

**VIRGINIA:** The Poquoson Planning Commission met in a regular meeting on Monday, May 18, 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 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 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 Clifton moved, seconded by Commissioner Gardy, that the minutes of the April 20, 2015 regular session be approved as submitted. Recorded vote on the motion:

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

NO: None.

Commissioner Clifton moved, seconded by Commissioner Avery, that the minutes of the April 20, 2015 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. A REQUEST BY THE BIG WOODS DEVELOPMENT COMPANY, LLC TO AMEND THE CITY'S 2008 THROUGH 2028 COMPREHENSIVE PLAN FUTURE LAND USE MAP BY CHANGING THE LAND USE DESIGNATION FOR APPROXIMATELY 22 ACRES OF LAND LOCATED TO THE SOUTH OF THE BIG WOODS FROM A LOW DENSITY RESIDENTIAL TO A PLANNED DEVELOPMENT – MIXED USE DESIGNATION. THE REFERENCED ACREAGE IS IDENTIFIED AS TAX MAP PARCEL NOS. 27-01-00-0008, 27-01-00-0009A, 27-01-00-0011, 27-01-00-0012 AND 27-01-00-0083. THE PURPOSE OF THIS REQUEST IS TO PROVIDE THE REFERENCED PARCELS WITH PLANNED UNIT DEVELOPMENT OPPORTUNITY.**

This application was advertised for a public hearing in the Daily Press on May 1, 2015 and May 8, 2015. Adjacent property owners were notified of this request by letters mailed on May 5, 2015.

Kevin M. Wyne, Planner, stated that the Big Woods Development Company, LLC, representing the property owners of the five subject parcels together measuring 22 acres, is requesting an amendment to the City's 2008 through 2028 Comprehensive Plan Future Land Use Map. Specifically, he pointed out that the request was for these properties, currently designated Low Density Residential and located to the south of the existing Big Wood's PUD-MU Overlay District, to be included in this same district. He also explained that Article VIII.2, Section 8.2-13 of the Zoning Ordinance allows a developer, when submitting a Master Plan application, to request an expansion of the Overlay District. In addition, he stated that Article VIII.4, Section 8.4-4 allows for expansion of a PUD-MU District if it is contiguous with a previously approved district and represents its logical expansion.

As the Commissioners had no questions, Chairwoman Shriver opened the public hearing.

Mr. John Worley, President of Mid-Atlantic Realty which includes The Big Woods Development Company, LLC, spoke in favor of the requested map amendment and stressed the amount of planning and work that had gone into the project.

Mr. James Kirby, 216 Champions Path, Yorktown (Woods of Tabb HOA President); Mr., Michael Barnum, 404 Coach Hovis Drive, Yorktown; Mr. Richard Taliaferro, 10 Oscars Court, Poquoson; Mr. Arthur Johnson, 8 Oscars Court, Poquoson; Mr. Albert S. White, 55 Rens Road, Poquoson; and Mr. Douglas David, 2 Oxford Mews, Poquoson spoke in opposition to the requested map amendment.

Specifically they expressed concern with regard to the following issues:

- The requested waiver for a 40 foot buffer between the development and the Woods of Tabb homes.

- **Section 8.4-8(c)(2) - Perimeter buffer.**

This application was advertised for a public hearing in the Daily Press on May 1, 2015 and May 8, 2015. Adjacent property owners and the York County Administrator were notified of this request by letters mailed on May 6, 2015.

Deborah L. Vest, Director of Community Development, explained that the request to activate the PUD-MU Overlay District is a companion to the earlier public hearing at which time consideration was given to amend the City's Comprehensive Plan Future Lane Use Map for 2008 through 2028 to include 22 acres located to the south of this district. She explained that the proposed 101 acre development includes the 22 acres located to the south and numerous privately owned parcels, many of which are landlocked with pockets of non-tidal wetlands. She provided a brief history of when and how the PUD-MU Overlay District was created in order to expand and promote good development in the Big Woods.

Ms. Vest stated that the Master Plan must be considered by the Planning Commission and City Council and that the date for the City Council's review had not yet been set. She explained that the conceptual drawing includes 228 single family homes, 91 townhomes, 11 cottages, 200 apartments and 40,000 square feet of retail office space (i.e. small shops or eateries). In addition, she stated that the drawing also depicts a community center building, a pool, parks and garden plots, some of which will be adjacent to the Woods of Tabb subdivision in York County.

Ms. Vest pointed out that the developers are also requesting the following waivers from the Zoning Ordinance:

- Accessory building setbacks of 5 feet rather than 7.5 feet or 15 feet dependent upon the building height. (Section 8.4-2(a) (9)).
- Front yard setback along Victory Boulevard of 25 feet rather than the required 60 feet. (Section 8.4-8 (c) 1 (c)).
- A reduction of the landscaped or wooded perimeter buffer at the rear of the City Hall property and along the western boundary abutting land in York County. (Section 8.4-8 (c) (2)).

