

The Poquoson Planning Commission met in a regular session on Monday, June 20, 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 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:** None

### **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 May 16, 2016 regular session be approved. Recorded vote on the motion:

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

**NO:** None.

**ABSTAIN:** Commissioner Titlow.

### **AUDIENCE FOR VISITORS**

No one in the audience spoke.

## **PUBLIC HEARINGS**

### **1. A REQUEST BY BRICK KILN, LLC, APPLICANT AND PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A STORAGE FACILITY/RETAIL SHOPS/PROFESSIONAL OFFICES ON PROPERTY LOCATED ON THE WEST SIDE OF WYTHE CREEK ROAD, NORTH OF WOOD HAVEN DRIVE, TAX MAP PARCEL NO. 27-01-00-0018, ZONED R-1 (SINGLE-FAMILY RESIDENTIAL).**

This application was advertised for a public hearing in the Daily Press on June 3, 2016 and June 10, 2016. Adjacent property owners were notified of this request by letters mailed on June 1, 2016.

Kevin M. Wyne, Planner, stated that Mr. Frank Crandol, on behalf of Brick Kiln, LLC, applicant and property owner, was requesting to construct a mini-storage warehouse facility on a parcel located on the southern end of Wythe Creek Road, identified as Tax Parcel No. 27-1-18. He explained that the proposal includes up to 800 storage units to be constructed in stages starting with 200 units and a separate professional office building. Since the property is zoned R-1 and the proposed use is not specifically permitted in the R-1 District, Mr. Wyne stated that the applicant was presented with two options for his proposal; i.e. to request a Conditional Use Permit that would allow for a use not specifically permitted within the zoning district or to request a rezoning of the property from R-1, Single Family Residential to B-2, Business/Commercial. As the applicant was solely interested in a mini-storage facility with the miscellaneous professional office structure, Mr. Wyne stated that he chose option one.

Mr. Wyne provided the following additional information on the request:

- That the site consists of one 5.9 acre parcel and has 415 feet of frontage on Wythe Creek Road;
- That the parcel has been in a perpetual state of land disturbance for the last several years, having been cleared and elevated to approximately 9 feet above sea level;
- That the property is surrounded by R-1, Single Family Residential on all sides, including a 10 lot subdivision to the immediate south; and
- That the property is also located in close proximity to several other zoning districts, specifically B-1 Office and B-2 Business/Commercial, due to its location on Wythe Creek Road and that it is also adjacent to the Poquoson Baptist Church.

Mr. Wyne provided the following suggested conditions should the Commission choose to recommend approval of the request:

1. Hours of operation shall be limited to 7:00 a.m.-8:00 p.m.
2. In accordance with the City's Site Plan Ordinance, all on-site lighting shall be shielded in a manner that minimizes the impact on adjacent properties.
3. All existing vegetation on the northern and southern boundaries of the property shall remain undisturbed and/or replaced with similar vegetation if removed for any reason.
4. A 25' landscape buffer shall be required the full length of the developed area on the southern and northern boundaries. The existing vegetation shall be utilized and all gaps in the existing vegetation shall be filled using evergreen vegetation of at least six (6) feet in height at the time of planting. This buffer shall be maintained in perpetuity in good condition.
5. As a part of the site plan submittal process, the developer shall depict a fence, the full length of the developed area on the southern and northern boundaries of the property. The fence must stand at least six (6) feet in height and consist of a solid material so that the development is adequately shielded from neighboring properties. Additionally, a fence meeting these conditions must be reviewed and approved by the Architectural Review Board prior to construction. The fence must be constructed prior to the issuance of any Certificate of Occupancy for the development and must be maintained in good condition.
6. In addition to the required buffer area, the use shall meet all required setbacks of the underlying Zoning District.
7. The façade of all structures facing Wythe Creek Road shall consist of brick or like masonry construction materials.
8. The operation shall obtain all required local, state and federal permits.
9. Upon the discontinuance of such use for a contiguous period of two (2) years or more, the Conditional Use Permit shall become null and void.
10. If at any time the operation is in violation of any local, state or federal regulations, including the conditions set forth in this use permit, the City reserves the right to revoke the permit.
11. If construction on the project has not begun within five (5) years of the issuance of this permit, the Conditional Use Permit shall become null and void.
12. Registered and licensed recreational vehicles and non-commercial trailers may be stored on the property, provided they are located behind the professional office structure.
13. All trash receptacles shall be screened from adjacent property owners and shall not be visible from Wythe Creek Road. Receptacles shall not be placed in any required landscape buffers or required setbacks.

Chairwoman Shriver opened the public hearing.

