

1. Planning Commission Agenda February 24, 2022

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WORK SESSION

6:30

CITY OF POQUOSON



POQUOSON PLANNING COMMISSION

February 24, 2022

AGENDA

POQUOSON PLANNING COMMISSION
Wednesday, February 24, 2022 7:00 P.M.
COUNCIL CHAMBERS-500 CITY HALL AVENUE

A. CALL TO ORDER

B. INVOCATION & PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE MINUTES

1. Regular Session- December 6, 2021

**D. SPECIAL PRESENTATION- Jim Carroll, Executive Director of the
Hampton Roads Small Business Development Center**

E. AUDIENCE FOR VISITORS

F. PUBLIC HEARINGS

**1. Amendments to the City Code pertaining to Chapter 6, Article III -
Signs in the Public Right-of-Way.**

G. COMMUNICATIONS AND CORRESPONDENCE

H. ADJOURNMENT

The Poquoson Planning Commission met in a regular session on Monday, December 6, 2021, in the Council Chambers located at 500 City Hall Avenue.

PRESENT: Commissioner Anjie Emmett, Chairwoman
 Commissioner Bonnie Shriver, Vice Chairwoman
 Commissioner Gregory Deaver, Member
 Commissioner Kevin Brennan, Member
 Commissioner Olivia Griebel, Member
 Commissioner Thomas Stephens, Member

 Charles W. Horton, Director of Community Development
 Thomas Cannella, Planner
 Erin Mixon, Environmental Compliance Officer/Deputy Clerk
 Andy Mullins, City Attorney's Office

ABSENT: None

REGULAR SESSION

The regular session of the Planning Commission was called to order by Chairwoman Emmett at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairwoman Emmett led the audience in a prayer and afterwards led the audience in the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Commissioner Deaver made a motion, seconded by Commissioner Stephens, that the minutes of the September 20, 2021 regular meeting be approved as written.

Recorded vote on the motion:

YES: Chairwoman Emmett, Vice Chairwoman Shriver, Commissioners Stephens and Deaver

NO: None

ABSTAIN: Commissioners Brennan and Griebel

AUDIENCE FOR VISITORS

Chairwoman Emmett opened the audience for visitors. There being no speakers, the audience for visitors was closed.

PUBLIC HEARINGS

- 1. A request for a Rezoning Amendment by Bob Moses of Fountains of Poquoson, owner and applicant, to revise the terms of rezoning #5116 from B-2 (Business) to VC (Village Commercial) of 2.37 acres of property located on the west side of Wythe Creek Road, immediately to the south of TJ's Sports Tavern, and identified further as a Tax Map parcel Nos. 27-09-2 and 27-18-2.**

Mr. Horton presented that a request was submitted by Fountains of Poquoson, LLC, property owner, for a Rezoning Amendment, to revise the terms of Rezoning #4047, granted on September 12, 2016, as amended by Rezoning Amendment #5116, granted on February 24, 2020, of 2.37 acres of the property.

He continued by stating the Applicant is requesting the removal of Condition #3, which states "Prior to site plan approval, a boundary line adjustment plat must be prepared and recorded vacating all property lines dividing the properties in question".

This change is necessary to allow interior property lines to be placed between buildings to meet bank financing requirements that each building be deeded separately to eliminate having to refinance existing buildings prior to financing the construction of new buildings and to allow different ownership and investors for each building if so needed.

Commissioner Griebel asked for clarity on which buildings were in each phase of the development, and Mr. Horton provided the clarification.

Mr. Horton completed his presentation by stating that this is simply a request to allow for property lines within the phases, but the requirement for at least one commercial building to be included in each phase will remain in place.

Commissioner Stephens asked if this was allowing for the developer to skip phase 2 and go into phase 3.

Mr. Horton replied yes and the why of it would best be answered by the developer.

Commissioner Stephens shared his concern for the challenge that setbacks would impose if the Board approves the request.

Commissioner Griebel asked for a conceptual drawing of the buildings and parking if the request were approved.

Mr. Horton replied that as stated in his Staff report to the Board, that is part of the administrative review process and the City's EDPRC (Economic Development Plan Review Committee) makes sure that all City code would be followed.

Chairwoman Emmett asked if the EDA(Economic Development Authority) was still on schedule for January's meeting, and Mr. Horton confirmed that they are.

