

**VIRGINIA:** The Poquoson Planning Commission met in a regular meeting on Monday, March 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 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  
 Victoria H. Diggs, Clerk

**ABSENT:** 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 Gardy, that the minutes of the January 22, 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 Avery moved, seconded by Commissioner Goddin, that the minutes of the February 19, 2015 work session be approved as submitted. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Vice Chairman Travis

### AUDIENCE FOR VISITORS

No one in the audience spoke.

### PUBLIC HEARINGS

#### **1. THE PROPOSED CITY OF POQUOSON'S CAPITAL IMPROVEMENTS PLAN FOR FY 2016 THROUGH FY 2020 AND BEYOND.**

This application was advertised for a public hearing in the Daily Press on February 26, 2015 and March 5, 2015.

Deborah L. Vest, Director of Community Development stated that the Commission had met in a work session last month at which time the Finance Director, Theresa Owens had given an extensive overview of the development and specific projects included in the proposed Capital Improvement Plan (CIP) for FY 2016 to 2020 and beyond. She further explained that at that time some questions were raised so that the City Manager, J. Randall Wheeler; School Board Superintendent, Dr. Jennifer Parish; and the City Engineer, Ellen Roberts, attended the work session prior to this meeting in order to respond. She pointed out that the Commission receives the proposed CIP each year prior to approval of the budget in order to prioritize the capital items identified by the City and the Schools. Ms. Vest stated that some funding is available this year which has not been the case in recent years enabling partial implementation of the Plan.

Chairwoman Shriver opened the public hearing. Since no one came forward, the public hearing was closed.

Vice Chairman Travis moved, seconded by Commissioner Avery, to recommend approval to City Council of the Capital Improvements Plan for FY 2016 and beyond FY 2020. Recorded vote on the motion:

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

NO: None.

#### **2. AN ORDINANCE AMENDING SECTION 17-3 INFRACTIONS AND CIVIL PENALTIES OF THE CITY'S ZONING ORDINANCE TO REFLECT THE VIRGINIA STATE CODE, SECTION 15.2-2209 CIVIL PENALTIES FOR VIOLATIONS OF ZONING ORDINANCE.**

This application was advertised for a public hearing in the Daily Press on February 26, 2015 and, March 5, 2015.

Kevin M. Wyne, Planner stated that the amendment presented for the Planning Commission's consideration increases the penalties collected for zoning violations aligning the City's Zoning Ordinance with the provisions set forth in the State Code. He pointed out that the City currently imposes a \$150.00 civil fine for first time offenders and allows the City to collect this same fine for each day the same violation occurs provided that the total fines do not exceed \$3,000.00. To bring these fees in line with what the Commonwealth allows the City to collect, the amendment would increase the first time violation fine to \$200.00 and the total fine for each day a violation exists up to \$5,000.00. Lastly Mr. Wyne stated that three (3) minor language amendments were also being proposed to reflect language within the State Code as follows:

- Section 17-3(c) has been amended to include language, as permitted by the Commonwealth, that will allow violations that total \$5,000 or more, to be prosecuted as a criminal misdemeanor.
- Section 17-3(g) has been amended to include language, as permitted by the Commonwealth, which establishes a timeline for abatement of zoning violations that go through the judicial process. Specifically, it allows the court to order the violator to abate the violation within a period to not exceed six (6) months. For each day a violation continues after the court ordered abatement period has ended, it shall constitute a separate offense.
- Section 17-3(h) has been amended to reflect Code of Virginia provisions that state the infractions and penalties reflected in this ordinance shall not be construed to allow the imposition of civil penalties for activities related to land development or any provision of a local zoning ordinance related to the posting of signs on public property or public rights-of-way, as violations of those activities are covered within the City's Site Plan, Subdivision and Sign Ordinances as well as the City Code, respectively.

Chairwoman Shriver opened the public hearing. Since no one came forward, the public hearing was closed.

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

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

NO: None.

**COMMUNICATIONS AND CORRESPONDENCE**

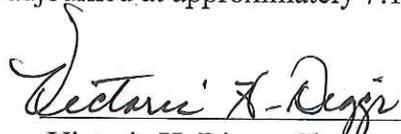
Ms. Vest stated that the Commission would have an April meeting to include a Public Hearing to consider a Conditional Use Permit request by White House Cove, LLC to expand the resort home site by 12 additional lots. She also requested that the Commission hold a work session on April 20, 2015 so that a Big Woods mixed use development may be presented by the applicant and that the exact time of the session would be determined and the Commission appropriately notified prior to the next meeting.

Kevin Wyne, Planner, further explained that their work session would give the Commission a chance to look at the proposed development before the formal application is submitted. Lastly he stated that the April agenda should be short and that staff also plans to bring forward a building height amendment to account for the three-foot freeboard which has recently been approved by City Council.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 7:12 p.m.

  
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Bonnie W. Shriver, Chairwoman

  
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Victoria H. Diggs, Clerk