



## CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996  
(757) 868-3040 TELEPHONE (757) 868-3105 FAX

March 28, 2016

**To:** The Honorable City Council

**Through:** City Manager

**From:** Kevin M. Wyne, Planner

**Subject:** **Conditional Use Permit for an Electrical Contracting Use at 834 Poquoson Avenue—Tax Parcel No. 19-1-213**

Presented for your consideration and a public hearing is a request by Mr. William N. Price on behalf of Price Electrical, Inc., applicant, and Mr. and Mrs. Freddie L. Binford, current property owners, for a conditional use permit to establish an electrical contracting business on property located at 834 Poquoson Avenue, further identified as Tax Parcel No. 19-1-213. The property, although it has housed commercial uses in the past, is zoned R-1, Single Family Residential district. As such, the operation of a commercial use on the property is classified as a legal, non-conforming use. The need for a conditional use permit stems from the applicant's proposed redevelopment of the property which will include the expansion of existing buildings and addition of new structures. The applicants plans are outlined in further detail in the attached memo prepared for the Planning Commission dated March 21, 2016.

At their Monday, March 21, 2016 meeting, the Planning Commission, acknowledging the property's adjacency to non-residential uses, the fact that the property has housed commercial uses since its inception and the belief that the proposed improvements will lead to a more attractive development, unanimously recommended approval of this application by a vote of 5-0.

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

KMW

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE AN ELECTRICAL CONTRACTING BUSINESS ON PROPERTY LOCATED AT 834 POQUOSON AVENUE, POQUOSON TAX MAP PARCEL NO. 19-01-00-0213**

**WHEREAS**, a request was submitted by William N. Price (Price Electrical, Inc.), applicant, and Mr. & Mrs. Freddie L. Binford, property owners, for a Conditional Use Permit to establish and operate an electrical contracting business on property located at 834 Poquoson Avenue, specifically identified as Tax Map Parcel No. 19-01-00-0213; and

**WHEREAS**, public hearings to receive public comments and review the request were held before the Planning Commission on March 21, 2016 and before City Council on March 28, 2016; and

**WHEREAS**, careful and thorough consideration was given the request.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Poquoson, Virginia:

**Section 1:** That the request of William N. Price (Price Electrical, Inc.), applicant, and Mr. & Mrs. Freddie L. Binford, property owners, for a Conditional Use Permit to establish and operate an electrical contracting business on property located at 834 Poquoson Avenue, specifically identified as Tax Map Parcel No. 19-01-00-0213 is hereby approved contingent upon adherence to the following conditions:

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.

**Section 2:** That this resolution shall be in effect on and after its adoption.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DENYING A CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE AN ELECTRICAL CONTRACTING BUSINESS ON PROPERTY LOCATED AT 834 POQUOSON AVENUE, POQUOSON TAX MAP PARCEL NO. 19-01-00-0213**

**WHEREAS**, a request was submitted by William N. Price (Price Electrical, Inc.), applicant, and Mr. & Mrs. Freddie L. Binford, property owners, for a Conditional Use Permit to establish and operate an electrical contracting business on property located at 834 Poquoson Avenue, specifically identified as Tax Map Parcel No. 19-01-00-0213; and

**WHEREAS**, public hearings to receive public comments and review the request were held before the Planning Commission on March 21, 2016 and before City Council on March 28, 2016; and

**WHEREAS**, careful and thorough consideration was given the request.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Poquoson, Virginia:

**Section 1:** That the request of William N. Price (Price Electrical, Inc.), applicant, and Mr. & Mrs. Freddie L. Binford, property owners, for a Conditional Use Permit to establish and operate an electrical contracting business on property located at 834 Poquoson Avenue, specifically identified as Tax Map Parcel No. 19-01-00-0213 is hereby denied.

**Section 2:** That this resolution shall be in effect on and after its adoption.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