At this point, Chairwoman Emmett opened the floor for a public hearing on the request for rezoning.

There being no speakers present, Chairwoman Emmett closed the public hearing.

Robert Moses of 89 Sandy Bay Drive approached the dais and stated that his plan for the buildings within phases will remain the same, but the interior property lines will be adjusted. The setbacks are 10 feet, and the buildings are drawn farther apart than twice that, so he doesn't see the issue for allowing that to take place. The financing of the project has a problem due to banking changes that have occurred since COVID. He cannot afford to dilute his LLC to conform to the new bank changes. He requires the buildings to be deeded separately to qualify for bank funding to allow for individual investors and individual deeds of each building.

Commissioner Stephens said he would like to see the practical application of these property lines drawn out in front of him before deciding as a Board to approve or deny the request.

Mr. Horton clarified that the rear setback is 15 feet and the side setback is 10 feet. He went on to state that Commissioner Stephens' request of seeing the property line setbacks and parking lot requirements being met is part of an administrative site plan review process.

Commissioner Stephens asked why that wasn't done prior to the request being made to the Board. He is concerned that it seems to be happening in a backwards direction. He continued that with 15 feet setbacks from each property line would equal 30 feet needed between each building.

Mr. Cannella replied that the setbacks between buildings would be considered side setbacks at 10 feet each, equaling 20 feet. The rear setback of 15 feet would be in the direction of the pond on the plan.

After more discussion about the setbacks, parking, amount of units within each building, and lack of ability by the Board to visualize the parking, Commissioner Shriver made a motion, seconded by Commissioner Griebel to recommend the Resolution to City Council as presented to revise the terms of rezoning #5116 from B-2 (Business) to VC (Village Commercial) of 2.37 acres of property located on the west side of Wythe Creek Road, immediately to the south of TJ's Sports Tavern, and identified further as Tax map Parcel Nos. 27-09-2 ad 27-18-2.

Recorded vote on the motion:

YES: Chairwoman Emmett, Commissioners Shriver, Deaver and Griebel

NO: Commissioners Stephens and Brennan

COMMUNICATIONS AND CORRESPONDENCE

Chairwoman Emmett asked that a highlighted plan of property lines and phases be included with the recommendation when it goes to Council.

Mr. Cannella told the Board that there will be a meeting in January, with the EDA presenting, and an expected CUP application to be turned in for it.

Mr. Horton asked the Board if they'd prefer the EDA to present in a work session or regular session.

After some discussion, Chairwoman Emmett stated that having the EDA during the regular session is preferred.

Commissioner Shriver shared a concern about how short the crossing lights at Poquoson Ave are timed.

Commissioner Deaver stated how nice it is to have the full board at a meeting for the first time in a long time, and wished everyone a Merry Christmas.

Commissioner Stephens stated that from an Engineering perspective the presentation was not sufficient. He believes more details are needed and Staff should do their job of providing that.

Chairwoman Emmett shared that after reading an article titled "7 Ways New Infrastructure Package Invests In Planning" in the November 10th issue of the American Planning Association Magazine, the City may have a great opportunity with funding for smaller municipalities, safe to school initiatives, and resilient coastline spending. So many of those align with Poquoson's Comprehensive Plan and the money from that Package could be used to better our community.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:58 p.m.

Anjie L. Emmett, Chairwoman

Erin Mixon, Clerk



CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA
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(757) 868-3040 TELEPHONE (757) 868-3105 FAX

To: The Honorable Chairwoman and Members of the Planning Commission
From: Wally Horton, Director of Community Development
Date: February 24, 2022
Subject: Request for a Text Amendment.

Request

An amendment to Chapter 6, Article III was initiated by the Poquoson City Council on January 24, 2022 in order to allow subdivision identification signs within the City right-of-way under certain circumstances.

In support of this application, Staff has included two renderings of a subdivision identification sign that Legacy of Poquoson is proposing. It is important to note; however, that all subdivisions meeting the eligibility requirements could apply for such signs. While this may not substantially affect current developments, the language proposed could affect future developments.

The particular sign depicted in the renderings will have the following dimensions which are reflected in the proposed requirements. The monument size will be (width x height):

Sign Wall - 9' x 5' = 45 sq. ft.

5' combined width x 6' in height (combined columns on both sides) = 30 sq. ft.

