

VIRGINIA: The Poquoson Planning Commission met in a regular meeting on Monday, March 21, 2016 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 Christopher R. Williamson, Member

Kevin M. Wyne, Planner
 Karen Holloway, Environmental Compliance Officer
 Victoria H. Diggs, Clerk

ABSENT: Commissioner Gustavus A. Goddin, Member
 Commissioner Leigh Fenigsohn, Member
 Deborah L. Vest, Director of Community Development

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 Clifton, that the minutes of the February 18, 2016 regular session be approved as amended. Recorded vote on the motion:

YES: Commissioners Travis, Clifton, Titlow, Williamson and Chairwoman Shriver.

NO: None.

Vice Chairman Travis moved, seconded by Commissioner Clifton, that the minutes of the February 18, 2016 work session be approved as submitted. Recorded vote on the motion:

YES: Commissioners Williamson, Titlow, Clifton, Travis and Chairwoman Shriver.

NO: None.

AUDIENCE FOR VISITORS

No one in the audience spoke.

PUBLIC HEARINGS

1. **A REQUEST BY POQUOSON ANIMAL WELFARE SANCTUARY, INC. (PAWS), APPLICANT AND PROPERTY OWNER, TO MODIFY ITS EXISTING CONDITIONAL USE PERMIT FOR A PET SANCTUARY AT 181 MESSICK ROAD, TAX MAP PARCEL NO. 32-01-00-0044, ZONED R-2 (SINGLE-FAMILY RESIDENTIAL) BY INCREASING THE MAXIMUM NUMBER OF CATS ON-SITE FROM 50 TO 75**

Chairwoman Shriver announced that the applicant had postponed consideration of their request.

2. **A REQUEST BY WILLIAM N. PRICE (PRICE ELECTRICAL, INC.), APPLICANT, MR. & MRS. FREDDIE L. BINFORD, PROPERTY OWNERS, FOR A CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE AN ELECTRICAL CONTRACTING BUSINESS FROM 834 POQUOSON AVENUE, TAX MAP PARCEL NO. 19-01-00-0213, ZONED R-1 (SINGLE-FAMILY RESIDENTIAL)**

This application was advertised for a public hearing in the Daily Press on March 4, 2016 and March 11, 2016. Adjacent property owners were notified of this request by letters mailed on March 1, 2016.

Kevin M. Wyne, Planner, introduced the request by Mr. William N. Price, applicant, and Mr. and Mrs. Freddie L. Binford, property owners, for a Conditional Use Permit to establish an electrical contracting business, i.e. Price Electrical, Inc., on the property located at 834 Poquoson Avenue. He stated that although the property is zoned R-1, Single-Family Residential, it has been operating as a legal non-conforming use since the existing structure was built in 1962, which predates the designation of the R-1 District. Mr. Wyne pointed out that the property is bound on the west by the City's Municipal Building, to the east by Claytor Rollins Funeral and to the north by Tabernacle United Methodist Church. He explained that, pursuant to Code, a legal non-conforming use may expand as long as it does not exceed 100% of the existing improvements' square footage. However, since the applicants plan to expand the existing principal structure, measuring 2,100 square feet, by adding 1,500 square feet and to improve its façade, a Use Permit is required. Mr. Wyne added that

the applicant plans to construct a 3,000 square foot accessory storage building at the rear of the property. In conclusion, he stated that staff suggests that the following conditions be applied should the Commission recommend approval of the request:

1. 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.
2. The operation of the use shall be restricted to the hours of 7 a.m. and 9 p.m. No activity supporting the use shall be conducted outside of this window.
3. All business activities conducted outdoors shall not produce any more noise or odor than what is reasonably expected from a single family residential property.
4. Any outdoor storage of equipment or materials must be screened by a solid fence, measuring at least 6' in height.
5. All improvements, as required by the City's Site Plan Ordinance and depicted as a part of the approved plan for redevelopment, must be perpetually maintained in good condition.
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.

Chairwoman Shriver opened the public hearing, but as there were no speakers it was closed.

During the Commissioners' discussion, it was agreed that the proposed additions/improvements would aesthetically enhance the site. Vice Chairman Travis moved, seconded by Commissioner Clifton, to recommend approval of the Conditional Use Permit to City Council inclusive of staff conditions. Recorded vote on the motion:

YES: Commissioners Williamson, Titlow, Clifton, Travis and Chairwoman Shriver.

NO: None.

3. AN ORDINANCE AMENDING ARTICLE I, SECTION 1-3, DEFINITIONS, OF THE CITY'S ZONING ORDINANCE BY AMENDING THE DEFINITION OF "VARIANCE", SECTION 1-4, BOARD OF ZONING APPEALS, (b) BY ADDING INFORMATION PERTAINING TO EX PARTE COMMUNICATIONS AND (C) BY AMENDING AND EXPANDING THE SECTION PERTAINING TO THE POWERS AND DUTIES OF THE BOARD

This application was advertised for a public hearing in the Daily Press on March 4, 2016 and March 11, 2016.

