIENCE FOR VISITORS:

Ms. Randie Trestrail, 212 Beach Road, thanked the City Engineer for her hard work to enable the City to meet its TMDL requirements for 2018. She also emphasized the importance of improving the water quality of the Chesapeake Bay and asked that Council formally request our State legislators to endorse a budget amendment in order to provide

additional funds to assist localities in meeting TMDL and Stormwater Permit requirements. She also asked Council to support no tax increase for waterfront homeowners who had invested money to transform their property into a living shoreline.

Dr. David Maxwell, 111 Lee Avenue, expressed concern that there were no City ordinances that prohibit hanging/cleaning deer carcasses on one's property and asked Council to consider local legislation to prevent or screen such activity.

Ms. Amanda Philbeck, 1 Huntshire Lane, expressed support for the concerns of the two previous speakers and thanked the City Engineer for her hard work to ensure that the City will meet the TMDL requirements. She encouraged the City and the School System to offer classes to the public and students on the TMDL Program and how we can improve the quality of our waterways.

APPROVAL OF THE MINUTES:

Councilman Green moved, seconded by Councilman Ayer, to adopt the minutes of the regular session held December 14, 2015 as submitted. Recorded vote on the motion:

YES: Councilmembers Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

NEW BUSINESS:

1. **RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR CONSTRUCTION OF TWO STORMWATER MANAGEMENT FACILITIES LOCATED NEAR THE OXFORD RUN DITCH**

Mayor Hunt pointed out that during the work session held prior to this meeting, the City's two proposed stormwater best management practices (BMPs) that will enable the City to meet its 2018 TMDL program requirements had been discussed. The City Engineer, Ellen Roberts, explained that the BMPs to be constructed will consist of a Wet Pond located west of the Poquoson Library and a Constructed Wetland located alongside and southeast of the intersection of the Oxford Run and Victory Boulevard ditches. In conclusion, she stated that the City had solicited bids for this project and that staff was recommending that the contract be awarded to the lowest bidder, Northwest Contractors, Inc., at a price of $325,451.10.

A resolution authorizing the City Manager to execute a contact with Northwest Contractors, Inc. was presented for consideration and Councilman Green moved, seconded by Councilman Southall that it be adopted. Recorded vote on the motion:

YES: Councilmembers Ayer, Crawford, Green, Freeman, Southall, Vernall and Mayor Hunt.

NO: None.

2. REQUEST TO APPLY FOR AN AID TO PORTS GRANT FOR A MESSICK POINT BREAKWATER

Ms. Charity Gavaza, Economic Development Coordinator, stated that with Council's recent approval of a contract to construct a breakwater at Messick Point with a portion of the cost being funded with a Virginia Port Authority grant, she was seeking Council's consideration of a Phase II project. She stated that the second phase would extend this protective barrier to the terminus of Messick Point in order to prevent damage to boats, piers and commercial enterprises located in this area. She pointed out that based upon bid information received from the first breakwater bid, it is anticipated that the next phase will cost $270,000. Since the Virginia Aid to Ports grant provides 75% funding on such projects, the City will request $202,500 in grant funds to design, permit and construct the second breakwater phase.

During Council's discussion, it was agreed that funding to provide electricity and water to the City's existing pier at Messick Point should be rolled into the grant request and that staff should contact the Virginia Marine Resources Commission to inquire if they would provide solar navigational lights for the breakwaters, phases 1 and 2.

Subsequent to a brief discussion, Councilman Green moved, seconded by Councilman Ayer, that City staff be authorized to submit a grant application for the Messick Point Breakwater, Phase II. Recorded vote on the motion:

YES: Councilmembers Crawford, Ayer, Southall, Freeman, Green, Vernall and Mayor Hunt.

NO: None.

3. APPROVAL OF PROPOSED POQUOSON EXCHANGE CLUB COMMUNITY PROJECT AT MESSICK POINT

The Economic Development Director, David Callis, stated that he had been approached by members of the Poquoson Exchange Club to discuss a community project at Messick Point. The project would include a 16' by 24' outdoor interpretive center which could be used for classes and seminars as well as picnic/family gatherings. He explained that the project is proposed to be located on the City's property at 413 Messick Road which is adjacent to the public boat ramps and contains the public restrooms and the former marina store. He pointed out that given the close proximity of the property to the shoreline, the project will likely require approval from the Board of Zoning Appeals and possible mitigation. In conclusion, he stated that the Exchange Club is seeking Council's approval for the project concept and location prior to taking the project to the Club's general membership for vote and expenditure approval. If approved by Council and the membership, the Club will fund and construct the improvement, but will request a waiver of any administrative fees and may ask for initial site prep assistance.

Mr. Ed Hartman, Poquoson Exchange Club President, stated that the Club members were looking for a project that would positively impact the entire community and that the removal of trees on the property would not be necessary in order to construct the facility.

Councilman Green pointed out that a more central location on the site would be preferable as the adjacent property supports an active seafood business.

Councilman Green moved, seconded by Councilman Ayer, to approve the project concept and its location on City property located at 413 Messick Road. Recorded vote on the motion:

YES: Councilmembers Green, Vernall, Ayer, Southall, Crawford, Freeman and Mayor Hunt.

NO: None.