Mr. Wyne continued the presentation and stated that the developer's traffic impact analysis studied four distinct scenarios: existing conditions, no build scenario, a build scenario with two accesses to Victory Boulevard only and a build scenario with two connections to Victory Boulevard and one connection to Champions Path in York County. He pointed out that the connection at Champions Path has now been eliminated and that the traffic impact analysis does not address this or the connection to City Hall Avenue; therefore, an updated traffic analysis will be completed and made available prior to City Council's consideration. Furthermore, he explained that the study predicts a 37% increase from The Legacy project during the a.m. peak hours and a 41% increase during the p.m. peak hours and recommends that three turn lanes be created: two right-hand turns (main entrance and secondary entrance) and one left-hand turn lane into the main entrance from the west bound lane on Victory Boulevard. Lastly, Mr. Wyne stated that the City is expecting an evaluation on the updated traffic study from Virginia Department of Transportation within the next 45 days.

The Commissioners posed several questions regarding traffic turn lanes and stormwater to which Mr. Wyne reiterated that this was a conceptual design and further information would be forthcoming during the site design discussions with the developers.

Mr. Wyne stated that the Fiscal Impact Study provided by the developer's consultant, Ted Figura Consulting, included the following revenue and expenditure estimates:

- \$32.5 million in new revenue over a 15 year period.
- \$ 2.4 million in revenue during the stabilized year.
- \$15.6 million in City expenditures for additional services during the 15 year period.
- \$ 1.2 million annual expenditures by the City during the stabilized year.
- \$ 1.2 million expected in net revenue annually.
- \$130 million is expected to increase the City's overall tax base.

In conclusion, Mr. Wyne stated that the new development would have a positive impact on the School Systems' dwindling enrollment.

Staff suggested inclusion of the following conditions, should the Commission choose to recommend approval of the request to City Council:

1. The layout is generally compatible with the conceptual plan provided as a part of this master plan application.
2. The elevations for all buildings on the site are generally consistent with the renderings provided as a part of this master plan application.
3. Proposed traffic control measures will be re-evaluated by City staff upon receipt of comments from the Virginia Department of Transportation and the City hired traffic consultant. At that time staff will facilitate discussions with the developer and their traffic engineer to ensure that acceptable levels of service are achieved throughout the entire development at its build-out. Additionally, levels of service at all intersection points will be reevaluated by City staff upon receipt of a revised traffic impact analysis that includes the developer's proposed connection to City Hall Avenue as depicted on their submitted master plan.
4. The waivers as requested by the developer are recommended for approval based upon their compatibility with the purpose and intent of the Planned Unit Development-Mixed Use Overlay District provisions within the City's Zoning Ordinance.
5. The approval of this mater plan does not constitute waiver of any provisions required by the City's Environmental Management Overlay section of the City's Zoning Ordinance.

Chairwoman Shriver opened the public hearing.

Mr. John Worley, President of Mid-Atlantic Realty; Mr. Donald Davis, Davis & Associates (surveyor); Mr. Brandon Currence, Brandon Currence Architecture; Thomas Johnston, The Franklin Johnston Group; and Fae Mungo, 1 Black Oak Court spoke in favor of the proposed development. Primarily they expressed support for the housing diversity in and quality of the development, Ms. Mungo stated that the proposed project is exactly what the City needs for its increasingly mature population.

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Mr. James Kirby, 216 Champions Path, Yorktown (Woods of Tabb HOA President); Mr. Michael Barnum, 404 Coach Hovis Drive, Yorktown; Mr. Arthur Johnson, 8 Oscars Court, Poquoson; and Mr. Douglas David, 2 Oxford Mews, Poquoson expressed opposition to the project based upon the following concerns:

- o Requested waiver of the 40 foot buffer between homes in the development and Woods of Tabb homes.
- o Possible drainage/flooding problems and poorly maintained retention ponds.
- o Loss of privacy, view of homes "in our back yards".
- o Increased traffic congestion on Victory Boulevard especially during evacuation situations.

There being no further speakers, the public hearing was closed.

During the Commission's discussion comments regarding the project focused on potential traffic increases, the importance of landlocked and/or wetlands parcels being utilized, increase in bike paths/sidewalks and the potential increase in the number of pupils in the City's School System.

Commissioner Clifton moved, seconded by Commissioner Avery to recommend approval of the request to City Council with the inclusion of all staff conditions excluding #4 with no recommendations on the requested waivers except to ask staff to further investigate them and present their findings to City Council at its public hearing. Recorded vote on the motion:

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

NO: None.

### **COMMUNICATIONS AND CORRESPONDENCE**

Chairwoman Shriver thanked all speakers, both from Poquoson and York County, for their attendance and their comments.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 9:35 p.m.

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Bonnie W. Shriver, Chairwoman

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Victoria H. Diggs, Clerk