1. 2-18-16 Planning Commission Work Session & Regular Meeting

   Documents: 2-18-16 PC AGENDA.PDF

CITY OF POQUOSON

POQUOSON PLANNING COMMISSION

FEBRUARY 18, 2016

AGENDA

POQUOSON PLANNING COMMISSION
Thursday, February 18, 2016, 7:00 p.m.
COUNCIL CHAMBERS – 500 CITY HALL AVENUE

6:00 p.m. – Work Session (Capital Improvements Plan)

A. CALL TO ORDER

B. INVOCATION & PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE MINUTES

1. **Regular Session – January 21, 2016**

D. AUDIENCE FOR VISITORS

E. PUBLIC HEARING

1. **The proposed City of Poquoson's Capital Improvements Plan for FY 2017 through FY 2021 and beyond.**

F. NEW BUSINESS

1. **Comprehensive Plan Update Discussion**
2. **Additional Zoning Ordinance Amendment Discussion as Requested by Vice Chairman Travis**
3. **Review of the Zoning Ordinance Variance Request**

G. COMMUNICATIONS AND CORRESPONDENCE

1. **Status of the Item from the January 21, 2016 Meeting**

H. ADJOURN

VIRGINIA: The Poquoson Planning Commission met in a regular meeting on Thursday, January 21, 2016 at 7:00 p.m. in the Council Chambers located at 500 City Hall Avenue.

PRESENT: Commissioner Bonnie W. Shriver, Chairwoman
Commissioner William J. Travis, Vice Chairman
Commissioner Gregory N. Gardy, Member
Commissioner Shawn M. Avery, Member
Commissioner Richard D. Clifton, Member
Commissioner James K. Titlow, Member

Deborah L. Vest, Director of Community Development
Kevin M. Wyne, Planner
Victoria H. Diggs, Clerk

ABSENT: Commissioner Gustavus A. Goddin, Member

REGULAR SESSION

The regular session of the Planning Commission was called to order by Vice Chairman Travis.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Chairman Travis led the audience in the invocation and the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Commissioner Clifton moved, seconded by Commissioner Titlow, that the minutes of the December 7, 2015 regular session be approved as submitted. Recorded vote on the motion:

YES: Commissioners, Gardy, Avery, Clifton, Titlow and Vice Chairman Travis.

NO: any.

AUDIENCE FOR VISITORS

Mr. Mark Andrews, 7 Martha Court, thanked the Commission for their approval recommendation of the recent General Commercial District amendment that was adopted by City Council requiring high traffic generating businesses to obtain a Conditional Use Permit. He suggested that a similar

amendment be considered by the Commission and City Council for the remaining zoning districts so that the public may provide input and Council has the final say on new developments. He maintained that there was still work to be done in order to retain the character of the community and manage growth by appropriately updating the City's Comprehensive Plan.

As there were no other speakers, Chairwoman Shriver, who arrived during the Audience for Visitors, closed the general public input portion of the meeting.

PUBLIC HEARING

1. **A REQUEST 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 WTYTHE CREEK ROAD IDENTIFIED AS TAX MAP PARCEL NOS. 27-01-00-0075 AND 27-01-00-0077, ZONED R-1 (SINGLE-FAMILY RESIDENTIAL).**

This application was advertised for a 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.

Kevin M. Wyne, Planner, introduced the request by Mr. Joseph Gaeta, applicant, and Ms. Kathleen Fair Hurst, property owner, for a Conditional Use Permit to establish an auto sales business at 346 Wythe Creek Road. Mr. Wyne noted that although the property is zoned R-1, Single-Family Residential, it had been utilized as professional businesses in the past; however, its grandfathered non-conforming status has since expired. He explained that the two-parcel, .25 acre property is located on the east side of Wythe Creek Road just south of its intersection with Huntlandia Way. The property is immediately across from the R-3 (Multi-Family Residential) District on Wythe Creek Road to the west and the B-2 (Business) District 150 feet to its north, with a Village Commercial District located approximately 700 feet to the northwest of the property. Mr. Wyne also stated that the property contains an existing 500 square foot building previously utilized as an office. In conclusion, he stated that staff recommends the following conditions be applied to the Conditional Use Permit should the Commission recommend its approval:

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.

Chairwoman Shriver opened the public hearing.

Mr. Robert Smith, 100 Brickhouse Lane, gave a brief history of the property from its original owner to the last non-conforming use. He stated that he did not object to the request, but felt that this was not an appropriate use for the subject parcel.

Mr. Alan Moody, 207A Browns Neck Road, expressed concern over the proposed business being located in an established residential neighborhood and stressed that the Commission should consider the input of adjacent property owners. He also asked the Commission to provide clarification for the City's vision of Wythe Creek Road, i.e. should it be residential or commercial.

Mr. Joseph Gaita, the applicant, explained that he plans to operate a "low key" car sales business that would not negatively impact the neighboring residences and that he would improve the existing right-of-way. He stated that he realized that the Wythe Creek Road widening project would negatively impact the business in about two years and hoped to be able to move to a larger commercially zoned property by that time.