COMMENTS OF THE CITY MANAGER:

The City Manager offered the following information:

- That in accordance with Council's consensus, a formal letter seeking additional SLAF funding for localities would be drafted and sent to the City's State legislators;
- That proposals from all Poquoson realtors/brokers would be solicited, subject to Council's approval, for the purpose of selling the City-owned home and property located at 826 Poquoson Avenue which was recently purchased and subdivided in order to retain ownership of the rear parcel for City events;
- That Delegate Helsel is to be commended for his sponsorship of the "No Wake Zone" bill, HB289, requested by the City of Hampton and endorsed by Poquoson and many other Hampton Roads localities; and
- That the City plans to install "No Wake Signs" at appropriate locations throughout the City to be used during severe weather/flood events.

COUNCIL DIRECTIVES:

Councilman Southall thanked everyone who was in attendance and those who were watching the meeting from home. He wished everyone a Happy New Year; welcomed Daniel Reeder to the City; congratulated the Bay Star Homeowners; thanked those staff members who had given presentations that evening; and commended the Poquoson Exchange Club for their ongoing community support.

Councilwoman Crawford echoed Councilman Southall's comments and stated that homeowners who are interested in participating in the Bay Star Program should visit the HRGreen website.

Vice Mayor Freeman, Councilmen Vernall, Green and Ayer echoed Councilman Southall's comments.

Mayor Hunt wished everyone a Happy New Year and stated that he looks forward to a great 2016.

ADJOURNMENT:

There being no further business, Councilman Green moved, seconded by Vice Mayor Freeman, to adjourn the meeting. Recorded vote on the motion:

YES: Councilmembers Southall, Freeman, Vernall, Green, Ayer, Crawford and Mayor Hunt.

NO: None.

The meeting was adjourned at approximately 7:56 p.m.

MINUTES OF THE CITY COUNCIL MEETING
JANUARY 11, 2016, 6:30 P.M.
WORK SESSION
Council Chambers

PRESENT: The Honorable W. Eugene Hunt, Jr., Mayor
The Honorable Carey L. Freeman, Vice Mayor
The Honorable Traci-Dale Crawford
The Honorable Charles "Bud" M. Southall III
The Honorable Herbert R. Green, Jr.
The Honorable Raymond E. Vernall
The Honorable Henry W. Ayer III

J. Randall Wheeler, City Manager
Judy F. Wiggins, Assistant City Manager/City Clerk
D. Wayne Moore, City Attorney

The meeting was called to order by Mayor Hunt at approximately 6:30 p.m. in Council Chambers. He stated that the purpose of the work session was to provide the City Engineer an opportunity to update City Council on the City's TMDL (Total Maximum Daily Load) Action Plan.

Chesapeake Bay TMDL Action Plan Revision:

The City Engineer, Ellen Roberts, reminded Council that the City's TMDL Action Plan for 2013-2018 had been drafted last summer and made available online in an effort to solicit public input. In accordance with Department of Environmental Quality (DEQ) requirements, the City's Plan was submitted for review prior to the October 1, 2015 deadline. She pointed out that the City's Plan had not included BMPs developed prior to 2009 since it was unclear at the time of submittal if they would be accepted. However, since that time, the DEQ has notified localities that they can take credit for BMPs brought on line between January 1, 2006 and June 20, 2009 which will equate to a savings of approximately $590,500 of phosphorous removal in order to meet the City's 2018 required goal. She stated that the City's Action Plan was therefore revised to include the BMPs that had been developed during the specified timeframe, submitted to the Virginia DEQ and made available on the City's website.

Ms. Roberts made a brief presentation on the Bay TMDL Action Plan revisions as follows:

- That the City will only commit to actions necessary to meet the 2018 goal while continuing to work towards the 2023 goal;
- That the originally proposed filter strips and enhanced swale had been removed from the Plan because they were not needed in order to meet the 2018 5% goal;

- That the two Stormwater Local Assistance Fund (SLAF) grant projects proposed for the south side of Victory Boulevard will enable the City to meet and even exceed the 2018 requirements;
- That the City will be required to validate an additional 35% pollutant reduction in order to meet the 2023 TMDL mandated goal;
- That grant fund opportunities and/or more cost effective options will be pursued in order to meet the 2023 criteria; and
- That the 2017 Chesapeake Bay Model requirements will be monitored to determine if more cost effective measurements are acceptable in order to meet the 2023 requirements.

In conclusion, she reminded Council that the City must continue to fulfill the State Stormwater Permit requirements that include approximately 100 annual tasks, that the Public Works Yard PPP is due for completion in FY 2017 and that the City's storm drainage system inventory will be online as of FY 2018.

In response to Council queries, the City Engineer explained that the State in many instances had combined smaller localities into one group and assigned them a single watershed which in the City's instance is the York River. She confirmed that the City may require future development to provide additional water improvements which can provide additional TMDL credits in order to satisfy the 2023 required pollutant reduction levels. She stated that landscaping, a safety bench and fencing are acceptable measures to discourage children and others from entering BMPs.

Council agreed that the City needs to seek State funding at the 2016 General Assembly Session in order to meet future TMDL requirements.

Mayor Hunt, on behalf of Council, thanked Ms. Roberts for her hard work that enabled the City to meet the 2018 TMDL requirements at a reduced cost.

ADJOURNMENT:

There being no further business, the work session was adjourned at approximately 6:59 p.m.

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

January 25, 2016

To: The Honorable City Council

Through: City Manager

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit for Auto Sales Use at 346 Wythe Creek Road–Tax Parcel Nos. 27-1-75 and 27-1-77**

Presented for your consideration and a public hearing is a request by Mr. Joseph Gaita, applicant, and Ms. Kathleen Fairhurst, property owner, for a conditional use permit to establish an auto sales business on property located at 346 Wythe Creek Road, further identified as Tax Parcel Nos. 27-1-75 and 27-1-77. The property, although it has housed professional office uses in the past, is zoned R-1, Single Family Residential district. The zoning ordinance requires that a conditional use permit be acquired prior to the establishment of a use that is not specifically permitted within the property's specified zoning district (Ref. Article I. Section 1-8). The properties are located on the east side of Wythe Creek Road just south of its intersection with Huntlandia Way and consist of two (2) separate parcels totaling .25 acres in area.