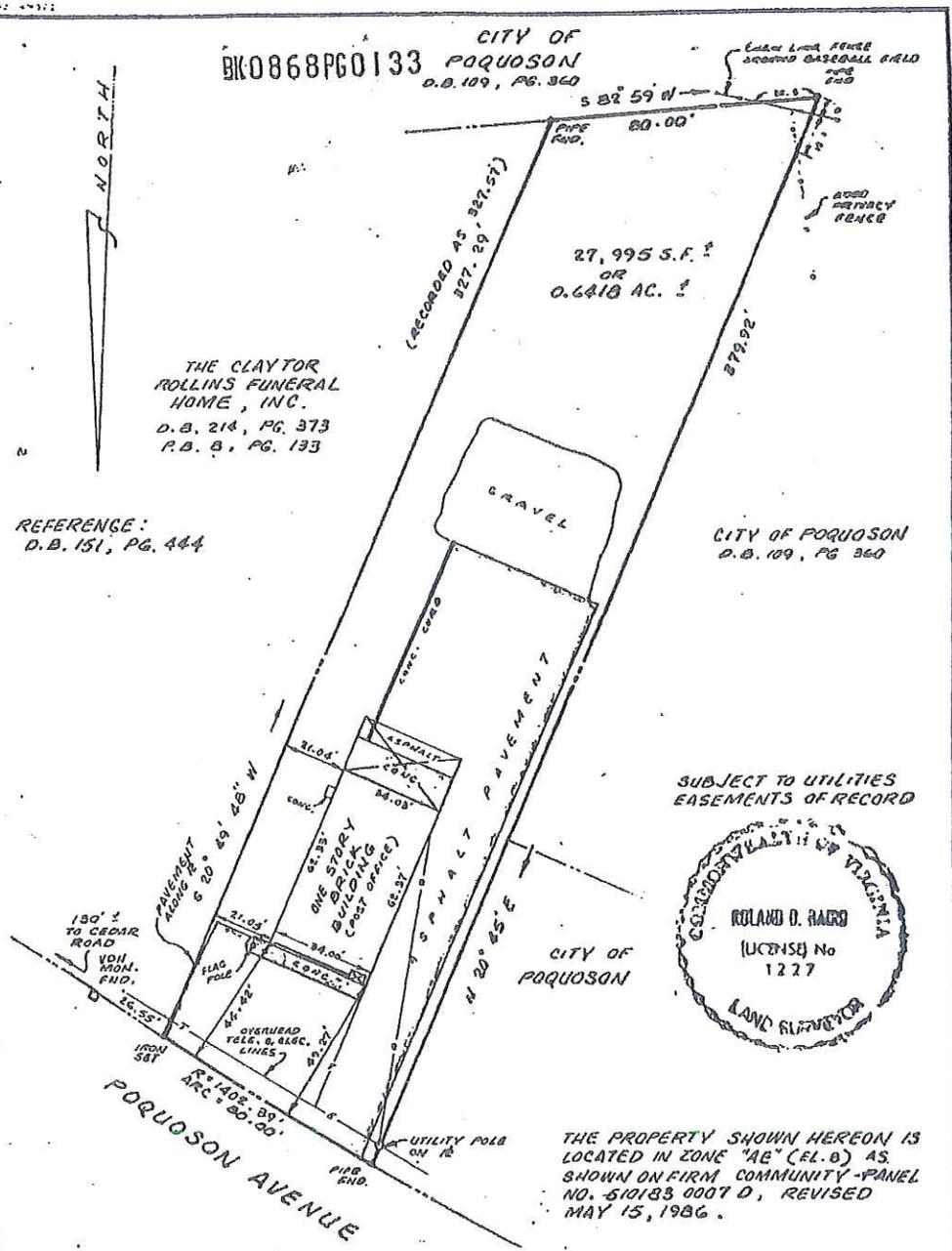
City Clerk

BK0868PG0133  
 CITY OF POQUOSON  
 D.B. 109, PG. 360



THE CLAYTOR  
 ROLLINS FUNERAL  
 HOME, INC.  
 D.B. 214, PG. 373  
 P.B. 8, PG. 193

REFERENCE:  
 D.B. 151, PG. 444



SUBJECT TO UTILITIES  
 EASEMENTS OF RECORD



THE PROPERTY SHOWN HEREON IS  
 LOCATED IN ZONE "AE" (EL. 0) AS  
 SHOWN ON FIRM COMMUNITY-PANEL  
 NO. 510183 0007 D, REVISED  
 MAY 15, 1986.

ADDRESS: 334 POQUOSON AVENUE

THIS IS TO CERTIFY THAT ON DEC. 13, 1988  
 I SURVEYED THE PROPERTY SHOWN ON THIS  
 PLAT, AND THAT THE TITLE LINES AND THE  
 WALLS OF THE BUILDINGS ARE AS SHOWN ON  
 THIS PLAT. THE BUILDINGS STAND STRICTLY  
 WITHIN THE TITLE LINES AND THERE ARE  
 NO ENCROACHMENTS OF OTHER BUILDINGS  
 ON THE PROPERTY EXCEPT AS SHOWN.

