

**VIRGINIA:** The Poquoson Planning Commission met in a regular meeting on Monday, December 1, 2014 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 Richard D. Clifton, Member  
 Commissioner Shawn M. Avery, 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 Chairwoman Shriver.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

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

### **OATH OF OFFICE**

Clerk, Victoria Diggs administered the Oath of Office to Commissioners James K. Titlow and Richard D. Clifton who were reappointed by City Council on November 10, 2014. She expressed appreciation to all the members of the Planning Commission for their dedicated service to the City with no monetary recompense.

### **APPROVAL OF THE MINUTES**

Commissioner Gardy moved, seconded by Commissioner Clifton, that the minutes of the September 15, 2014 regular session be approved as amended. Recorded vote on the motion:

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

**NO:** None.

The City Planner reminded the Commissioners that this amendment was presented at the October Planning Commission and City Council work sessions. He stated that the current ordinance allows residential dwellings only within a commercial or mixed use structure by-right on the second floor or with a Conditional Use Permit on the third floor. He provided a brief overview of the proposed amendment that included the following:

- That its purpose is to introduce a standalone residential component in the VC District in an effort to allow the district to exist more harmoniously with its intent, which is to create a center of business and economic activity consistent with the locational advantage and prominence inherent in the Big Woods;
- That it allows 50% of a development to be composed of standalone residential buildings (single family, two-family, townhomes and multi-family buildings) by-right and up to two-thirds with a Conditional Use Permit;
- That, as the ordinance is currently structured, no setbacks are established for residential uses, thus staff is proposing the following setbacks for these uses:
  - Front yard with a front loading garage – 20 feet
  - Front yard with a rear loading garage - 10 feet
  - Rear yard with a rear loading garage - 20 feet
  - Rear yard with a front loading garage – 20 feet/10 feet when adjacent to the same district
  - Side yard: 10 feet and minimal building separation of 20 feet
  - Side yard with a side loading garage – 20 feet and minimal building separation of 40 feet
  - Multi-family dwellings would have the same setbacks as commercial buildings in the VC; and
- That a green area would be required for residential uses opposite of driveway areas and the rear yard setback would be reduced when adjacent to the same district.

Chairwoman Shriver opened the public hearing; however, there being no speakers the public hearing was closed.

Vice Chairman Travis 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 and Chairwoman Shriver

NO: None.

3. **ORDINANCE AMENDING ARTICLE VIII., R-3 DISTRICT REGULATIONS OF THE CITY'S ZONING ORDINANCE TO ALLOW FOR A REDUCTION IN REQUIRED SETBACKS AND AREA REQUIREMENTS FOR THE ESTABLISHMENT OF TOWNHOMES AND DUPLEXES.**

The proposed amendment to the Zoning Ordinance was advertised for a public hearing in the Daily Press on November 13, 2014 and November 20, 2014 in addition to the City website.

Mr. Wyne explained that the current R-3 District setback regulations are too restrictive and encourage developers to construct buildings with a larger number of units or to make the units larger in size. In addition, he pointed out that under the existing regulations, it is unlikely that a development would ever be able to meet the maximum allowable density yield. He also noted that the current R-3 setbacks are identical to those included in the R-1 and R-2 Single-Family Districts.

Mr. Wyne presented the following setbacks included in the proposed amendment:

- Front yard with a front loading garage - 20 feet.
- Front yard with a rear loading garage - 10 feet.
- Rear yard with a rear loading garage - 20 feet.
- Rear yard with a front loading garage – 20 feet/10 feet when adjacent to the same district.
- Side yard: 10 feet and minimal building separation of 20 feet.
- Side yard with a side loading garage – 20 feet and minimal building separation of 40 feet.

He stated that the ordinance eliminates the area requirement for townhomes which will assist developers in obtaining the maximum allowable density of 12 units per acre. Lastly, Mr. Wyne pointed out that the proposed amendment requires green area opposite driveways and a reduction of the rear setback from 20 feet to 10 feet if abutting the same district.

Chairwoman Shriver opened the public hearing; however, there being no speakers the public hearing was closed.

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

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

NO: None

### COMMUNICATIONS AND CORRESPONDENCE

Ms. Vest, Director of Community Development, wished everyone a happy holiday season and expressed appreciation for the Commission's hard work over the past year.

The Planner, Kevin Wyne, also wished everyone a safe and happy holiday and stated that he had enjoyed working with the Commission this year.