The Planning Commission will hold a public hearing on this item at their January 21, 2016 meeting and their recommendation is forthcoming.

This application was advertised for public hearing in the Daily Press on January 1, 2016 and January 8, 2016. Adjacent property owners were notified of this request by letters mailed on January 4, 2016.

KMW

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH AN AUTO SALES BUSINESS ON PROPERTY LOCATED AT 346 WYTHE CREEK ROAD, POQUOSON TAX MAP PARCEL NOS. 27-01-00-0075 AND 27-01-00-0077

WHEREAS, a request was submitted by Joseph Gaita, applicant, and Kathleen Fairhurst, property owner, for a Conditional Use Permit to establish an auto sales business on property located at 346 Wythe Creek Road, specifically identified as Tax Map Parcel Nos. 27-01-00-0075 and 27-01-00-0077; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on January 21, 2016, and before City Council on January 25, 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 of Joseph Gaita, applicant, and Kathleen Fairhurst, property owner, for a Conditional Use Permit to establish an auto sales business on property located at 346 Wythe Creek Road, specifically identified as Tax Map Parcel Nos. 27-01-00-0075 and 27-01-00-0077 is hereby approved contingent upon adherence to the following conditions:

1. All trash receptacles shall be screened from adjacent properties and right-of-ways.
2. The use must comply with all local, state and federal regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
3. This use permit shall be used solely for the establishment of an automobile sales use with on-site office facilities and shall not be interpreted for use of a business that cannot be classified as such. Any other use not specifically permitted within the property's zoning district shall require a separate use permit.
4. The operation of the use shall be restricted to the hours of 7 a.m. and 7 p.m. No activity supporting the use shall be conducted outside of this window.
5. No on-site vehicle repair or maintenance shall be permitted.
6. Washing and/or cleaning of vehicles on-site shall not produce any more noise or odor than what is reasonably expected from a single family residential property. Specifically, no industrial grade equipment or chemicals shall be used on-site for the purpose of cleaning vehicles. All

impacts related to this activity, including runoff, shall be contained to the property.

7. Vehicles stored on-site for sale or intended for sale shall be stored at the rear of the building and limited to no more than 10 at any given time.
8. Vehicles stored on-site shall be maintained in good working order and must maintain a valid inspection decal issued by the Commonwealth of Virginia.
9. Vehicles leaking any fluid must be repaired promptly or removed from the City within 48 hours of the leak being observed.
10. On-site lighting shall be shielded in a manner that prevents light trespass to adjacent properties but still allows for sufficient lighting on-site during evening hours.
11. The vegetation located on the property at its north boundary must be perpetually maintained in good condition. Additionally, vegetation must be planted, to the satisfaction of the Director of Community Development, within a year of the issuance of this permit, at the southern property boundary to calm impacts related to vehicle display.
12. Signage shall be permitted in accordance with the City's Sign Ordinance. Aside from the display of vehicle sale prices in and/or on a vehicle's windshield, no signage shall be displayed on vehicles.
13. No animated signs shall be permitted.
14. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
15. City Council reserves the right to review and amend the conditions of this permit as they see fit.

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

ADOPTED: _____

TESTE: _____
City Clerk

A RESOLUTION DENYING A CONDITIONAL USE PERMIT TO ESTABLISH AN AUTO SALES BUSINESS ON PROPERTY LOCATED AT 346 WYTHE CREEK ROAD, POQUOSON TAX MAP PARCEL NOS. 27-01-00-0075 AND 27-01-00-0077

WHEREAS, a request was submitted by Joseph Gaita, applicant, and Kathleen Fairhurst, property owner, for a Conditional Use Permit to establish an auto sales business on property located at 346 Wythe Creek Road, specifically identified as Tax Map Parcel Nos. 27-01-00-0075 and 27-01-00-0077; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on January 21, 2016, and before City Council on January 25, 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 of Joseph Gaita, applicant, and Kathleen Fairhurst, property owner, for a Conditional Use Permit to establish an auto sales business on property located at 346 Wythe Creek Road, specifically identified as Tax Map Parcel Nos. 27-01-00-0075 and 27-01-00-0077 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: January 21, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, City Planner

Subject: **Conditional Use Permit for Auto Sales Use at 346 Wythe Creek Road–Tax Parcel Nos. 27-1-75 and 27-1-77**

Introduction

The City has received a request by Mr. Joseph Gaita, applicant, and Ms. Kathleen Fairhurst, property owner, for a conditional use permit to establish an auto sales business on property located at 346 Wythe Creek Road, further identified as Tax Parcel Nos. 27-1-75 and 27-1-77 . The property, although it has housed professional office uses in the past, is zoned R-1, Single Family Residential district. The zoning ordinance requires that a conditional use permit be acquired prior to the establishment of a use that is not specifically permitted within the property's specified zoning district (Ref. Article I. Section 1-8). The properties are located on the east side of Wythe Creek Road just south of its intersection with Huntlandia Way and consist of two (2) separate parcels totaling .25 acres in area.

Public Notice

This application was advertised for public hearing in the Daily Press on January 1, 2016 and January 8, 2016. Adjacent property owners were notified of this request by letters mailed on January 4, 2016.