As there were no further speakers, Chairwoman Shriver closed the public hearing,

During their discussion, the Commissioners cited the volume of traffic, the proximity to residentially developed property and the impending Wythe Creek Road project as the basis for their opposition to the requested Use Permit.

Vice Chairman Travis moved, seconded by Commissioner Clifton, to recommend denial of the proposed Conditional Use Permit to City Council. Recorded vote on the motion:

YES: Commissioners Titlow, Clifton, Avery, Gardy, Travis and Chairwoman Shriver.

NO: None.

COMMUNICATIONS AND CORRESPONDENCE

Deborah L. Vest, Director of Community Development, reminded everyone that the Conditional Use Permit for the proposed car sales business would be considered in a public hearing before the City Council on Monday, January 25th at 7:00 p.m. She stated that the City's proposed Capital Improvements Plan (CIP) for FY2017 through FY2021 and beyond would be discussed in a work session and considered in a public hearing by the Commission on February 18, 2016.

Ms. Vest also reminded the Commission that the update of the Comprehensive Plan would likely begin at the February meeting and offered the following information on this process:

- That it is a very labor intensive process in which the Planning Commission will be taking the lead;
- That it is a document which is built sequentially, requiring each chapter to be completed prior to the next;

- That citizens, City staff and the Planning Commission participation is vital and the first step will be the formation of a Citizen Participation Team, of which at least 1/3 should be Planning Commissioners; and

- That the Commission may want to hold a work session as soon as possible to begin preparation for this endeavor.

The Commissioners discussed the importance of preparing the Comprehensive Plan and questioned how citizens would be recruited and involved. Commissioner Clifton suggested that an application process be utilized for citizens who wish to serve on the Team. Ms. Vest explained that advertising through the press and social media would also be used to encourage public participation. She stressed that the update of the Plan would require Commissioners to devote additional time and effort to keep the process on track, possibly requiring meetings at least once a month in addition to the regularly scheduled Planning Commission meetings. Lastly she stated that the first couple months would be devoted to obtaining public comment/input.

The Commission said goodbye to Commissioners Greg Gardy and Shawn Avery, who had resigned from the Commission effective February 1, 2106, and wished them both the very best in the future. Both gentlemen expressed their appreciation for the memorable experiences they had gained through their service on the Commission.

The Commission also inquired if City Council had offered any reason for not including the provision of 75 vehicle trips per day in the adopted General Commercial District amendment forwarded to them last month. Following a brief discussion, Commissioner Clifton moved, seconded by Commissioner Avery, to request City Council to reconsider the General Commercial District amendment as proposed and recommended by the Commission. Recorded vote on the motion:

YES: Commissioners Travis, Gardy, Avery, Clifton, Titlow and Chairwoman Shriver.

NO: None.

Vice Chairman Travis asked that the request for additional Zoning Ordinance amendments, brought forth during the public hearing that evening, be added as a new business item at the next meeting.

Mr. Wyne also offered his best wishes to Commissioners Gardy and Avery and stated that he is looking forward to working on the Comprehensive Plan.

The Commission was reminded that due to the President's Day holiday, the next meeting will be held on February 18th.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 8:01 p.m.

Bonnie W. Shriver, Chairwoman

Victoria H. Diggs, Clerk

CITY OF POQUOSON

CITY MANAGER'S OFFICE

500 CITY HALL AVENUE, POQUOSON, VA 23662-1996
(757) 868-3000 TELEPHONE (757) 868-3101 FAX

MEMORANDUM

Date: February 18, 2016

To: Chairwoman and Members of the Planning Commission

From: City Manager

Subject: Capital Improvements Plan

As the Planning Commission is aware the annual Capital Improvements Plan (CIP) serves as an important planning document outlining departmental, including the School Division, requests for capital maintenance, capital facilities and equipment replacement, as well as new public facilities. In the Recommended CIP you will find the departmental requests, as well as the City Manager's recommendations.

I would note that funding for all CIP projects continues to be constrained by available and projected resources. During the most recent recession the City of Poquoson, like many jurisdictions across Virginia, was forced to remove ongoing funding support for the CIP. Over the last few years we have been fortunate to be able to utilize one-time savings from the operating budget to fund such things as vehicle replacement for the Police Department, Public Works and the School Division. The Recommended CIP anticipates the use of these one-time savings in FY2017 to fund these types of capital replacement items as well. We have been able to make at least some progress with vehicle replacement, but unfortunately in the areas of capital maintenance, non-vehicle capital replacement and new facilities we have been unable to move forward with the vast majority of these types of requests during the recessionary and post-recessionary period.

Contained within the Recommended CIP is a proposed plan to begin to address CIP-related needs beyond basic vehicle replacement. What I am proposing is using approximately 10% of the undesignated General Fund revenue growth as an ongoing revenue stream to support limited, debt-funded projects beyond the one-time cash funded vehicle replacement that we have been able to incorporate into the budget in the last few years.

