

The Poquoson Planning Commission met in a regular session on Monday, May 16, 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 Gustavus A. Goddin, Member  
 Commissioner Leigh Fenigsohn, Member  
 Commissioner Christopher R. Williamson, 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**

Chairman Shriver led the audience in the invocation and the Pledge of Allegiance.

### **APPROVAL OF THE MINUTES**

Commissioner Goddin moved, seconded by Vice Chairman Travis, that the minutes of the April 18, 2016 regular session be approved. Recorded vote on the motion:

YES: Commissioners Williamson, Fenigsohn, Goddin, Travis and Chairwoman Shriver.

NO: None.

ABSTAIN: Commissioner Clifton.

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

YES: Commissioners Travis, Goddin, Fenigsohn and Chairwoman Shriver.

NO: None.

ABSTAIN: Commissioners Clifton and Williamson.

### 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 100.**

This application was advertised for a public hearing in the Daily Press on April 29, 2016 and May 6, 2016. Adjacent property owners were notified of this request by letters mailed on April 29, 2016.

Kevin M. Wyne, Planner, stated that the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner was requesting to amend Condition 8 of their existing Conditional Use Permit approved on September 23, 2013. Specifically, he stated that PAWS wishes to increase the number of cats allowed on their property from a monthly daily average of 50 cats to 100 cats. Mr. Wyne stated that the entrance to the PAWS property was 180 feet from Messick Road in an R-2 Single-Family Residential District located at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044. He pointed out that a cat barrier had been added to the existing fence surrounding the property; that the parcel is bound on the north by marsh; and that staff has received no complaints regarding the operation of the Sanctuary.

Mr. Wyne stated that staff is suggesting that Condition 8 be amended as follows should the Commission recommend approval of the request:

8. The use shall not house any more than  ~~fifty (50)~~  one hundred (100) cats daily on average over the course of a month.

Chairwoman Shriver opened the public hearing.

Ms. Tracy Burnett, Co-Manager of PAWS, provided a brief history of PAWS' activities over the past 3 years which included neutering more than 700 cats, half of which have been adopted. She explained that PAWS does not wish to house 100 cats; however, due to the recent displacement of a colony of feral cats, they recognized the need to do so.

100

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

The Commissioners expressed support and appreciation for the outstanding contribution PAWS provides the City of Poquoson in their efforts to control the feral cat population.

Vice Chairman Travis moved, seconded by Commissioner Clifton, to recommend approval of the modified Conditional Use Permit to City Council. Recorded vote on the motion:

YES: Commissioners Williamson, Fenigsohn, Goddin, Clifton, Travis and Chairwoman Shriver.

NO: None.

2. **A REQUEST BY EMMAUS BAPTIST CHURCH, APPLICANT AND PROPERTY OWNER, TO MODIFY ITS EXISTING CONDITIONAL USE PERMIT BY EXPANDING THE CURRENT CHRISTIAN OUTREACH CENTER TO INCLUDE ADDITIONAL OFFICE AND EDUCATION SPACE ON CHURCH PROPERTY LOCATED AT 828 YORKTOWN ROAD, TAX MAP PARCEL NO. 18-01-00-0145, ZONED R-S (SINGLE-FAMILY RESIDENTIAL).**

This application was advertised for a public hearing in the Daily Press on April 29, 2016 and May 6, 2016. Adjacent property owners were notified of this request by letters mailed on April 29, 2016.

The Planner stated that Emmaus Baptist Church, applicant and property owner, was requesting to amend its 1999 Conditional Use Permit by increasing the size of the existing Christian Outreach Center located at 828 Yorktown Road from approximately 7,200 square feet in size to 9,600 square feet. He stated that the increased square footage would house additional educational and office space which conforms to the existing use of the building. However, he pointed out in response to Commission queries that the proposed addition would impact existing parking spaces and stormwater which would be addressed during the site plan review process.

Chairwoman Shriver opened the public hearing.

Mr. Ray Furr, Trustee for Emmaus Baptist Church, offered assurance that the requested addition would reflect the style and building materials of the existing facility.

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

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Commissioner Clifton moved, seconded by Commissioner Williamson, to recommend approval of the modified Conditional Use Permit to City Council. Recorded vote on the motion:

YES: Commissioners Travis, Clifton, Goddin, Fenigsohn, Williamson and Chairwoman Shriver.

NO: None.

3. **A REQUEST BY DAVIS & ASSOCIATES, P.C., AGENT, AND SHIRLEY F. HAUGEN, PROPERTY OWNER, FOR VARIANCES TO SECTIONS 5-2; 10-1-1; 10-1-2; 10-1-3; 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.5; 10-4(b); 10-5 AND 10-6 OF THE CITY'S SUBDIVISION ORDINANCE AS IT RELATES TO PRELIMINARY PLAN SUBMITTAL; STREET/SIDEWALK MINIMUM IMPROVEMENTS; UTILITIES; FIRE PROTECTION AND STREET LIGHT REQUIREMENTS IN ORDER TO SUBDIVIDE 8.0 ACRES LOCATED AT THE INTERSECTION OF HUNTS NECK ROAD AND BAYVIEW DRIVE, SPECIFICALLY IDENTIFIED AS TAX MAP PARCEL NO. 05-01-00-0004, ZONED R-S (SINGLE-FAMILY RESIDENTIAL).**

Deborah L. Vest, Director of Community Development, stated that Wayne and Shirley Haugen, property owners and Davis and Associates, P.C., agent, were requesting specific variances from the City's Subdivision Ordinance for an 8 acre parcel at the intersection of Hunts Neck Road and Bayview Drive. Ms. Vest described the property as follows:

- That it includes an existing, small family cemetery, which would be preserved;
- That it fronts on over 1,600 feet of "unimproved" street on both Hunts Neck Road and Bayview Drive;
- That it has no known wetland features and has a valid ACOE wetland delineation;
- That it encompasses both the AE 7 and Zone X flood zone categories; and
- That stormwater management will be fully addressed upon site plan submittal.