Applicant's Proposal

The applicant proposes establishing a small auto sales business on the property. He would utilize the existing, 500 square foot building as office space and use the area behind the building to place approximately six (6) cars for sale. The anticipated hours of operation would be daily from 10:00 am to 5:00 pm.

Site Character

One (1) of the parcels is rectangular in shape and borders the other which is triangular in shape. The rectangular parcel, which maintains approximately 45 feet of frontage on Wythe Creek Road, houses the 500 square foot building that last operated as Beacon Electric in 2013. Beacon Electric was classified as a professional office use, traditionally a lower impact use than a retail operation with outdoor sales. The site lay approximately 150 feet south of Huntlandia Way and is largely cleared. Within 250 feet of the site lay seven (7) single family residential dwellings. Behind the building, which is located almost at the front property line at Wythe Creek Road, opens a narrow cleared field, which would allow the business owner an area for car placement.

Zoning and Comprehensive Plan Considerations

The property is zoned R-1, Single Family Residential and an automobile use is not permitted within this district due to its intensity. The last business use was Beacon Electric, which was a legal, non-conforming use and thus grandfathered on the property. Because Beacon Electric was a less intense, office use, the grandfathered status does not apply to this situation. If another office use were proposed for the property a conditional use permit would not be necessary.

Uses permitted in the R-1 district without a conditional use permit include single family residential structures and accessory buildings, 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. Commercial uses such as the auto sales business in question that generate activities inconsistent with the provisions set forth for home based businesses are not specifically permitted in this district.

The Comprehensive Plan 2008-2028 identifies the property as low density residential. Low density residential is describe by the Comprehensive Plan as the following:

> *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 designation may include open-space subdivisions in accordance with the Zoning Ordinance, not exceeding the maximum density allowed.*

While the property is zoned R-1, due to its location on Wythe Creek Road, it is located near several other zoning districts. Properties to its immediate south, north and west are zoned R-1. However, one will find the R-3 district immediately across Wythe Creek Road to the site's west and the B-2, Business/Commercial district 150 feet to its north. Lastly, the Village Commercial district is located approximately 700 feet to the north west of the property.

Surrounding Characteristics

The property is surrounded by single-family residential uses and the R-1, Single Family Residential district. The property immediately to its south is an undeveloped parcel currently used as a large garden. To its north and west lay existing single family residences. A large, undeveloped, residentially zoned parcel is located to its east. In addition to the single family dwellings in the area, there are several higher impact developments in its vicinity. To its west, south west and north west is the Villas development. To its north are the Dr. Hunt Dentistry office and the Storage World of Poquoson complex.

Traffic and Access

The property has direct access from Wythe Creek Road. An auto sales use of this size is not expected to generate large numbers of customers, thus limiting the expected vehicular trips per day. Additionally, on site circulation is anticipated to be sufficient to serve a use of this nature. The on-site structure's proximity to Wythe Creek Road could be problematic as visibility could be an issue for customers wishing to exit the site making a south bound movement onto Wythe Creek Road.

Environmental and Building Code

As no new development is taking place, no wetlands delineation is required. However, any new construction on the site that exceeds 750 square feet, would require the submittal of a new site plan, and thus require a delineation of wetlands on the property. Furthermore, the introduction of any impervious on-site materials would necessitate the need for a site plan submittal.

The most recent use of the building located on the property was as a professional office, meaning that the use categorization under recognized Building Codes would not change. This means that no change of use permit relative to building code s would be required and the new auto sales use would be grandfathered under the code that was in effect upon its construction.

Utilities

The property is served by all necessary utilities.

Relationship to the Comprehensive Plan/Staff Findings

As stated above, the property is designated for use as *Low Density Residential* as defined in the Comprehensive Plan. A detailed description of the purpose and intent of the *Low Density Residential* land use designation is outlined above in the section titled "Zoning and Comprehensive Plan Considerations."

