

**VIRGINIA:** The Poquoson Planning Commission met in a regular meeting on Monday, October 19, 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 Gustavus A. Goddin, Member

Deborah L. Vest, Director of Community Development  
Kevin M. Wyne, Planner  
Mary "Evie" Insley, Deputy Clerk

**ABSENT:** Commissioner James K. Titlow, Member  
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**

Vice Chairman Travis moved, seconded by Commissioner Avery, that the minutes of the July 20, 2015 regular session be approved as submitted. Recorded vote on the motion:

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

**NO:** None.

**ABSTAIN:** Commissioner Clifton.

Commissioner Clifton moved, seconded by Commissioner Gardy, that the minutes of the August 17, 2015 work session be approved as submitted. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Commissioner Avery and Vice Chairman Travis

### **AUDIENCE FOR VISITORS**

Mr. Alan Moody, 207A Browns Neck Road; Mr. Mark Andrews, 7 Martha Court; Mr. David Creecy, 1 Valasia Road; Mr. Brad Drummond, 201 Hudgins Farm, Yorktown; Mr. Doug David, 2 Oxford Mews; Ms. Randi Trestrail, 212 Beach Road; Ms. Susan Legan, 4 Insley Circle; and Ms. Jana Andrews, 7 Martha Court, offered the following comments/suggestions/questions:

- That an ordinance limiting retail space and requiring a public hearing before City Council and the Planning Commission for any new development should be required;
- That Poquoson is known for its good schools, high medium income population and small town atmosphere which can be adversely impacted by large commercial developments;
- That the City should require proffers to widen Victory Boulevard as new development occurs along this roadway in order to mitigate the associated increased traffic;
- That a Conditional Use Permit should be required for any development measuring over 15,000 square feet in size to ensure that public input is received and considered by the Planning Commission and the City Council;
- That a big box retail development does not conform to the gateway objectives described in the City's Comprehensive Plan;
- That the City needs to develop a plan and associated processes in order to appropriately mitigate development impacts on the City's infrastructure;
- That should a large scale shopping center be erected and the anchor store fail, the retail development may fall into disrepair and become an eyesore;
- That the widening of Victory Boulevard is not on VDOT's current transportation improvement schedule and a large commercial development could essentially immobilize traffic on this roadway;
- That a Zoning Ordinance amendment to restrict businesses should not be approved since it is contrary to the City's "Poquoson is the Place for Business" campaign;
- That Conditional Use Permit hearings cost money which is borne by the prospective developer;

- That the Legacy development does not comply with the City's Comprehensive Plan; does not address expansion of the Oxford Run drainage ditch or the additional runoff from the development; does not reference its compliance with the City's Victory Boulevard Corridor Study and Connection Guide; and does not address bike paths and sidewalks per the Comprehensive Plan;
- That the City should investigate: whether the 50-foot right-of-way waiver granted to the Legacy development is in compliance with State VDOT standards; if the Legacy plan for traffic improvements complies with the City's aforementioned traffic study/guide and VDOT's design standards for traffic volume and speed for roadway improvements; how can a big box and specialty stores be located in the western portion of the Big Woods when the Comprehensive Plan calls for this area to be developed as Research & Development; and if the Legacy developer will be required to comply with City funded stormwater studies thereby providing the needed improvements to the Oxford Run drainage ditch to accommodate the increased runoff; and
- That the Comprehensive Plan and the State Code should be the guiding principles in shaping the future growth of the City.

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

### **NEW BUSINESS**

#### **1. Discussion on a possible Zoning Ordinance Amendment requiring a Conditional Use Permit for structures and/or uses measuring 15,000 square feet or more in size.**

Mr. Kevin Wyne, Planner, stated that City Council, at its September 28, 2015 meeting, remanded to the Planning Commission for consideration a possible Zoning Ordinance amendment that would create a legislative process allowing for public input on large scale, high impact uses. He pointed out that citizens requested, at Council's August 24, 2015 meeting, that all by-right commercial developments be limited to 15,000 square feet in size, otherwise they should be considered by the Planning Commission and City Council through a public hearing process.

Ms. Deborah Vest, Community Development Director, identified the specific areas in the City which would be affected by such an amendment. She stated that the Commission could potentially eliminate Single-Family Residential and/or B-1 Districts as there are currently no 15,000 square foot homes in the City and the majority of the B-1 properties are unable to support a 15,000 square foot business. She further stated that the Commission was being asked to explore what the appropriate size, use, or combination of the two should be in order to trigger the legislative approval process. She explained that the only zoning tool that the City currently has for legislative approval is the Conditional Use Permit process and the Planned Unit Development-Mixed Use (PUD-MU) Overlay District is the only zoning district in which size can initiate this process. Ms. Vest stated

that the PUD-MU Overlay District was designed for the Big Woods in order to ensure a proper transition between commercial and residential uses. Lastly, staff provided an overview of the four zoning districts along the Wythe Creek Road and Victory Boulevard corridors which includes: General Commercial, B-2, Village Commercial, and Research and Development.

In an effort to assist the Commission in its discussion on possible Zoning Ordinance amendments, Staff asked the following questions:

- Is this an amendment that the Planning Commission feels should be considered?
- What is the appropriate threshold to require legislative approval? For example should it be based on the size of the use, size of the proposed structure, type of use or a combination thereof?
- What impacts should be studied during the legislative process?
- Should restrictions be applied throughout the City or just in non-residential districts?
- How will this ordinance impact existing uses along the affected districts?

During the Commission's discussion on potential amendments, they expressed the following comments/questions:

- Are any other cities/localities restricting the size of developments?
- Why was 15,000 square feet chosen as the appropriate development size whereby new regulations are imposed?
- This amendment does not stop businesses; however, it would add another layer of government which could appear to discourage new businesses from coming to the City.
- Should a restriction be placed on the type of use, rather than its size, it could be construed as targeting a specific business.
- The biggest obstacle for new development along Victory Boulevard is the roadway's exclusion on VDOT's transportation improvement schedule.

In response to the Commission's queries, Mr. Wyne stated that the Town of Warrenton currently allows up to 50,000 square feet in size for a commercial development before additional regulations apply; however, he stated that staff will perform additional research relative to this issue. He also pointed out that when staff was formulating the PUD-MU Overlay District, it was discovered that when a business exceeds 15,000 square feet in size it may become more impactful to the community.

Upon conclusion of its discussion, the Commission requested that staff prepare a draft ordinance amendment for its review in a work session prior to the December 7, 2015 meeting. In addition, staff was asked to provide square footage thresholds of other localities with regard to additional regulations and impacts to the community. In conclusion, it was agreed that the Commission would meet in a work session on November 16<sup>th</sup> to review the draft amendment prior to a public hearing on it at the December 7, 2015 meeting.

#### **COMMUNICATIONS AND CORRESPONDENCE**

The Commission thanked those who were in attendance and encouraged citizens to patronize local businesses. The Commissioners also offered their best wishes for a quick recovery for Commissioner Titlow and the Clerk, Vicki Diggs' husband who were both undergoing surgery.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 8:12 p.m.

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Bonnie W. Shriver, Chairwoman

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Mary "Evie" Insley, Deputy Clerk