

The Poquoson Planning Commission met in a work session on Monday, November 16, 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 Richard D. Clifton, 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 Gregory N. Gardy, Member
Commissioner Shawn M. Avery, Member

Amendments to the City's Zoning Ordinance:

Chairwoman Shriver reminded the Commission that at their November 2, 2016 work session, they had offered suggestions to City staff for a Zoning Ordinance amendment that would require, under specific circumstances, impact studies and appropriate mitigation measures for larger, more intense uses. She also pointed out that at City Council's November 9, 2015 meeting they voted to remand to the Commission for its consideration and recommendation a Zoning Ordinance amendment that would modify the General Commercial District by-right uses.

Ms. Deborah Vest, Community Development Director, thanked the Commission for their attendance at the additional work sessions and explained that they would be considering two draft Zoning Ordinance amendments that evening; i.e. an amendment to the General Commercial District by-right uses remanded by City Council and a Zoning Ordinance amendment requiring impact studies as requested by the Commission.

Ms. Vest provided a brief overview of the General Commercial (GC) District amendment that included the following information:

- That this amendment was prepared at the Mayor's request;
- That the amendment was considered by Council on November 9, 2015 and remanded to the Commission to be considered simultaneously with the amendment requested by the Commission;
- That the General Commercial District amendment will be advertised for a public hearing and consideration at the Commission's December 7, 2015 meeting; and

- That the proposed GC amendment includes all B-2 (Business) by-right uses except for a specific list of intense uses for which a Conditional Use Permit would be required with the submittal of a traffic impact analysis prior to its consideration by the Commission and City Council.

In response to Commission queries, Ms. Vest provided an overview of the City's Conditional Use Permit process. She also explained that the primary difference between the two amendments is that the Conditional Use Permit requirement in the GC proposal will require public hearings before the Planning Commission and City Council.

During the Commission's discussion of the GC amendment, Vice Chairman Travis recommended the inclusion of a subsection (1)k. to Section 11.1-2. which would necessitate that all high impact uses producing excessive vehicular trips per day obtain a Conditional Use Permit.

Mr. Kevin Wyne, Planner, provided the following information on the Zoning Ordinance amendment proposed by and based upon the Commission's suggestions offered at the November 2, 2015 work session:

- That traffic impact and fiscal impact assessments are required when a use generates 50+ vehicular trips a day during peak times;
- That the City Attorney has expressed concern that Section 1.27.(2) of the proposed amendment is not enforceable; and
- That the cost for both of the required studies is approximately \$25,000 to \$35,000.

During the Commission's discussion, concern was expressed that the GC amendment may not sufficiently address all intense uses. It was also suggested that less formal studies could be required to reduce the associated costs and that proffers could possibly be required in order to achieve mitigation of impacts. In response, Ms. Vest noted that proffers are typically provided only with rezoning applications and that she would have to check with the City Attorney to see if this requirement is legal in other circumstances. Concern was expressed that many new residential developments are occurring in the City producing higher volumes of traffic which is not addressed by the proposed the GC amendment.

Mr. Wyne pointed out that the GC amendment does not require a fiscal impact statement or a costly third party review of transportation studies.

Ms. Vest pointed out that if many costly studies are required it will reduce development in the City and that we need to encourage good development at a reasonable cost. She stated that the Level of Service (LOS) for all City streets/roadways should be reviewed and addressed during the next

Comprehensive Plan update. Lastly, she stated that the City cannot require developers to make off-site improvements.

Chairwoman Shriver reiterated that the GC amendment will be advertised for a public hearing and consideration at the Commission's December 7, 2015 meeting. However, she reminded the Commissioners that when they vote on the amendment they may, if they so choose, include a recommendation, e.g. add sub-element k. to Section 11.1-2.(1) Permitted uses that requires all uses producing 50+ vehicular trips a day to obtain a Conditional Use Permit. Although the GC amendment cannot be amended by the Commission, staff pointed out that during their discussion at the December 7, 2015 meeting, following the staff presentation, the Commission is free to share their suggestion about adding section k. so that the public will have an opportunity to comment on it during the public hearing.

There being no further questions, the meeting was adjourned at approximately 7:50 p.m.

ADOPTED: _____

ATTESTE: _____

Victoria H. Diggs, Clerk