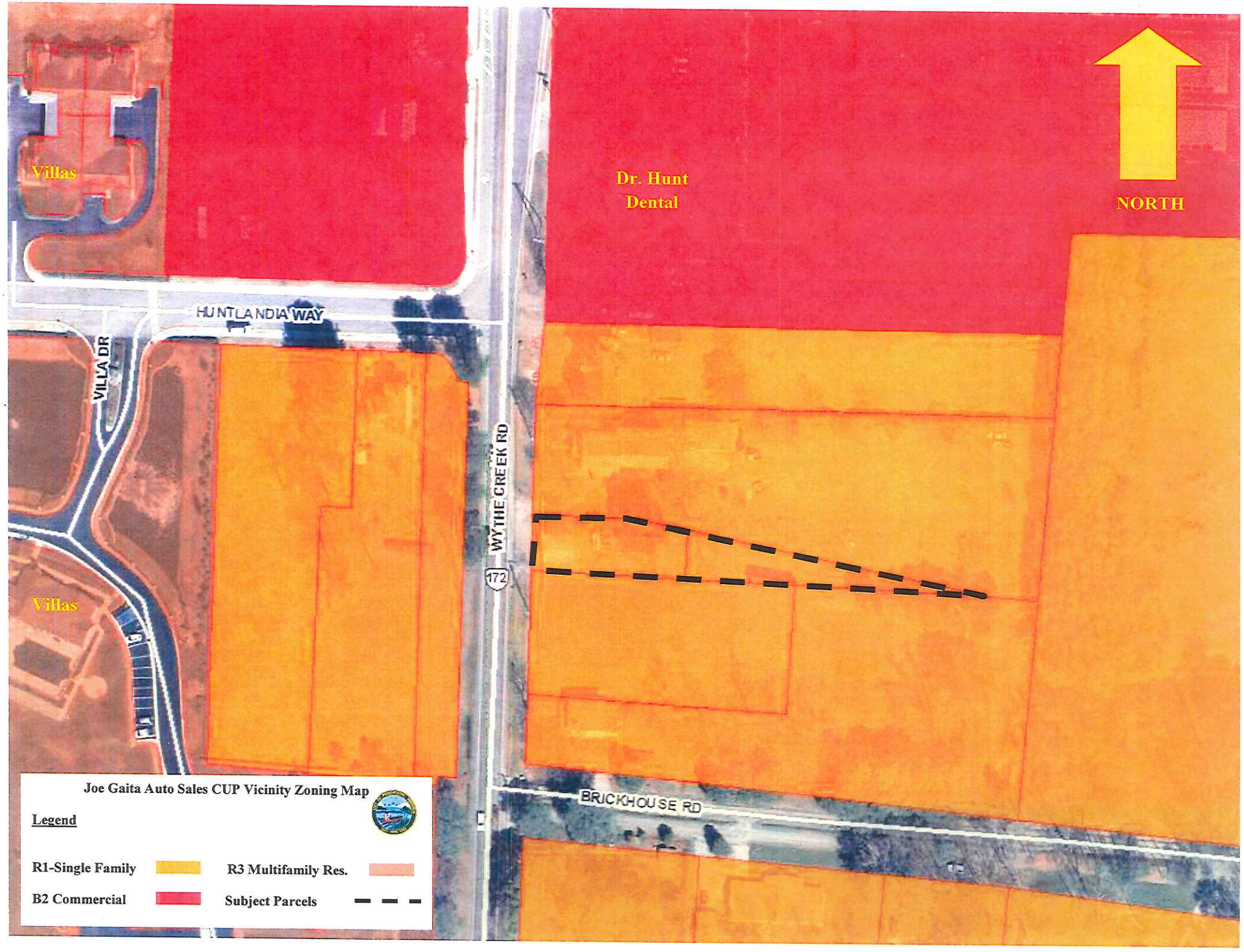
The property is small and, as such, expansion of any use is limited. The property has functioned in the past as a professional office use that functioned well within the fabric of the established residential uses that it surrounds. It is important to note; however, that the proposed use would be more intense than the lower traffic uses that operated on the property previously and thus, it may not fit as seamlessly into the existing neighborhood. With any type of use as intense as a retail establishment there are inherent impacts that may not make it desirable to neighbors. These impacts include increased vehicular traffic stemming from the creation of customers, potential noise pollution generated from these customers and outdoor sales, and potential visual clutter created by the outdoor storage of vehicle inventory. The property itself has shown in the past that it can successfully operate as a professional office with little to no issue. However, with on-site sales being introduced to the site, this use sets itself apart from previous users. Certain conditions would be necessary to mitigate this use's impact to the existing residential uses in the surrounding area. If the Planning Commission recommends approval of the request to City Council, staff recommends that approval be subject to the following conditions:

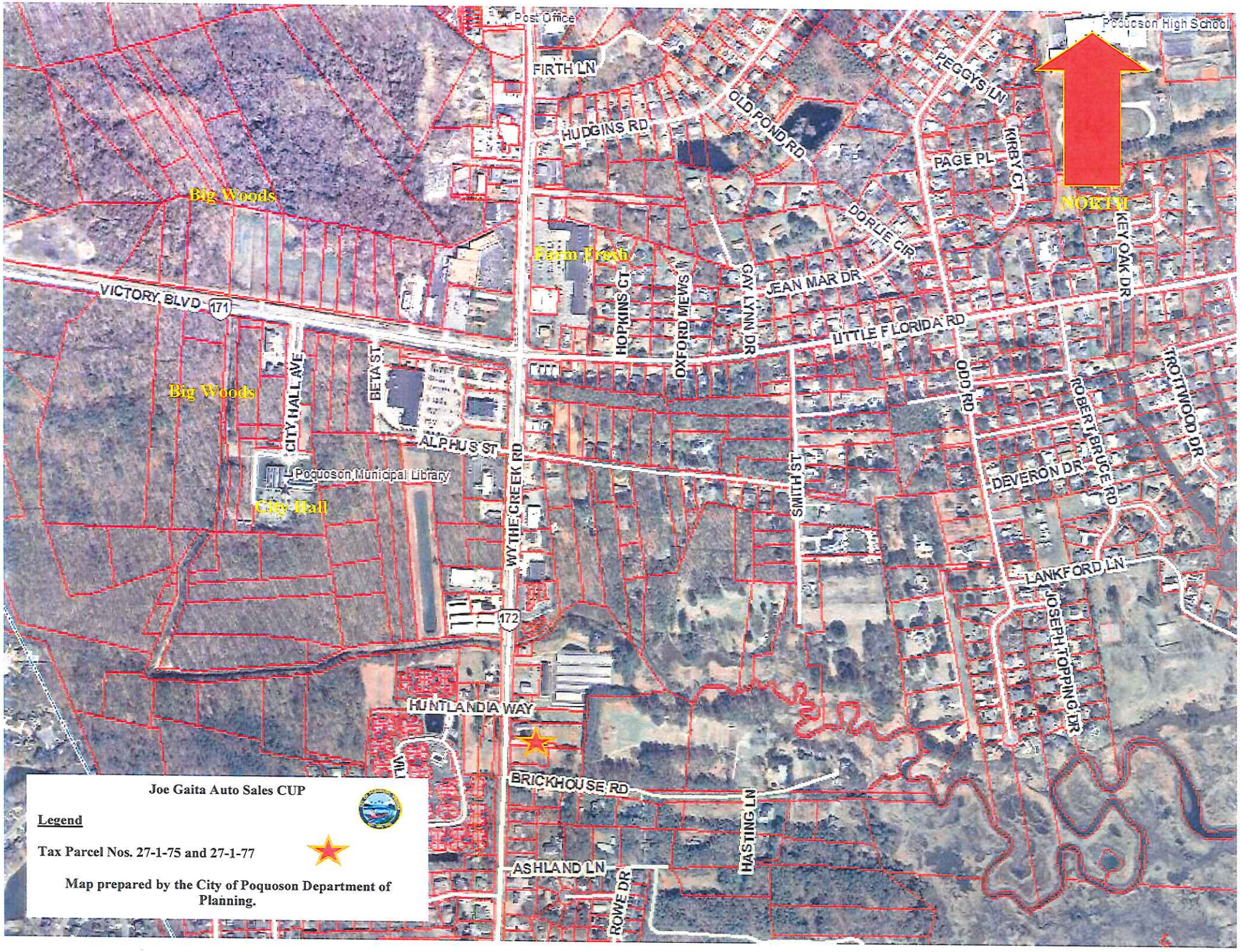
1. All trash receptacles shall be screened from adjacent properties and right-of-ways.
2. The use must comply with all local, state and federal regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.

