

VIRGINIA: The Poquoson Planning Commission met in a regular meeting on Thursday, January 22, 2015 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 James K. Titlow, Member
 Commissioner Gustavus A. Goddin, Member

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

ABSENT: Commissioner Richard D. Clifton, Member
 Commissioner Shawn M. Avery, Member

REGULAR SESSION

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Gardy led the audience in the invocation and the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Vice Chairman Travis moved, seconded by Commissioner Gardy, that the minutes of the December 1, 2014 regular session be approved as submitted. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Commissioner Goddin.

AUDIENCE FOR VISITORS

No one in the audience spoke.

PUBLIC HEARING

1. A REQUEST FOR A CONDITIONAL USE PERMIT BY JAMES PRICE AND BRIAN BLOXOM, APPLICANTS AND PROPERTY OWNERS, TO ESTABLISH A FULL-SERVICE RESTAURANT AT 1165 POQUOSON AVENUE, TAX MAP PARCEL NO. 21-01-00-0044, ZONED B-1, BUSINESS.

This application was advertised for a public hearing in the Daily Press on January 8, 2015 and January 15, 2015. Adjacent property owners were notified of this request by letters mailed on January 5, 2015.

Kevin M. Wyne, City Planner, made a brief presentation on the application in which he highlighted the following information:

- That initially the site, measuring approximately .33 acre in size, will house a food truck;
- That the site currently includes nineteen parking spaces with the capacity for a few more;
- That the existing building will be used for food storage and preparation as well as its restroom facilities and seating capability; and
- That as demand warrants, a full-service restaurant will be re-established on the property.

In conclusion, Mr. Wyne stated that should the Commission vote to recommend approval of the Use Permit to Council, staff is recommending the inclusion of 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 a restaurant use and shall not be interpreted for use of a business that cannot be classified as such. Any other use not specifically permitted with the property's zoning district shall require a separate use permit.
4. The operation of the use shall be restricted to the hours of 6 a.m. and 10 p.m. No activity supporting the use shall be conducted outside of this window.
5. 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.
6. 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.
7. City Council reserves the right to review and amend the conditions of this permit as they see fit.

In response to Commission queries, Mr. Wyne pointed out that the applicants would also need to obtain a Peddlers' License, Health Department inspections and abide by applicable Building Code requirements. He stated that in the future the applicants intend to apply for a liquor license. Lastly, he stated that some outdoor seating will be available on the site; however, seating inside the existing restaurant would also be available to patrons.



Chairwoman Shriver opened the public hearing. The applicants, Jamie Price and Brian Bloxom, thanked City staff for their assistance in processing their application and they submitted a petition of support for their request including approximately 90 signatures. Joe Boone of Boone BBQ & Catering stated that he would be cooking the barbeque in the approximate 20 foot long, 6 foot wide food truck which would be served inside the restaurant.

Mr. William Stefula, 1180 Poquoson Avenue, expressed support for a family-style restaurant, but voiced concern that it could evolve into something less appealing over time. He also stated that he was in opposition to the restaurant serving alcohol and to the extended hours of operation included in the application. In conclusion, Mr. Stefula stated that the property should be returned to single-family zoning.

Since no one else came forward, the public hearing was closed.

During the Commission's discussion, concern was expressed over traffic and pedestrian safety due to the location of the property, possible outdoor dining and several ingress/egress points on the property. In response to a Commission query, Mr. Wyne stated that should the restaurant evolve into a bar, adjacent property owners may petition City Council for revocation of the Use Permit.

Vice Chairman Travis moved, seconded by Commissioner Titlow, to recommend approval to City Council of the requested Conditional Use Permit inclusive of the suggested conditions. Recorded vote on the motion:

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

NO: None.

In conclusion, Chairwoman Shriver reminded everyone that this application would be considered by City Council on January 26, 2015.

COMMUNICATIONS AND CORRESPONDENCE

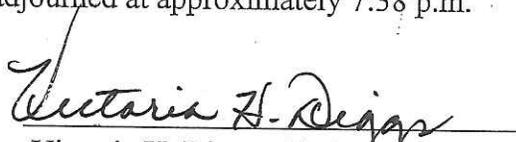
Ms. Vest reminded the Commission that their March meeting, due to Presidents' Day, would fall on Thursday, February 16, 2015. However, she pointed out that the meeting could possibly be cancelled as there were currently no items scheduled for the meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 7:38 p.m.



Bonnie W. Shriver, Chairwoman



Victoria H. Diggs, Clerk