

**VIRGINIA:** The Poquoson Planning Commission met in a regular meeting on Thursday, January 23, 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. Grady, Member  
 Commissioner Richard D. Clifton, Member  
 Commissioner Gustavus A. Goddin, Member

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

**ABSENT:** Commissioner Shawn M. Avery, Member  
 Commissioner James K. Titlow, 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.

### **APPROVAL OF THE MINUTES**

Commissioner Goddin moved, seconded by Commissioner Clifton, that the minutes of the October 21, 2013 regular session be approved as submitted. Recorded vote on the motion:

**YES:** Commissioners Gardy, Clifton, Goddin and Chairwoman Shriver

**NO:** None.

**ABSTAIN:** Vice Chairman Travis

Commissioner Clifton moved, seconded by Commissioner Gardy, that the minutes of the December 2, 2013 work session be approved as submitted. Recorded vote on the motion:

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YES: Commissioners Clifton, Gardy, Travis and Chairwoman Shriver

NO: None.

ABSTAIN: Commissioner Goddin

### AUDIENCE FOR VISITORS

No one in the audience spoke.

### PUBLIC HEARINGS

1. **A REQUEST FOR A CONDITIONAL USE PERMIT BY WHITEHOUSE COVE LLC, PROPERTY OWNER TO EXPAND A MOBILE HOME PARK BY 11 ADDITIONAL LOTS WITH SUPPORTING INFRASTRUCTURE ON THE UNDEVELOPED PORTION CONSISTING OF 1.66 ACRES OF PROPERTY LOCATED AT 105 RENS ROAD, POQUOSON TAX MAP PARCEL NO. 12-01-00-0075, ZONED R-3 (MULTI-FAMILY RESIDENTIAL).**

This request for a Conditional Use Permit was advertised for a public hearing in the Daily Press on January 9, 2014 and January 16, 2014. Adjacent property owners were notified by letters mailed on January 6, 2014.

Mr. Kevin Wyne, Planner, presented a brief overview of this request which highlighted the following points:

- Currently Whitehouse Cove, LLC consists of 50 mobile home lots at 105 Rens Road, Tax Map Parcel No. 12-1-75 and is requesting to expand on the undeveloped 1.66 acres of property formerly known as the Wilson Tract which was absorbed by the larger park in 2008.
- The subject property has a split zoning designation that includes the B-2 (Business Commercial) District and the R-3 (Multi-Family Residential) District and is bordered by Whitehouse Cove to the north and single family homes/parcels to the south and west.
- The request would create 12 new lots; however, one lot of the existing mobile home park would be eliminated making it a net gain of 11 additional lots for a total of 61 lots.
- The original mobile home park has been operating as a legal nonconforming use since the early 1970's; however, the 1.66 acre did not operate as such in the past creating a new use and in accordance with Article XIII, Section 13-7, of the City's Zoning Ordinance this use will require a Conditional Use Permit.
- This use is consistent with the City's Comprehensive Plan for waterfront mixed use.

Mr. Wyne provided the following suggested conditions should the Commission choose to recommend approval of this request:

1. All utilities must be placed underground.
2. No more than twelve additional lots can be created.

3. That the additional units must be accessed through internal circulation with no additional points of intersection being created on Rens Road or with the access drive to the property's south.
4. Each lot shall utilize its own, separate, City issued trash receptacles.
5. The newly established section shall meet all requirements as established in Article XIII of the City's Zoning Ordinance.

Chairwoman Shriver opened the public hearing.

Mr. Brad Brown, representing Whitehouse Cove, LLC, stated that they concurred with staff's suggested conditions. Moreover, he explained that the request to expand the park was a natural extension of the project.

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

The Commission agreed that the request for additional lots was a natural extension of the existing mobile home park. Vice Chairman Travis moved, seconded by Commissioner Clifton, to recommend approval to City Council of the requested Conditional Use Permit including staff's suggested conditions. Recorded vote on the motion:

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

NO: None.