The maximum monument size would be 75 square feet. Chapter 6 would be rewritten to indicate no more than this size for a monument. Fee-wise, a flat fee of \$75.00 would be charged for any monument sign in the ROW (subdivision Identification sign).

Please see the proposed wording of Article III in this case packet. Note that changes are indicated by ***bold, italicized and underlined*** type. We will have a work session beginning at 6:30 pm to discuss the changes prior to the public hearing at 7:00 pm on the 24th of February.

CWH





RESOLUTION # _____

A RESOLUTION RECOMMENDING APPROVAL TO AMEND THE CITY CODE OF ORDINANCES BY MODIFYING CHAPTER 6, ARTICLE III- Signs in the Public Right-of-Way.

BE IT RECOMMENDED by the Planning Commission of the City of Poquoson, Virginia:

Section 1: That Chapter 6, Article III of the City Code of the City of Poquoson, Virginia be amended to read as follows:

ARTICLE III. SIGNS IN PUBLIC RIGHT-OF-WAY

Sec. 6-111. Findings.

The city council finds that signs located within the right-of-way of public streets can, unless properly regulated, create a traffic hazard by unduly distracting motorists and pedestrians and reducing the effectiveness of traffic control signs and other signs necessary to direct the actions of persons utilizing the public right-of-way of the city. The city council finds, therefore, that the regulations contained within this article are the minimum necessary to ensure that motorists are not distracted or confused by visual clutter located within the public rights-of-way.

(Ord. No. 1655, § 1, 9-14-2020)

Sec. 6-112. Unauthorized signs.

No sign, other than those permitted under the terms of this article, shall be placed, erected or displayed within any public right-of-way located within the city. For the purposes of this article, a sign shall be defined as any structure, object or placard using graphics, symbols and/or written copy, which is designed for the purpose of advertising or identifying an event, establishment, product, goods or services.

(Ord. No. 1655, § 1, 9-14-2020)

Sec. 6-113. Signs permitted without a permit.

Official traffic control signs designed to warn or inform persons upon the public right-of-way of relevant locational or regulatory information, along with city sign posts, may be erected in the public right-of-way by the governing body or a public utility without the permit required by this article.

(Ord. No. 1655, § 1, 9-14-2020)

Sec. 6-114. Signs requiring permits.

The following signs shall require permits.

(a) Subject to the prohibitions of section 6-115, signs related to specific events being conducted on a specific property for a limited time event, including an election or a public vote on an issue, shall be permitted to be placed within the public right-of-way, provided that the following conditions are met:

- (1) Signs shall not be placed on any area paved for vehicular or pedestrian traffic or in any median.
- (2) Signs shall be located off of the roadway so as not to endanger, impede or interfere with the flow, or view of vehicular or pedestrian traffic.
- (3) Signs greater than four square feet in area, or taller than three feet above grade, must be set back a minimum of 20 feet from the curb or edge of pavement, and must receive permit approval before placement.
- (4) Signs shall be displayed within a public right-of-way for a maximum of 30 days prior to the announced event. Any such sign must be removed within seven days following the event announced.
- (5) Signs advertising a garage or yard sale shall be permitted only pre-formatted yard sale signs obtained from the community development department. A maximum of two such signs may be obtained per permit.

(b) Subdivision Identification Signs, defined for purposes of this Article as "permanent signs not exceeding 75 square feet in area, including any structural mounting feature, for the purpose of identifying a housing development or subdivision" shall be allowed in the public right of way provided that such signs adhere to all other applicable regulations of this Article and:

- (1) Shall be monument style signs, defined as freestanding signs supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.**
- (2) Shall be no more than six (6) feet in height above grade.**
- (3) Shall have indirect, direct, or internal illumination. All other methods of illumination are prohibited.**
- (4) Shall not be placed on any area paved for vehicular or pedestrian traffic .**
- (5) Shall be only placed within raised and curb and gutter medians within the entrance way to a subdivision development.**
- (6) Shall be located a minimum of twenty-five (25) feet from the right of way line of the intersecting street.**
- (7) Shall be located off of the roadway so as not to endanger, impede or interfere with the flow, or view of vehicular or pedestrian traffic.**
- (8) Shall be limited to one (1) sign per entrance and a maximum of two (2) such signs per subdivision.**

(Ord. No. 1655, § 1, 9-14-2020)

Sec. 6-115. Signs prohibited at specific intersections.

