

**VIRGINIA:**

The Poquoson Planning Commission met in a regular meeting on Monday, September 16, 2013 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. Grady, Member
- Commissioner Richard D. Clifton, Member
- Commissioner Shawn M. Avery, Member
- Commissioner James K. Titlow, Member
- Commissioner Gustavus A. Goddin, Member

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

**REGULAR SESSION**

The regular session of the Planning Commission was called to order by Chairwoman Shriver.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Chairwoman Shriver led the audience in the invocation and the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

Commissioner Goddin moved, seconded by Commissioner Avery, that the minutes of the July 15, 2013 regular session be approved as submitted. Recorded vote on the motion:

YES: Commissioners Travis, Gardy, Avery, Titlow, Goddin and Chairwoman Shriver

NO: None.

ABSTAIN: Commissioner Clifton

Commissioner Avery moved, seconded by Commissioner Gardy, that the minutes of the August 19, 2013 work session be approved as submitted. Recorded vote on the motion:

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

NO: None.

AUDIENCE FOR VISITORS

No one in the audience spoke.

PUBLIC HEARINGS

1. A REQUEST BY THE CITY OF POQUOSON TO AMEND THE CITY'S COMPREHENSIVE PLAN FOR 2008 THROUGH 2028 FUTURE LAND USE MAP TO DESIGNATE THE BIG WOODS AREA, APPROXIMATELY 260 ACRES LOCATED AT THE WESTERN GATEWAY TO THE CITY ON BOTH THE SOUTH AND NORTH SIDES OF VICTORY BOULEVARD, AS A PLANNED UNIT DEVELOPMENT-MIXED USE OVERLAY DISTRICT.

This requested amendment to the Comprehensive Plan was advertised for a public hearing in the Daily Press on August 29, 2013 and September 5, 2013. Owners of properties within and adjacent to the Big Woods were notified of this request by certified letters mailed on August 27, 2013.

The Community Development Director, Deborah Vest, gave a joint brief presentation on the first three amendments to be considered in a public hearing that evening by the Planning Commission, i.e. an amendment to the City's 2008 through 2028 Comprehensive Plan future land use map; a Zoning Ordinance amendment adding Article VIII.4 Mixed Use Overlay District for the Big Woods; and an amendment to Article VIII.2 of the Zoning Ordinance.

First she stated that the City is requesting an amendment to the City's 2008-2028 Comprehensive Plan future land use map to designate the Big Woods area, approximately 260 acres located at the western gateway to the City on both the south and north sides of Victory Boulevard, as a Planned Unit Development-Mixed Use Overlay District. Secondly she explained that the proposed Overlay District specifically identifies commercial and residential by-right uses and those requiring Conditional Use Permits. She also pointed out the following specific design features for the proposed district:

- A minimum of 5 acres;
- A 20% minimum open space;
- A 40 foot perimeter buffer unless the adjacent parcel(s) is developed with a similar use;
- A 12 residential unit per acre maximum as referenced in the City's Comprehensive Plan;
- No more than 75% of the residential component of a master plan can be constructed without infrastructure installation for the required commercial component; and
- A 10 to 15 foot minimum residential front yard setback will be required to allow for pedestrian walkways, etc. except along Victory Boulevard where a 40 foot setback will continue to be required.
- Flexible design features such as non-tidal wetland credits for residential density yield; no minimum lot dimension, building setback, height and separation; and flexible street design, landscaping and scale of mixed uses.

In conclusion, she pointed out that the proposed amendment to Article 8.2 would require those applicants seeking to utilize the Overlay District to submit a master plan, a community impact study and maps identifying existing and proposed site and development features which would necessitate public hearings before the Planning Commission and City Council.

Chairwoman Shriver opened the public hearing.

Mr. Cowles M. Spencer, owner of Poquoson Realty and CEO of Mid-Atlantic Commercial Real Estate, asked the Commission to consider including a small triangular shaped section of property located on the south side of Victory Boulevard to the proposed PUD-MU. He also applauded the efforts of the Planning Commission and staff for their "forward thinking" in the Big Woods.

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

Commissioner Clifton moved, seconded by Commissioner Avery, to recommend approval to City Council the resolution amending the City's Adopted Comprehensive Plan. Recorded vote on the motion:

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

NO: None.

2. AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF POQUOSON BY ADDING ARTICLE VIII.4 MIXED USE OVERLAY DISTRICT WHICH WILL ENCOMPASS THE BIG WOODS AREA, APPROXIMATELY 260 ACRES, LOCATED AT THE WESTERN GATEWAY OF THE CITY ON BOTH THE SOUTH AND NORTH SIDES OF VICTORY BOULEVARD.

This requested amendment to the Zoning Ordinance was advertised for a public hearing in the Daily Press on August 29, 2013 and September 5, 2013. Owners of properties lying within and adjacent to the Big Woods were notified of the hearing dates by certified mail on August 27, 2013.

Chairwoman Shriver opened the public hearing.

Mr. Lamont Myers, Mid-Atlantic Commercial Real Estate Director of Development, spoke in support of the PUD-MU stating that it provided for an appropriate balance of commercial and residential development in the Big Woods area.

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

Following a brief discussion, Vice Chairman Travis moved, seconded by Commissioner Clifton, to recommend approval to City Council of the proposed Zoning Ordinance amendment. Recorded vote on the motion:

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

NO: None.

3. AN ORDINANCE AMENDING ARTICLE VIII.2. PLANNED DEVELOPMENT DISTRICTS-GENERALLY OF THE ZONING ORDINANCE TO REFERENCE THE PROPOSED ARTICLE VIII.4, PLANNED UNIT DEVELOPMENT, MIXED-USE ORDINANCE.

This requested amendment to the Zoning Ordinance was advertised for a public hearing in the Daily Press on August 29, 2013 and September 5, 2013. Owners of properties lying within and adjacent to the Big Woods were notified of the hearing dates by certified mail on August 27, 2013.

Chairwoman Shriver opened the public hearing and as there were no speakers, the public hearing was closed.

Commissioner Clifton moved, seconded by Commissioner Avery, to recommend approval to City Council of the proposed amendment to the Zoning Ordinance. Recorded vote on the motion:

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

NO: None.

4. A REQUEST BY POQUOSON ANIMAL WELFARE SANCTUARY (PAWS) INC., APPLICANT AND PROPERTY OWNER, 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.

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

Mr. Kevin Wynne, Planner, presented a brief presentation on this request which highlighted the following points:

- The request encompasses four (4) parcels totaling approximately three (3) acres.
- An approximate 840 square-foot single-family dwelling is located on the largest of the parcels 230 feet from Messick Road.
- The requested use proposes housing up to 50 cats inside the unoccupied structure, with a few living outside.
- This property was used for a similar purpose by the previous owner of the property.
- The property is currently well screened.
- Staff recommends that provisions be made to ensure that outdoor cats will be restricted to the property.

Mr. Wynne provided the Commission with the following suggested conditions should the Commission recommend its approval:

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.

Chairwoman Shriver opened the public hearing.

Mr. Royce A. Conner of 175 Messick Road expressed concern that 50 cats were too many for the subject site and that a fence could not contain the cats on the property.

Three representatives from the Poquoson Animal Welfare Sanctuary (PAWS), Rhonda Herr, Lori Cawley and Karen Ayer, stressed that feral cats were an existing problem in Poquoson and they were trying to humanely curtail the cat population. They explained that an extension to the top of the fence could be added which would prevent the cats from leaving the yard. They also pointed out that they try to place as many cats as possible in private homes and that their goal is to apply for grants to fund a "Trap, Neuter and Release" program in Poquoson in the near future.

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

Commissioner Clifton moved, seconded by Commissioner Avery, to recommend approval of the proposed Conditional Use Permit to City Council inclusive of staff's suggested conditions. Recorded vote on the motion:

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

NO: None.

**5. A REQUEST BY JESSE DUNLAP, APPLICANT AND PROPERTY OWNER, TO ESTABLISH AND OPERATE A LANDSCAPING BUSINESS AT 93 FIRTH LANE, TAX MAP PARCEL NO. 19-01-00-0012, ZONED R-1, SINGLE FAMILY RESIDENTIAL.**

This application was advertised for a public hearing in the Daily Press on August 29, 2013 and September 5, 2013. Adjacent property owners were notified by letters mailed on August 26, 2013.