The Recommended CIP includes four, relatively small debt funded projects for the coming year. The first two are capital maintenance projects. These are for the HVAC system at the High School and for the HVAC system at the Primary School. The third project is an upgrade/replacement project for the High School Track. The final project is for the construction of a beach at Messick Point. These projects together are estimated to cost approximately 710,000, the debt service for which will require the

dedication of approximately 10% of the new General Fund revenue next budget year. All four of these projects are contained within the existing approved CIP.

Two additional items I would like to bring to your attention are the Middle School Renovation project and the Public Safety Building. I anticipate that the School Board and City Council will resume their discussions on exactly what is the best course of action for the Middle School project sometime after the completion of the upcoming year budget process. With regard to the Public Safety Building, this project has been listed as an out year project for some time and with this CIP I am recommending changing its status from an unspecified out year project to a FY2021 project. You will also note that I have recommended the addition of some planning money for FY2018 to enable us to begin work on a needs analysis that will help us determine the size and general layout of the building. In my opinion the building should at a minimum include the Police Department, but as part of the assessment process I would also like to explore whether or not the building should also be sized to accommodate Fire Administration and/or the Emergency Operations Center. As part of the Planning Commission's Comprehensive Plan Update of the Public Facilities element (chapter 6), I would welcome the opportunity for the City's Public Safety Departments and me to work with members of the Planning Commission to identify possible sites for a new Public Safety Building.

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING ADOPTION OF THE FIVE YEAR CAPITAL IMPROVEMENTS PLAN FOR THE CITY OF POQUOSON FOR FISCAL YEARS 2017 THROUGH 2021 AND BEYOND

WHEREAS, Section 15.2-2239 of the Code of Virginia (1950), as amended, authorizes the Planning Commission to submit a five year Capital Improvements Plan to the City Council; and

WHEREAS, the Capital Improvements Plan for Fiscal Years 2017 and beyond 2021 was reviewed by the Planning Commission in a work session and a public hearing held on February 18, 2016; and

WHEREAS, careful and thorough consideration of the Plan has been given.

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

Section 1: That the 5 year Capital Improvements Plan for Fiscal Years 2017 through 2021 and beyond be and the same hereby is recommended for adoption by City Council.

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

ADOPTED: _____

TESTE: _____
Clerk, Planning Commission

CITY OF POQUOSON

PLANNING DEPARTMENT

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

MEMORANDUM

Date: February 18, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, City Planner

Subject: Upcoming Comprehensive Plan Update

As you recall, over the next several months department staff will be working closely with you all on the development of an updated Comprehensive Plan. The bulk of the current Comp Plan was adopted in 2009, with the exception being Chapter 6 – Community Services and Facilities, Section II. Parks and Recreation, which was last updated in June 2011. It is important to review and update the Comprehensive Plan every five (5) years to revise important demographic and economic information and revisit the broader goals and direction of the City.

At your last meeting on Thursday, January 21, 2016, a brief overview of the process was discussed and staff outlined the first steps in beginning this extensive process. Specifically, staff detailed the formulation of two (2) committees who would guide the update process. One (1) of these teams would consist of a small group of approximately three (3) to five (5) citizens with a majority being made up of present Planning Commissioners. The primary function of this committee would be to lead the development of the Comp Plan update. Additionally, a larger community participation committee would be established, consisting of 10 to 20 citizens as well Planning Commissioners. The primary functions of this committee would be to identify public outreach opportunities and strategies and foster community input in order to assist the steering committee with the creation of the updated Comp Plan. More discussion on the formulation of these committees is scheduled for your meeting this evening.

Staff has developed a draft committee member application that would serve as the mechanism that the commission could use to make appointments to these committees. This draft application will be available for your review this evening.

Lastly, staff will present you with a brief outline of the Comprehensive Plan in its current form and detail the contents of each chapter. Once the above outlined committees are formed, they may begin identifying the best strategies for updating the Comp Plan.

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MEMORANDUM

Date: February 18, 2016

To: Chairwoman and Members of the Planning Commission

From: Deborah L. Vest, Coordinator of Community Development

Subject: **Review of the Zoning Ordinance Variance Request**

The Board of Zoning Appeals has advertised a public hearing for February 24, 2016 at 6:30 p.m. to consider the following:

1. Exception request by Frank and Beata Whitehead, applicants, and James C. Moore Sr. Trust, property owner, for relief from the principal structure placement requirements as prescribed in Article XI, Section 11.4-12(a) of the Poquoson Zoning Ordinance for the construction of a single family dwelling in the Resource Protection Area buffer on property located on North Lawson Road, Tax Map Parcel No. 21-4-B, zoned R-2 (Residential).

DLV:vhd

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MEMORANDUM

Date: February 18, 2016

To: Chairwoman and Members of the Planning Commission

From: Deborah L. Vest, Director of Community Development

Subject: **Status of the Item from the January 21. 2016 Meeting**

The current status of the item considered by the Planning Commission at its January 21, 2016 meeting is:

1. City Council, at its January 25, 2016 meeting, approved a request 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, identified as Tax Map Parcel Nos. 27-01-00-0075 and 27-01-00-0077, zoned R-1 (Single-Family Residential).

DLV:vhd