3. This use permit shall be used solely for the establishment of an automobile sales use with on-site office facilities and shall not be interpreted for use of a business that cannot be classified as such. Any other use not specifically permitted within the property's zoning district shall require a separate use permit.
4. The operation of the use shall be restricted to the hours of 7 a.m. and 7 p.m. No activity supporting the use shall be conducted outside of this window.
5. No on-site vehicle repair or maintenance shall be permitted.
6. Washing and/or cleaning of vehicles on-site shall not produce any more noise or odor than what is reasonably expected from a single family residential property. Specifically, no industrial grade equipment or chemicals shall be used on-site for the purpose of cleaning vehicles. All impacts related to this activity, including runoff, shall be contained to the property.
7. Vehicles stored on-site for sale or intended for sale shall be stored at the rear of the building and limited to no more than 10 at any given time.
8. Vehicles stored on-site shall be maintained in good working order and must maintain a valid inspection decal issued by the Commonwealth of Virginia.
9. Vehicles leaking any fluid must be repaired promptly or removed from the City within 48 hours of the leak being observed.
10. On-site lighting shall be shielded in a manner that prevents light trespass to adjacent properties but still allows for sufficient lighting on-site during evening hours.
11. The vegetation located on the property at its north boundary must be perpetually maintained in good condition. Additionally, vegetation must be planted, to the satisfaction of the Director of Community Development, within a year of the issuance of this permit, at the southern property boundary to calm impacts related to vehicle display.
12. Signage shall be permitted in accordance with the City's Sign Ordinance. Aside from the display of vehicle sale prices in and/or on a vehicle's windshield, no signage shall be displayed on vehicles.
13. No animated signs shall be permitted.
14. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
15. City Council reserves the right to review and amend the conditions of this permit as they see fit.

Attachments

Villas
Dr. Hunt Dental Office
NORTH
HUNTLANDIA WAY
VILLA DR
WYTHE CREEK RD
172
Villas
BRICKHOUSE RD
Joe Gaita Auto Sales CUP
Legend
Tax Parcel Nos. 27-1-75 and 27-1-77
Map prepared by the City of Poquoson Department of Planning.


Villas
HUNTLANDIA WAY
VILLA DR
Villas
WYTHE CREEK RD
172
Dr. Hunt
Dental
NORTH
BRICKHOUSE RD
Joe Gaita Auto Sales CUP Vicinity Zoning Map
Legend
R1-Single Family
R3 Multifamily Res.
B2 Commercial
Subject Parcels



Joe Gaita Auto Sales CUP

Legend

Tax Parcel Nos. 27-1-75 and 27-1-77

Map prepared by the City of Poquoson Department of Planning.

City of 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, JOSEPH GAITA (LEASOR),

the undersigned owner(s) of the described property:

346 WYTHE CREEK RD.
POQUOSON

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

TO OPEN A SMALL AUTO SALES BUSINESS AT 346 WYTHE CREEK RD.
EXISTING BUILDING TO BE USED AS OFFICE SPACE AND APPROXIMATELY SIX CARS FOR SALE BEHIND BUILDING
BUSINESS HOURS WOULD BE BETWEEN 10:00 A.M. — 5:00 P.M.

Tax Map Parcel # 27-01-00-0075 + 27-01-00-0077
Zoned - R-1 Single-Family Residential

(CONTINUED)

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

SIGNATURE OF PROPERTY OWNER(S):