In no event shall a permit be issued for the placement of signs in a public right-of-way within 200 feet of the following street intersections:

- (1) Wythe Creek Road/Little Florida Road/Victory Boulevard.
- (2) Wythe Creek Road/Poquoson Avenue.
- (3) Yorktown Road/Hunts Neck Road.
- (4) Little Florida Road/Poquoson Avenue.
- (5) Victory Boulevard/City Hall Avenue.

Signs within the public right-of-way are also prohibited within 200 feet of official city identification signs near the city limits.

(Ord. No. 1655, § 1, 9-14-2020)

Sec. 6-116. Permit procedures.

- (a) Application for a permit *for signs meeting requirements of Sec. 6-114(a)* shall be filed in the community development department using forms supplied by the city. The application shall contain all required information and shall be signed by the applicant or an authorized agent. The permit application shall identify:
- (1) The nature of the event being advertised;
 - (2) The location of the event;
 - (3) The time period during which the event will occur;
 - (4) The location proposed for the sign; and
 - (5) The material of which the sign will be constructed.
- (b) A nonrefundable administrative fee of \$5.00 shall accompany the application form.
- (c) Excepting garage and yard sale signs, all right-of-way sign permits shall be issued upon the applicant posting a \$50.00 deposit guaranteeing the applicant's faithful compliance with the provisions of the permit and this article. This sum shall be returned to the applicant within one month of the termination of the event being advertised, if the applicant conforms with to all requirements of the permit and this article. Failure of the applicant to comply with all requirements imposed by the permit or this article shall subject the applicant to possible forfeiture of all or part of the deposit.

(Ord. No. 1655, § 1, 9-14-2020)

Sec. 6-117. Permit procedures, Subdivision Identification Signs.

(a) Application for a permit for a subdivision identification sign meeting the requirements of Sec. 6-114(b) shall be filed in the community development department using forms supplied by the city. The application shall contain all required information and shall be signed by the applicant or an authorized agent. The permit application shall identify and include:

- (1) The location proposed for the sign; and**
- (2) The material of which the sign will be constructed.**
- (3) All dimensions of the sign,**
- (4) The material of which the monument feature will be constructed.**
- (5) All dimensions of the monument structure.**
- (6) An architectural rendering displaying the appearance of the sign and monument feature , in color.**

(b) A nonrefundable fee of **\$75.00** shall accompany the application form.

Sec. 6-117g. Removal of unpermitted signs.

Signs which violate the terms of this article or of the permit authorizing their placement in the public right-of-way shall be removed and disposed of by the city.

(Ord. No. 1655, § 1, 9-14-2020)

WHEREAS, the City Council, at its January 24, 2022 meeting, initiated a text amendment to codify the above language; and

WHEREAS, a work session to discuss and public hearing to receive public comments and review any changes to the proposed amendments was held before the Planning Commission on February 24, 2022; and

WHEREAS, careful and thorough consideration was given the proposed amendments:

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Poquoson, Virginia:

Section 1: That the proposal to amend Chapter 6, Article II of the City Code of Poquoson, VA pertaining to signs in the right of way is hereby recommended for approval.

ADOPTED: _____

TESTE: _____
Clerk, Planning Commission

RESOLUTION # _____

A RESOLUTION RECOMMENDING DENIAL OF THE AMENDMENT TO THE CITY CODE OF ORDINANCES BY MODIFYING CHAPTER 6, ARTICLE III- Signs in the Public Right-of-Way.

WHEREAS, the City Council, at its January 24, 2022 meeting, initiated a text amendment to add provision for subdivision identification signs as signs permitted in the City right of way under certain circumstances and

WHEREAS, a proposed amendment to Chapter 6, Article III of the City Code of Poquoson, VA pertaining to signage allowed within right of ways was submitted; and.

WHEREAS, a work session to discuss and public hearing to receive public comments and review any changes to the proposed amendments was held before the Planning Commission on February 24, 2022; and

WHEREAS, careful and thorough consideration was given the amendment; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Poquoson, Virginia:

Section 1: That the proposal to amend Chapter 6, Article III. of the City Code of Poquoson, VA pertaining to allowed signs in the right of way is hereby recommended for denial by the City Council of Poquoson, VA.

ADOPTED: _____

TESTE: _____
Clerk, Planning Commission