In response to a Commission query regarding allowable building height in the Village Commercial district, Mr. Wyne explained that the City's building height requirement had been amended to allow the measurement to be taken to the mid-point of the roof providing some relief. Ms. Vest also told

Commissioner Clifton moved, seconded by Commissioner Gardy, that the minutes of the October 20, 2014 work session be approved as submitted. Recorded vote on the motion:

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

NO: None.

### **AUDIENCE FOR VISITORS**

No one in the audience spoke.

### **PUBLIC HEARINGS**

**1. ORDINANCE AMENDING THE CITY'S SIGN ORDINANCE, RESPECTIVELY, BY ADDING PROVISIONS FOR THE ALLOWANCE OF ELECTRONIC MESSAGE SIGNS FOR USE BY SCHOOL AND GOVERNMENT AGENCIES AS WELL AS STATIC ELECTRONIC MESSAGE SIGNS FOR THE DISPLAY OF PRICES AT FUELING STATIONS.**

The proposed amendment to the Sign Ordinance was advertised for a public hearing in the Daily Press on November 13, 2014 and November 20, 2014 in addition to the City website.

Kevin M. Wyne, City Planner, reminded the Commission that City Council asked staff earlier this year to research electronic signs due to a request by the Middle School to update its existing marquee with an electronic sign which is prohibited in the current ordinance. He stated that the concept was subsequently presented to Council in September and a proposal was presented to both Council and the Commission at work sessions in October 2014.

Mr. Wyne highlighted the following changes included in the proposed Sign Ordinance amendment:

- The addition of definitions for electronic message signs, dissolve, fade, nits, scroll and static.
- The restriction of electronic signs for use only by the City and the School System.
- The establishment of conditions for these signs to include:
  - Messages must remain static.
  - Message length is 8 seconds.
  - Clean transitions.
  - Total area of sign shall not exceed 48 square feet.
  - Hours of illumination near a residential district are restricted to 6:00 a.m. to 10:00 p.m.

- Illuminated intensity must be 1,400 nits during daylight hours and 250 nits during evening hours based on recommendations of the Illuminating Engineering Society of North America.
- Increased sign height allowed when in a flood zone.
- Perpetual maintenance required to ensure signs are in good working order.
- Allowable illuminated intensity (nits) may be adjusted due to locational conditions (at the discretion of the Zoning Administrator).
- Electronic displays allowed for fueling stations to display fuel prices only.

Mr. Wyne pointed out that Section 4 of the current Sign Ordinance prohibits signs that display lights of changing intensity and informed the Commission that staff included a small modification to this section would exclude electronic message signs as permitted by the proposed amendment. In conclusion, he stated that due to the comments/suggestions made earlier by both City Council and the Planning Commission, language was included in the amendment to address perpetual maintenance of signs, to allow discretion regarding illumination intensity based on location and to dictate allowable sign illumination and square footage.

Chairwoman Shriver opened the public hearing; however, there being no speakers the public hearing was closed.

During the Commission's discussion, Vice Chairman Travis expressed concern that approval of the proposed Sign Ordinance amendment would eventually lead to businesses erecting electronic signs as well. Commissioner Gardy stated that he would vote against the amendment since neither the City nor the Schools had sufficient funds with which to purchase these expensive signs. Lastly, the Commission expressed appreciation to staff for their research and hard work in formulating the proposed amendment.

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

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

NO: Commissioners Gardy and Vice Chairman Travis.

**2. ORDINANCE AMENDING ARTICLE XI., VILLAGE COMMERCIAL DISTRICT OF THE CITY'S ZONING ORDINANCE TO ALLOW FOR THE ESTABLISHMENT OF STANDALONE RESIDENTIAL STRUCTURES AND SETBACKS THEREIN.**

The proposed amendment to the Zoning Ordinance was advertised for a public hearing in the Daily Press on November 13, 2014 and November 20, 2014 in addition to the City website.

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the Commission that Council had adopted the Flood Ordinance which increased freeboard to three (3) feet above base flood elevation as opposed to the previous one (1) foot.

Chairwoman Shriver and the Commissioners wished everyone a Merry Christmas and Happy New Year and expressed their appreciation for staff.

Ms. Vest reminded the Commission that the January meeting would fall on the Thursday following the 3<sup>rd</sup> Monday due to the Martin Luther King holiday. She added that at this time there is nothing scheduled for that meeting.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 7:45 p.m.

  
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Bonnie W. Shriver, Chairwoman

  
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Victoria H. Diggs, Clerk