X _____

X _____

NAME: KATHLEEN FAIRHURST

ADDRESS: 6 OAKLAND DR
NEWPORT NEWS

TELEPHONE: 757-591-7172

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

X _____

NAME: JOSEPH GAITA

ADDRESS: 806 CALTHROP NECK RD.
YORKTOWN VA. 23693

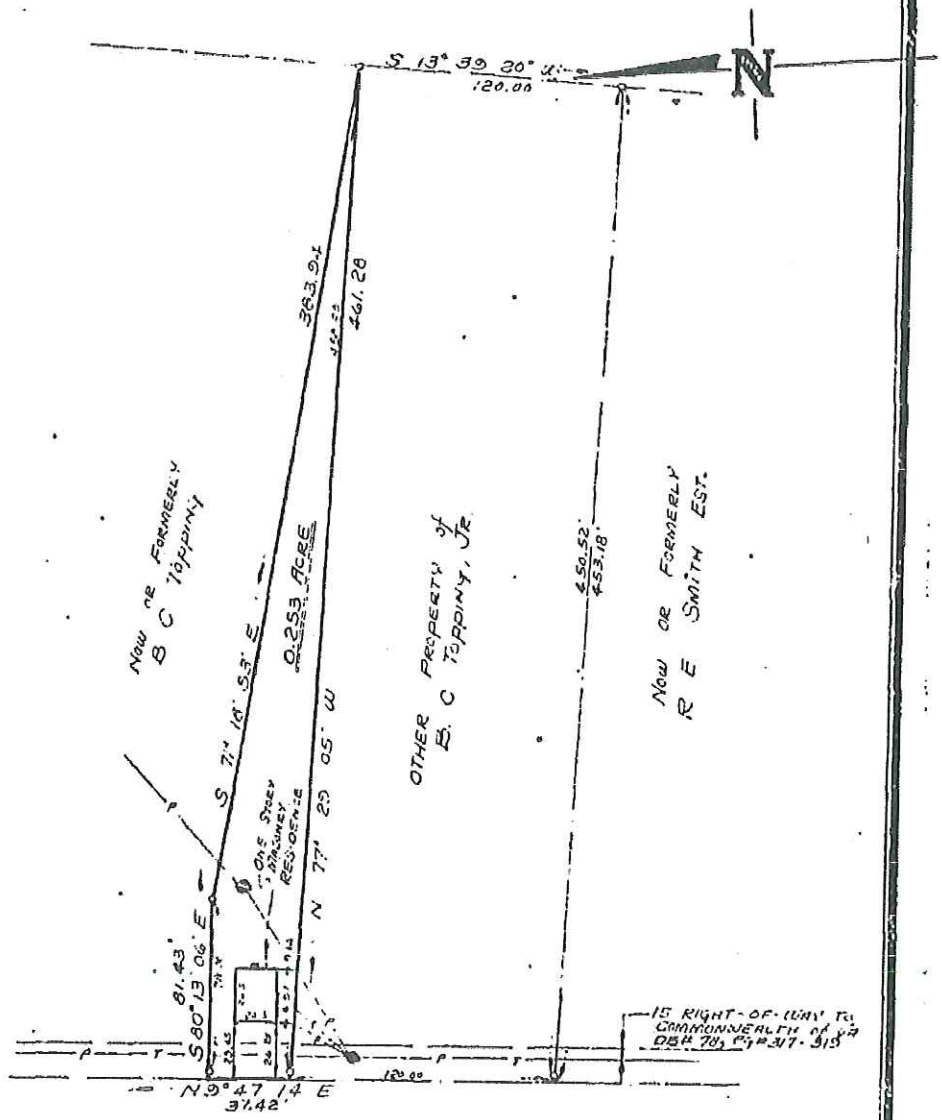
TELEPHONE: 757-870-2306

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.

BOOK 301 PAGE 773



SYMBOLS · DENOTE

- PIPE FOUND
- PIPE SET
- ROD FOUND
- CONC. MONUMENT

WYTHE CREEK ROAD

COMMONWEALTH OF VIRGINIA
EDWARD J. KELLER
CERTIFICATE No.
1018
LAND SURVEYOR

I, Edward J. Keller HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE BY ME ON THIS DATE AND IS CORRECT. THERE ARE NO ENCROACHMENTS UNLESS SHOWN HEREON

E. J. KELLER, INC.
LAND SURVEYOR
NEWPORT NEWS, VIRGINIA

JOB LOCATION # WYTHE CREEK ROAD

PLAT OF THE PROPERTY OF:
B. C. Topping, Jr.

PARCEL OF LAND
CONTAINING
0.253 ACRE
CITY OF POQUOSON, VA.

CODE: 77-159	DWN. BY- LC	SCALE: 1" = 60'	TO: GIBSON	DATE: 9 MARCH 77

CITY OF POQUOSON

Office of the City Manager
J. Randall Wheeler

500 City Hall Avenue, Poquoson, Virginia 23662-1996
(757)868-3000 Fax (757)868-3101

January 25, 2016

TO: City Council

FROM: Theresa Owens, Director of Finance

THROUGH: Randy Wheeler, City Manager

SUBJECT: Pre-Budget Public Hearing

Tonight a public hearing is scheduled for the purpose of receiving public input and Council directives on budget priorities for the FY 2017 budget. This input will be used to help prepare the City Manager's proposed budget.

The City Manager's proposed budget is scheduled to be released April 11, 2016 with the public hearing on the proposed budget scheduled April 25, 2016.

CITY OF POQUOSON

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January 25, 2016

TO: **City Council**

FROM: **City Manager**

SUBJECT: **Request Authorizing the Establishment of a Temporary (One Year) Full Time Position of Graduate Management Assistant**

I am asking City Council to authorize the establishment of a temporary (one year), full time position of Graduate Management Assistant (GMA). This proposed program is modeled after a program that I was a participant in while in Prince William County. The focus of the program is to provide entry level professional work experience for a recent college graduate whose course of study and intended career path is local government management. If approved, I would also like to open the program to persons who have recently left military service who wish to pursue a career in local government. Unlike shorter term internship opportunities, both paid and unpaid, that the City offers to high school and college students, this program will for all intents and purposes be a full time, entry level position.