Karen Holloway, Environmental Compliance Officer, introduced the first proposed amendment to the Zoning Ordinance. She stated that the Commonwealth of Virginia had adopted several revisions to its Code relative to the Board of Zoning Appeals and that the proposed ordinance amendment would ensure that our City Code reflects those changes. She briefly outlined the revisions included in the amendment as follows:

- That Article I, Section 1-3 includes a new definition for “variance” to reflect the amended criteria for approval.
- That Article I, Section 1-4(a) references Section 15.2-2308 to reflect the correct, revised State Code section.
- That a new Article I, Section 1-4(b) has been added regarding ex parte communications.
- That Article I, Section 1-4 (c) includes eight subsections describing the powers and duties of the Board of Zoning Appeals.

Chairwoman Shriver opened the public hearing. Ms. Randie Trestrail, 212 Beach Road, expressed concern that an applicant seeking relief from the City’s zoning regulations no longer has to show a hardship.

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

Prior to the vote, Commissioner Williamson noted a typographical error in the amendment to which Ms. Holloway assured the Commission it would be corrected prior to it being forwarded to City Council. Commissioner Clifton moved, seconded by Vice Chairman Travis, to recommend to City Council approval of the proposed Zoning Ordinance amendment to Article I – General Provisions. Recorded vote on the motion:

YES: Commissioners Travis, Clifton, Titlow, Williamson and Chairwoman Shriver.

NO: None.

4. AN ORDINANCE AMENDING ARTICLE XI.IV, SECTION 11.4-13(2) OF THE CITY ZONING ORDINANCE BY AMENDING THE EXCEPTION APPLICATION FEE AND PROVIDING FOR ANNUAL ADJUSTMENT OF THE FEE IF NECESSARY

Ms. Holloway explained that this specific amendment updates Article XI.IV, Environmental Management Area (EMA) Overlay District of the City Code bringing it into conformance with the State Code as it pertains to the application fee for an exception/appeal to the Board of Zoning

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Appeals. In addition, she pointed out that it also allows for an annual adjustment to this fee, if deemed necessary, to reflect the consumer price index.

Chairwoman Shriver opened the public hearing; however, since no one came forward it was closed.

Vice Chairman Travis moved, seconded by Commissioner Clifton, to recommend approval to City Council of the proposed Zoning Ordinance amendment to Article XI.IV – Environmental Management Area (EMA) Overlay District. Recorded vote on the motion:

YES: Commissioners Williamson, Titlow, Clifton, Travis and Chairwoman Shriver.

NO: None.

5. AN ORDINANCE AMENDING ARTICLE XI.IV, SECTION 11.4-6(1)(2) OF THE CITY'S ZONING ORDINANCE AMENDING THE CERTIFICATION REQUIREMENTS OF SEPTIC SYSTEM INSPECTORS

Ms. Holloway stated that the Virginia Department of Environmental Quality determines the qualifications of those who are eligible to inspect on-site septic systems and/or on-site sewage systems. The proposed amendment to Article XI.IV, Section 11.4-6(1)(2) of the Zoning Ordinance will bring the City Code into conformance with the State regulations relative to this matter.

Chairwoman Shriver opened the public hearing; however, as no one came forward it was closed.

Vice Chairman Travis moved, seconded by Commissioner Williamson, to recommend approval to City Council of the proposed ordinance amendment to Article IX.IV. Recorded vote on the motion:

YES: Commissioners Travis, Clifton, Titlow, Williamson and Chairwoman Shriver.

NO: None.

NEW BUSINESS

1. Comprehensive Plan Update Discussion

Chairwoman Shriver stated that prior to the regular meeting that evening, a work session on the Comprehensive Plan update had been scheduled; however, due to the lack of a quorum a formal discussion could not be held. Therefore, following a brief discussion, it was agreed that each Commissioner would review all of the submitted Comprehensive Plan Update Committee applications and send the associated, randomly assigned application numbers for their top twelve candidates to the Clerk, Victoria Diggs, by close-of-business on Friday, April 1, 2016.

Mr. Wyne reminded the Commission that the one High School student application, whose teacher failed to submit it by the deadline, would also be forthcoming for their consideration. Upon receiving all of the responses, the overall top twelve candidate numbers would then be forwarded to the Commission for a final, formal consideration/vote at the next meeting. In conclusion, the Commission agreed that a short work session should be held prior to the May meeting in order to discuss committee appointments and the Comprehensive Plan update process.

2. Review of the Zoning Ordinance Variance Request

The Commission made no comment on this item.

COMMUNICATIONS AND CORRESPONDENCE

The City Planner thanked the Commission for their ongoing work to update the Comprehensive Plan and stated that it appeared at least one Conditional Use Permit application would be forthcoming for their April meeting.

Chairwoman Shriver wished the absent Deborah Vest, Community Development Director, a Happy Birthday.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 7:40 p.m.



Bonnie W. Shriver, Chairwoman



Victoria H. Diggs, Clerk