2. **A REQUEST FOR A CONDITIONAL USE PERMIT BY BRADFORD W. DRUMMOND, APPLICANT, AND SUSAN ELLA WATKINS ESTATE, PROPERTY OWNER, IN ORDER TO CONSTRUCT AND OPERATE A FAMILY ADVENTURE PARK ON PROPERTY LOCATED OFF OF VICTORY BOULEVARD, POQUOSON TAX MAP PARCEL NO. 18-01-00-0123, ZONED GC (GENERAL COMMERCIAL).**

This request for a Conditional Use Permit was advertised for a public hearing in the Daily Press on January 9, 2014 and January 16, 2014. Adjacent property owners were notified by letters mailed on January 6, 2014.

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

- A similar project by Tagtime LLC was presented to and approved by the Commission in June 2013 on a different Big Woods parcel.
- The applicant, however, is currently requesting to expand the use on this parcel to include an adventure park.

- The requested parcel (18-01-00-0123) is approximately 20 acres in size, with no frontage on either Victory Boulevard or Wythe Creek Road and is zoned GC (General Commercial).
- The only permanent improvement proposed for the site will be a parking area consisting of approximately 60-75 spaces to be located at the southeastern tip of the property adjacent to the Wythe Creek Plaza Shopping Center.
- A self contained, portable restroom facility will be utilized for the business.
- Operation of the business will primarily occur on the weekends with approximately 500 participants visiting the site on Saturday and on Sunday. Some limited corporate, military and private clients may utilize the park during the weekday daylight hours.
- The applicant is currently proposing to access the site through the Wythe Creek Plaza Shopping Center; however, this issue will be addressed during the site plan process.
- Prior to the construction of any improvements on this site, the applicant must submit to the City a certified wetlands delineation.

Should the Commission recommend approval of this Conditional Use Permit to the City Council, staff recommended the following conditions:

1. All utilities must be placed underground.
2. All storage of equipment, aside from licensed vehicles, shall be stored in an enclosed structure. All outdoor storage shall be prohibited.
3. Upon the discontinuance of such use for a continual period of two (2) years or more, the Conditional Use Permit shall be null and void.
4. All trash receptacles shall be screened from adjacent properties and right-of-ways.
5. A naturally forested, 50' buffer shall be maintained between the playing fields and all adjacent properties with the playing fields not extending into this buffer.
6. Prior to the construction of any permanent structure, not specifically referenced with the use permit application, the applicant and/or property owner shall request an amendment to this use permit as it pertains to the proposed structure's inclusion.
7. This use permit shall be used solely for the establishment of a laser tag and adventure park business and shall not be interpreted for use of a like business. Any other use not specifically permitted with the property's zoning district shall require a separate use permit.

Chairwoman Shriver opened the public hearing.

Mr. Brad Drummond, the applicant, stated that he understood the Commission's concerns regarding a safe access to the property and that he is attempting to negotiate with Taylor's Do It Center to provide a right-of-way to the proposed site.

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

The Commission expressed concerns over the current lack of an access to the property and felt that fire/rescue also needed to be consulted to eliminate any potential accessibility issues; however, they felt overall this would be a good use for the property. Commissioner Clifton moved, seconded by Vice Chairman Travis, to recommend approval to City Council of the proposed Conditional Use Permit including staff's suggested conditions. Recorded vote on the motion:

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

NO: None.

**3. A REQUEST BY LAMBS CREEK ASSOCIATES, CONTRACT PURCHASER, AND KENNETH R. PICKIN, PROPERTY OWNER, FOR A VARIANCE TO SECTION 9-3-1 OF THE CITY'S SUBDIVISION ORDINANCE AS IT RELATES TO STREET RADIUS REQUIREMENTS FOR PENDING UPGRADES TO PICKINS LANE AT EMMAUS ROAD ON PROPERTY IDENTIFIED AS TAX MAP NO. 10-01-00-0035, ZONED R-S (SINGLE-FAMILY RESIDENTIAL).**

This application was advertised for a public hearing in the Daily Press on January 9, 2014 and January 16, 2014. Adjacent property owners were notified by letters mailed on January 6, 2014.