There are three principal reasons that I am asking for your consideration of this program at this time. First, as Council is aware, the Planning Commission and the Community Development staff will soon begin the Comprehensive Plan Update process. As envisioned, the GMA will work approximately ½ time in support of the Comprehensive Plan Update. Providing short term additional staffing support to the Department of Community Development will help the Department balance the increased workload requirements associated with the Comprehensive Plan Update with the other responsibilities of the Department such as development plan review and staffing of rezoning and conditional use permit applications.

The second reason that I am making this request at this time is to help the organization assist the City government generally, and the Office of the City Manager specifically, with our succession management efforts. As Council is aware, within the next few years the City anticipates a significant wave of retirements. In many cases these long term professionals have "grown up with the job" and I intend to use this position to assist us by documenting standard operating procedures, informal practices and

policies and related activities to increase our readiness to transition these responsibilities to those that will step into the shoes of these retiring employees.

Finally, by providing the GMA the training and experience to assist us in a wide variety of entry level professional tasks as outlined in the attached job description, we benefit in the short term from the work itself, but as an organization we may benefit longer term should a successful GMA seek to pursue longer term employment with the City as positions become available. As a small City we face challenges in hiring experienced, qualified professional staff given our salary scales. In addition, the fact that we are small, often having only one person in each professional job type, we do not have the luxury of extended training periods nor the resources required to do so in many instances. This program may help us deal with these challenges.

If approved, I would propose to fund the first year of the GMA program using salary savings from vacant positions. Any decision to extend the program beyond Fiscal Year 2017 would be a separate, future decision based upon a review of the initial program performance and be made part of the Fiscal Year 2018 Budget process.

Graduate Management Assistant (Intern)

The City of Poquoson is seeking highly qualified applicants for the position of Graduate Management Assistant. This opportunity is intended for persons who have a strong, demonstrated interest in pursuing a career in local government administration and who have earned a Bachelors or Master's Degree in Public Administration, Planning, Political Science or similar within the last three years; however, the position is also open to persons who have recently completed military service and are wishing to pursue a career in local government administration.

The City of Poquoson is a small coastal City with a population of approximately 12,000 people located within the Hampton Roads Region. The City has been recognized as Virginia's Safest City, has one of the best school systems in Virginia and has been rated as a Top 5 National Suburb. Our small workforce of approximately 130 full time positions is dedicated to providing outstanding service to our community in a team-oriented manner. Because we are small and have limited resources we wear many hats and often must work creatively and collectively to achieve success. We believe that we can provide an outstanding training opportunity for a qualified applicant wishing to make local government administration his or her long term vocation.

During the course of this one year appointment the Intern will have an opportunity to serve as part of the staff team working with the Planning Commission on the update to the Comprehensive Plan. The intern will also have the opportunity to work in a wide range of administrative areas under the supervision of the City Manager including, but not limited to Human Resources, Human Services, Records Management, Constituent Services, Budget Development and Management Analysis.

This full time, one year position has a starting annual salary of $32,412 with full benefits. The City reserves the option of reclassifying and converting this position to permanent status at the end of the internship period, subject to consideration and approval of the City Council. Interested applicants should submit a City of Poquoson Employment Application, resume and letter of interest to the City Manager's Office, 500 City Hall Avenue, Poquoson, Virginia, 23662 no later than February 25, 2016. The City of Poquoson is an Equal Opportunity Employer.

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Office of the City Manager
J. Randall Wheeler

January 25, 2016

To: City Council

From: City Manager

Subject: **Resolution Making Appointments To Various Boards and Commissions**

Presented for your consideration is a resolution making appointments to various Boards and Commissions. You have been previously notified of these appointments and provided all Board Bank applications on file.

There are five appointments to be made to the Board of Adjustments and Appeals. All appointments are trade specific.

S. Michael Evans – Architect	served since December 1976
Gregory A. McDaniel – Building	served since January 2005
William B. Price – General	served since January 2000
Donnie F. Lawson – Mechanical	serviced since February 1990
Carey Harrell – Electrical	served since December 1976

Three appointments are needed for the Planning Commission. Two of the three members have asked to not be reappointed – Mr. Avery and Mr. Gardy. These appointments are by precincts. Mr. Avery is an at-large appointee so anyone can be appointed in his place.

Mrs. Nancy Akers has served 10 years on the York/Poquoson Social Services Board and therefore is ineligible for reappointment.

The Library Advisory Board has two appointments to be made which are by precincts and the Architectural Review Board has one appointment to be made which must be an architect.

RESOLUTION NO. _____

RESOLUTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

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

Section 1: That the following persons be and the same hereby are appointed to Board of Adjustments and Appeals for the terms indicated:

	Names		**Terms Expire**
1.		Architect	January 31, 2021
2.		Building	January 31, 2021
3.		General	January 31, 2021
4.		Mechanical	January 31, 2021
5.		Electrical	January 31, 2021

Section 2: That the following persons be and the same hereby are appointed to the Planning Commission for the terms indicated:

	Name		**Term Expires**
1.		Western Precinct	January 31, 2020
2.		Eastern Precinct	January 31, 2020
3.		At Large	January 31, 2020

Section 3: That the following person be and the same hereby is appointed to the York/Poquoson Social Services Board for the term indicated:

	Name	**Terms Expire**
1.		January 31, 2020

Section 4: That the following persons be and the same hereby are appointed to the Library Advisory Board for the terms indicated:

	Name		**Term Expires**
1.		Western Precinct	January 31, 2019
2.		Eastern Precinct	January 31, 2019

Section 5: That the following person be and the same hereby is appointed to the Architectural Review Board for the term indicated:

	Name		**Terms Expire**
1.		Architect	January 31, 2019

Section 6: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____
City Clerk