She also presented a brief description of each requested Code Section waiver:

1. Section 5-2 – describes the preliminary plan approval process;
2. Sections 10-1-1; 10-1-2; 10-1-3 – establishes minimum design standards for streets;
3. Sections 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.4 – regulates sidewalk installation;
4. Section 10-1-5 – specifies street grades;
5. Section 10-4(b) – requires underground utilities;
6. Section 10-5 – requires adequate fire protection; and

7. Section 10-6 - requires streetlight installation.

Ms. Vest stated that State Code requires adherence to specific criteria in order to grant variances. Moreover, she explained that a true hardship is one caused by strict adherence to the Code due to dimensional and/or physical characteristics of the property. In addition, a waiver cannot be granted if its approval will cause a substantial detriment to or change the character of the neighborhood and it cannot be of a reoccurring nature. Ms. Vest specifically pointed out that financial concerns are not identified as a true hardship.

In response to Commissioner queries, Ms. Vest stated that the property could be developed as a minor subdivision; i.e. Definitional Exception which allows for up to three lots without the application of public street or utility standards or up to five lots as a Family Subdivision, with a three year lot ownership requirement. Lastly, she stated that the property could also be designed as an "Open Space" development yielding up to 9 lots with a private street or a traditional development yielding up to thirteen (13) lots.

Chairwoman Shriver opened the public hearing.

Mr. Donald Davis, agent for the property owners, told the Commissioners that Mr. and Mrs. Haugen were interested in building their own residence and a home for their son on this property, leaving seven (7) additional lots for development. Mr. Davis stated that the minimum width of the proposed lots would be 120 feet and would average .9 acre each. He explained that each individual property owner would be responsible for managing stormwater on-site and that the cemetery on the property would be preserved and identified in the recorded covenant. In conclusion, Mr. Davis stated that the Haugen application was postponed by one month so that an on-site meeting for adjacent owners could be held at which time questions were answered and attendees expressed support for the requested variances.

Mr. Leonard Poniatowski, 23 Bayview Drive, voiced opposition to the requested variances as the waiver of curb and guttering would negatively impact drainage on his property and because the applicants had not proven they have a legitimate hardship.

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

Following a brief discussion, Commissioner Clifton moved, seconded by Vice Chairman Travis, to recommend denial of the Subdivision Ordinance variance requests to City Council as no undue hardships were validated. Recorded vote on the motion:

YES: Commissioners Williamson, Fenigsohn, Goddin, Clifton, Travis and Chairwoman Shriver.

NO: None.

### **UNFINISHED BUSINESS**

#### ***Community Participation Team (CPT) and Steering Committee Memberships***

Ms. Vest stated that a letter had been sent from City Council to Chairwoman Shriver requesting that the Commissioners consider increasing the number of participants on the Community Participation Team to include all the citizens who submitted an application.

Following a brief discussion, it was decided that because a great deal of thought, planning and consideration had gone into the selection of this committee, a letter would be sent to City Council respectfully denying the request. It was emphasized that the CPT would be actively pursuing input from the entire community at public forums giving all citizens an opportunity to offer comments/suggestions. It was also agreed that Vice Chairman Travis would assume the leadership role on the Steering Committee.

### **COMMUNICATIONS AND CORRESPONDENCE**

#### 1. Status of the Item from the April 18, 2016 Meeting

Deborah L. Vest, Director of Community Development, stated that Council at their April 25, 2016 meeting approved the Conditional Use Permit requested by Brad Drummond for the Escape Room Games.

Ms. Vest then introduced Dannan O'Connell, the City's Graduate Management Assistant, who expressed enthusiasm to be working with the Planning Commission on the Comprehensive Plan update.

Ms. Vest stated that the two following applications may be on the next Planning Commission agenda:

- A rezoning request from Bob Moses to rezone property located between George's Restaurant and Dollar General from B-2 (Business) to VC (Village Commercial) to expand the Fountains of Poquoson mixed use project; and
- A Conditional Use Permit by Frank Crandol to construct and operate a storage unit facility north of Woodhaven Drive on Wythe Creek Road.

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Mr. Wyne thanked the Commission for their hard work.

Vice Chairman Travis gave a brief update on the Steering Committee. He stated that he and Commissioner Fenigsohn had met with staff and they were working on a rough agenda for an early June meeting with the Community Participation Team (CPT) at which time they hoped to accomplish the following:

- Conduct a brief introduction of the members;
- Provide historical information on the Poquoson Comprehensive Plan;
- Outline the duties of the CPT;
- Emphasize that their primary objective is to collect community input;
- Discuss the best means to collect input from a diverse cross-section of the City;
- Appoint a CPT Chair and Vice Chair;
- Recommend the formation of subcommittees for each segment of the Plan; and
- Stress open communication between the Steering Committee and the CPT.

Mr. Travis announced that Commissioners Titlow and Clifton had also agreed to assist the Steering Committee when needed. He assured the Commission that he or Leigh would provide a Comp Plan update report at each Planning Commission meeting.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 9:43 p.m.

  
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Bonnie W. Shriver, Chairwoman

  
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Victoria H. Diggs, Clerk