The Planner, Kevin Wyrne, presented a brief presentation on this request which included the following information:

- Staff received a request from Mr. Jesse Dunlap, property owner, for a landscaping business at his residence at 93 Firth Lane, Tax Map Parcel No. 19-1-12.
- This property is zoned R-1, Single Family Residential.
- The applicant wishes to continue to reside in the single family dwelling and operate the landscaping business as a secondary use.
- The applicant wishes to store some equipment and materials; i.e. dirt and landscaping stone on the property.
- The subject site is located adjacent to a residential development on Islander Way; is not visible from Wythe Creek Road and consists of approximately 3 acres which are fairly well screened with vegetation in the spring and summer.

Mr. Wynne provided the following conditions, suggested for inclusion by staff, should the Commission choose to recommend approval of the requested Use Permit:

1. Hours of operation shall be limited to 7:00am-8:00pm from Monday through Friday.
2. Hours of operation shall be limited to 7:00am-6:00pm on Saturday and Sunday.
3. The business shall have one (1) year from the date of the issuance of this permit to create a fenced area, fenced on all sides, to completely screen the storage of materials and equipment that support the business operation. The enclosed area shall be submitted to City staff for approval and shall be no larger in area than fifty percent of the floor area of the residential structure located on the property. This enclosure shall be located no closer than 50 feet from any property line and must be located in the rear or side yard of the property. If by the end of this one (1) year period a fenced enclosure is not created for this purpose, this permit may be revoked.
4. Vehicles used to support the operation shall be screened from public and adjacent property view and shall be kept only in accordance with the provisions of Article V. Section 5-10 of the City's zoning ordinance.
5. 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 evergreen plants measuring no less than six (6) feet tall at the time of planting.
6. No commercial trash receptacles shall be permitted. Additionally, no stockpiling of landscaping waste or material debris shall be permitted.
7. The operation shall obtain all required local, state and federal permits.
8. 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.
9. 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.
10. This use permit may be subject to renewal after a three (3) year period. City Council may opt to renew this permit indefinitely through inaction provided the business is operating in good standing and operating within all the above outlined conditions.

Chairwoman Shriver opened the public hearing.

Mr. Jesse Dunlap, property owner and applicant, stated that he had recently purchased the property as it was uniquely suited for his landscaping business. He explained that he was in the process of improving the appearance of his property and that he would be planting more trees in the fall which would provide additional screening. He stated that he had spoken with most adjacent landowners and that no one had expressed concerns/objections, but that he would be happy to install a vinyl fence if that was a requirement.

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

Commissioner Avery moved, seconded by Commissioner Clifton, to recommend approval of the proposed Conditional Use Permit to City Council inclusive of staff's suggested conditions with the exception of changing the word fencing to screening in Condition #3 and striking the first sentence in Condition #6.

Recorded vote on the motion:

YES: Commissioners Travis, Gardy, Avery, Clifton, Tillow, Goddin and Chairwoman Shriver

NO: None.

### NEW BUSINESS

#### 1. Election of Officers

Commissioner Gardy moved, seconded by Commissioner Avery, to re-elect Bonnie Shriver as Chairwoman, William Travis as Vice Chairman and Victoria Diggs as Clerk to the Commission and with a glowing recommendation by Ms. Diggs, Evie Insley was elected as a Deputy Clerk to the Planning Commission. Recorded vote on the motion:

YES: Commissioners Goddin, Tillow, Clifton, Avery, Gardy, Travis and Chairwoman Shriver

NO: None.

#### 2. Review of Zoning Ordinance Variance Requests

The Commission made no comment.

### COMMUNICATIONS AND CORRESPONDENCE

Ms. Vest and Mr. Wyne thanked the Commission for their dedication and hard work in bringing forward the PUD-MU and for their suggestions and comments on the two Conditional Use Permits presented that evening. The Commission was notified that a Conditional Use Permit request had been submitted for their October 21<sup>st</sup> meeting. Lastly the Commission was reminded, pursuant to their By-laws, that their combined November and December meeting will be held on December 2<sup>nd</sup>.

### ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 8:20 p.m.

  
Bonnie W. Shriver, Chairman

  
Victoria H. Diggs, Clerk