Ms. Deborah L. Vest, Director of Community Development, gave a brief presentation on this request that included the following information:

- This request is for a variance to the requirements of Section 9-3-1 of the City's Subdivision Ordinance regulating minimum curve radius for new streets at a property line. The deficiency is for a 15-foot radius at the property line abutting Emmaus Road as opposed to the required 25-foot turning radius on each side.
- The street would serve a 26-lot open space overlay subdivision to be called Pickins Acres.
- The adjacent vacant acreage, if and when developed, would also use Pickins Lane for ingress/egress and could yield an additional 20+ single family homes.
- School buses, fire trucks and trash trucks would require wide angle turns to safely maneuver in/out of the proposed subdivision because of the narrow right-of-way.
- The existing Valmoore Drive/Emmaus Road intersection is less than the VDOT intersection separation standard of 150 feet from the proposed new intersection.
- The narrow width of the new street's right-of-way at Emmaus Road could cause problems for construction activity without acquisition of proper access easements from adjacent parcels, i.e. 79 Emmaus Road and 83 Emmaus Road.
- VDOT has confirmed that the narrow width of the road would not impact road maintenance funding.
- The last time a turning radius variance was granted was 15 years ago when the intersection of Rodgers Lane and Yorktown Road was constructed.

The only condition staff recommended to the Commission was that the developer must acquire an access easement from adjacent property owners in order to accommodate future maintenance of the street.

Chairwoman Shriver opened the public hearing.

Mr. Lamont Myers, representing Lambs Creek Associates, LLC, explained that this was an unusual situation as the variance was not for the street design, but for the required turning radius on each side of its intersection with Emmaus Road. He explained that he had been in discussions with the adjacent property owners, but had not yet finalized an agreement with either to possibly improve the turning radius.

Mr. Bud Finch, property owner of 79 Emmaus Drive, stated that he has no problem with the development, but that the proposed roadway into the development would cause his property to become non-conforming. Therefore, he was open to negotiate with the developers to arrive at a mutually acceptable agreement.

Mr. Carroll Moore, representing his family who owned the adjacent acreage, voiced support for this variance request.

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

The Commission expressed concern over the substandard width of Emmaus Road; the deficient roadway width of the proposed Pickins Lane; its close proximity to the Valmoore Drive/Emmaus Road intersection; and that this project could possibly make one of the adjoining properties non-conforming. They had no objection to recommending approval of this variance to Council provided the Fire Chief had no concerns and the developers consented to working with adjacent property owners. Commissioner Goddin moved, seconded by Commissioner Clifton, to recommend approval to City Council of the requested variance inclusive of staff's suggested condition. Recorded vote on the motion:

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

NO: None.

**4. AN ORDINANCE AMENDING APPENDIX D. SIGNS, SECTION 6. GENERAL REGULATIONS OF THE SIGN ORDINANCE TO ESTABLISH PROVISIONS FOR THE ALLOWANCE OF CERTAIN OFF SITE SIGNS AND TO ESTABLISH PROVISIONS FOR THE ALLOWANCE OF RECONSTRUCTION OF NON-CONFORMING SIGNS.**

This application was advertised for a public hearing in the Daily Press on January 9, 2014 and January 16, 2014 in addition to the City website.

Mr. Kevin Wyne, Planner, introduced the ordinance amendment to the Commission and reminded them that staff had presented the two (2) proposed modifications to the Sign Ordinance at their December 2, 2013 work session. He stated that the first proposed amendment pertained to off-site advertising in certain circumstances. Specifically, he explained that when commercial properties within the City do not have direct frontage on Victory Boulevard or Wythe Creek Road, but have direct access from one or both of these roads, the amendment would allow them to place permanent signage on an adjacent parcel that fronts on one or both of these roads through an agreement with the property owner. In doing so, this would allow interior businesses the ability to advertise on signs clearly visible from the City's main thoroughfares. He pointed out that these signs would only be permitted in a controlled manner, subject to the following criteria:

- The subject property does not have direct frontage on Victory Boulevard and/or Wythe Creek Road but is directly accessed by a street or drive with direct access from one (1) or both of these roads.
- The subject property must be located no further than 1,200 feet from Victory Boulevard or Wythe Creek Road.
- A business utilizing off-site signage may utilize a tenant panel on an adjacent, developed site.
- A business utilizing off-site signage may utilize a full freestanding sign on an adjacent, non-developed site.
- Upon the placement of off-site signage, a property shall forfeit its right to an on-site freestanding sign.
- Signs erected in accordance to this section may be designed to meet the size requirements for shopping center signs at the discretion of the Zoning Administrator.
- Any freestanding sign which is utilized for the advertisement of an off-site business/activity, shall consist of no more than seven (7) tenant panels advertising these off-site businesses/activities.
- Authorization from the property owner, granting the business the right to erect an off-site freestanding sign on their property, must be obtained and submitted with any required permit applications.
- At no time may a business have more than one (1) off-site advertisement.

The second proposed amendment would allow for existing legal non-conforming signs to be modified and/or reconstructed, provided that such action does not increase the non-conformity of the existing substandard sign.

In response to queries by the Commission, Mr. Wyne advised that the proposed laser tag/adventure park, considered earlier in the meeting, was currently the only potential new business that would benefit from the first of the two amendments; however, Poquoson Pharmacy was an example of a business with a non-conforming sign which could be repaired within the conditions of the second proposed amendment.

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

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Vice Chairman Travis moved, seconded by Commissioner Clifton to recommend approval to City Council of the proposed amendments. Recorded vote on the motion:

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

NO: None.

**5. AN ORDINANCE AMENDING ARTICLE VIII.1. PLANNED OPEN SPACE CONSERVATION OVERLAY DISTRICT OF THE ZONING ORDINANCE TO ALLOW FOR AN INCREASE IN LOT YIELD.**

This application was advertised for a public hearing in the Daily Press on January 9, 2014 and January 16, 2014 in addition to the City website.

Deborah L. Vest, Director of Community Development, introduced this ordinance amendment to the Commission as part of the City's continued efforts to encourage development and growth opportunities in the City. She explained that the proposed amendments to the Planned Open Space Conservation District (POSCD) will provide the following 6 changes:

- Increase lot yield to 2.5 dwellings per acre in the residential areas;
- Reduce/eliminate minimum lot size;
- Increase the non-tidal wetland credit to 100%;
- Allow the use of Resource Protection Area (RPA) to achieve open space calculations;
- RPA may not be included in calculating individual lot building size; and
- Stormwater management facilities may be included in the permitted land uses with specific authorization by the Zoning Administrator.

Ms Vest reminded the Commission that their review of the open space standards was initiated in mid-fall 2013 and that the amendments under consideration that evening were in response to the Commission's suggestions. She pointed out that the amendments would provide greater flexibility in design, thereby allowing a more desirable/marketable housing product that could enhance the community's economic growth efforts while remaining compliant to the City's Comprehensive Plan.

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

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

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

NO: None.

**NEW BUSINESS**

**1. Review of Zoning Ordinance Variance Requests**

The Commission made no comment.

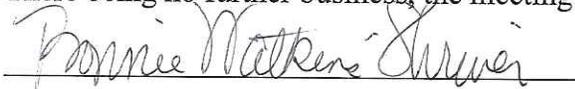
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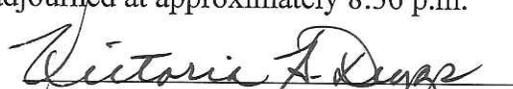
Kevin M. Wyne, Planner, stated that at this time there were no agenda items for a February 2014 meeting. However, if anything did develop, he assured the Commission that they would be notified.

The Commissioners complimented staff on their hard work in preparation for this meeting.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 8:36 p.m.

  
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Bonnie W. Shriver, Chairman

  
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Victoria H. Diggs, Clerk