Mr. John Davis, 10 Wood Haven Drive; Mr. Donald Helser, 6 Wood Haven Drive; Mr. Robert English, 1 Wood Haven Drive; Mr. & Mrs. Steven Collins, 8 Wood Haven Drive; and Ms. Cathy French, 4 Wood Haven Drive; along with letters sent to the Planning Commission prior to the meeting from E. Wayne and Carroll Ann Martin, 256 Wythe Creek Road and Mr. Ralph Jaynes, 267 Wythe Creek Road, and a letter read aloud by Susan Collins on behalf of Adam and Tamra

MacDonald, 5 Wood Haven Drive, expressed opposition to the requested Conditional Use Permit for the following reasons:

- Aesthetics - single family homes adjacent to an industrial park.
- Light and noise pollution 24 hours, 7 days a week, year-round.
- Loss of property value and resale ability.
- Possible attraction of criminal element.
- Drainage and storm water run-off exacerbated by impervious improvements.
- Increased traffic on Wythe Creek Road.

Mr. Benjamin M. Hahn, 2 Ashland Farm Lane, spoke in favor of the Conditional Use Permit.

Most of the Commissioners voiced concern over the request and its potential adverse impact on adjacent residential developments. However, Commissioner Fenigshon expressed support for the development as she stated that it would be a low impact commercial enterprise and that the City Engineer would ensure that the storm water from the development would not be detrimental to adjacent properties.

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

Subsequent to the Commissioners' discussion, Vice Chairman Travis moved, seconded by Commissioner Titlow, to recommend denial of the proposed Conditional Use Permit to City Council. Recorded vote on the motion:

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

NO: Commissioner Fenigsohn.

- 2. A REQUEST BY FOUNTAINS OF POQUOSON, LLC, PROPERTY OWNER AND APPLICANT, TO MODIFY ITS EXISTING CONDITIONAL USE PERMIT BY EXTENDING THE DEADLINE FOR FULL CONSTRUCTION/ OPERATIONAL COMPLETION OF THE MIXED USE DEVELOPMENT ON PROPERTY LOCATED AT 200 FOUNTAINS LANE IDENTIFIED AS TAX MAP PARCEL 27-10-00-0004, ZONED VC (VILLAGE COMMERCIAL).**

This application was advertised for a public hearing in the Daily Press on June 3, 2016 and June 10, 2016. Adjacent property owners were notified of this request by letters mailed on June 1, 2016.

The Planner stated that the Fountains of Poquoson was requesting an amendment to an existing Conditional Use Permit originally approved in May 2012 to alter Condition Number 4, which currently voids the current permit if the project is not completed by May 14, 2017. Due to unforeseen delays in the engineering and design of the project, the applicant, Robert Moses, felt that the second phase, buildings No. 2 and No. 3, would not be completed by the deadline. Staff stated that in order to facilitate an extension, Condition Number 4 would need to be amended, and suggested a two (2) year extension by amending the condition as follows:

4. If the project is not constructed and fully operational ~~within five (5) years of the issuance of this permit~~ by June 27, 2019, the Conditional Use Permit shall become null and void.

Chairwoman Shriver opened the public hearing.

Mr. Robert Moses, applicant and property owner of the Fountains of Poquoson, LLC, stated that he has been quite successful relative to leasing the commercial component for the project for phase one and beyond.

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

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

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

NO: None.

## **UNFINISHED BUSINESS**

### ***Comprehensive Plan Update Report***

Commissioner Fenigsohn thanked Vice Chairman Travis for his excellent leadership relative to the Comprehensive Plan update. She reported that all 12 members of the Citizens Participation Team (CPT) were contacted and two meetings were held, i.e. on June 2<sup>nd</sup> and June 16<sup>th</sup>. At these meetings the function and purpose of the CPT were stressed, i.e. encouraging citizen participation and data gathering. In conclusion, she stated that the Team will shortly decide on its leadership, i.e. chair or co-chairs.

**COMMUNICATIONS AND CORRESPONDENCE**

1. Status of the Items from the May 16, 2016 Meeting

Deborah L. Vest, Director of Community Development, stated that Council at their May 23, 2016 meeting approved the modification of the Conditional Use Permit requested by Poquoson Animal Welfare Sanctuary, Inc. increasing the maximum number of cats on-site from 50 to 100 on its property at 181 Messick Road; approved the request by Emmaus Baptist Church to modify its existing Conditional Use Permit to expand the current Christian Outreach Center at 828 Yorktown Road; and denied the request by Davis & Associates and Shirley F. Haugen for variances to the City's Subdivision Ordinance.

Planner, Kevin Wyne, added that Director Walter Apelt of the Economic Development Authority has expressed interest in serving on the Steering Committee and that Mayor Hunt also plans to attend the first Steering Committee meeting.

Mr. Wyne stated that staff has received a site plan for the BB&T site which shows the current building being demolished and a CVS Pharmacy, consisting of approximately 9,500 square feet to be constructed. The traffic impact study indicates that there will be no significant change in traffic numbers generated by that site. The site shows the service entrance will be improved near the Hopkins Court development and the entrance across from the 7-11 will be closed. This new site will also encompass the icehouse and MacDonald's Garden Center locations.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 8:26 p.m.