*Roland O. Baird*  
 CERTIFIED LAND SURVEYOR

PLAT OF THE PROPERTY OF LONDON G. ATKINS
PARCEL OF LAND CONTAINING 0.6418 ACRE ± CITY OF POQUOSON, VIRGINIA
JOHNSON • BAIRD AND ASSOCIATES CIVIL ENGINEER AND LAND SURVEYORS 1530 WEST QUEEN STREET - HAMPTON, VIRGINIA 23669
SCALE: 1" = 40' DATE: DEC. 13, 1988 FILE NO. 88-223

EXIST

**BK0868PG0133** CITY OF POQUOSON  
 D.O. 109, PG. 360

NORTH

THE CLAYTOR  
 ROLLINS FUNERAL  
 HOME, INC.  
 D.O. 214, PG. 373  
 P.O. B. PG. 133

REFERENCE:  
 D.O. 151, PG. 444

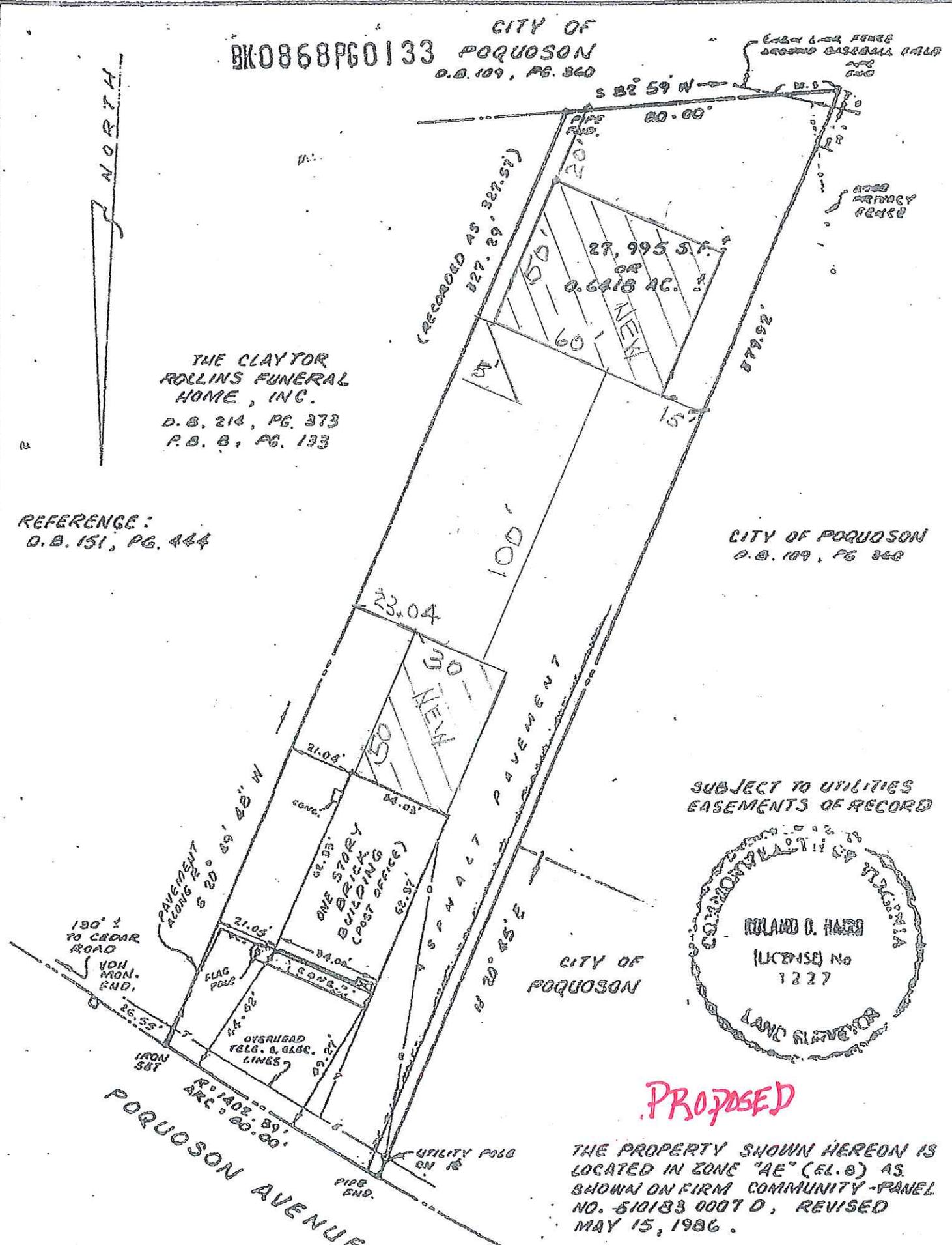
CITY OF POQUOSON  
 D.O. 109, PG. 360

SUBJECT TO UTILITIES  
 EASEMENTS OF RECORD



**PROPOSED**

THE PROPERTY SHOWN HEREON IS  
 LOCATED IN ZONE "AE" (EL. 8) AS  
 SHOWN ON FIRM COMMUNITY-PANEL  
 NO. 510183 0007 D, REVISED  
 MAY 15, 1986.





## CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996

(757) 868-3040 TELEPHONE (757) 868-3105 FAX

### MEMORANDUM

Date: March 21, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, City Planner

Subject: **Conditional Use Permit for an Electrical Contracting Use at 834 Poquoson Avenue--  
Tax Parcel No. 19-1-213**

---

#### Introduction

The City has received a request by Mr. William N. Price on behalf of Price Electrical, Inc., applicant, and Mr. and Mrs. Freddie L. Binford, current property owners, for a conditional use permit to establish an electrical contracting business on property located at 834 Poquoson Avenue, further identified as Tax Parcel No. 19-1-213. The property, although it has housed commercial uses in the past, is zoned R-1, Single Family Residential district. As such, the operation of a commercial use on the property is classified as a legal, non-conforming use. Legal non-conforming uses are defined as uses that existed prior to the establishment of the property's current zoning. In this case, the property served as a commercial use prior to the establishment of the R-1, Single Family Residential district in the area. The zoning ordinance allows for the expansion of legal non-conforming uses, provided that they do not exceed 100 percent of the existing square footage. Price Electrical proposes to exceed the 100 percent rule, thus necessitating the need for a conditional use permit. The property is located on the southern side of Poquoson Avenue near its intersection with Cedar Road. The property, which consists of approximately .64 acres, is sandwiched between the old Municipal Building property to its west and the Claytor Rollins Funeral Home to its east. Directly across Poquoson Avenue from the property (to its north) lay the Tabernacle United Methodist Church property.

#### Public Notice

This application was advertised for 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.

#### Applicant's Proposal

The applicant, who currently has the property under contract, proposes establishing an electrical contracting use on the site. The business would utilize the existing, 2,100 square foot building as office and storage

space supporting the electrical business. As a part of the applicant's proposal, Price Electrical would add a 1,500 square foot expansion to the existing building which would accommodate the needs of the operation. Additionally, plans call for the construction of a 3,000 square foot storage building at the rear of the property, approximately 100' feet from the main structure and approximately 20' from the rear property line. In addition to the proposed expansion, the business owner anticipates replacing and upgrading the façade of the existing building.

### **Site Character**

The parcel is a parallelogram in shape, measuring approximately 380' on its western boundary with the old Municipal Building and 330' on its eastern boundary with Claytor Rollins. The property consists of approximately 80' of frontage on Poquoson Avenue. Additionally, the rear property line, which borders the Municipal Park Softball Field, measures 80' in width. The existing structure has a small parking area at its front and is setback approximately 45' from Poquoson Avenue.

The property currently houses a furnisher repair business/antique shop. The property has operated as such use since around 1995. Prior to 1995 it operated as the City's Postal Office. There are currently four (4) trailers in the rear yard of the property that have been used for storage purposes. These trailers range in length from 40' to 48' and are all 8' in width. These trailers, along with a metal carport at the front of the property and a small metal shed in the rear yard are planned for removal as a part of Price Electric's plans.

### **Zoning and Comprehensive Plan Considerations**

The property is zoned R-1, Single Family Residential and an electrical contracting use is not a by-right use within this district due to its potential intensity and impact. As explained above, the current business that operates on the property, Professional Refinishing, is a legal, non-conforming use and thus grandfathered on the property. The continuation of a similar use is permitted on the property, however, because Price Electrical wishes to add approximately 4,500 square feet of building space to the property, its expansion proposals do not align with the provisions pertaining to legal non-conforming uses in the City's Zoning Ordinance. Specifically, Article III, Section 3-6, restricts the expansion of legal, non-conforming uses from increasing their size by more than 100 percent of what currently exists. As proposed, the business intends to expand the permanent square footage on the property by 214%.

Uses permitted in the R-1 district without a conditional use permit include single family residential structures and accessory buildings, playgrounds and parks of a non-commercial nature as well as public utilities. Schools and churches are permitted within this district with a conditional use permit. Commercial uses such as the electrical contracting business in question that generate activities inconsistent with the provisions set forth for home based businesses are not specifically permitted in this district.

The Comprehensive Plan 2008-2028 identifies the property as low density residential. Low density residential is described by the Comprehensive Plan as the following:

*This category is for single-family residential areas in Poquoson that are intended to have a maximum of one and a half (1.5) to two (2) dwelling units per acre, as prescribed by the three current land use zoning districts: R-S, R-1, and R-2. Low Density Residential is the base layer of zoning for the City and is proposed for all parts of the City not designated for commercial, conservation, public use or medium to high density residential development. This designation may include open-space subdivisions in accordance with the Zoning Ordinance, not exceeding the maximum density allowed.*

### **Surrounding Characteristics**

The property is surrounded by the R-1, Single Family district on all sides and six (6) properties housing single family dwellings are located within 500' of the parcel. While the property is located well within the R-1 district, the block in which it is located offers an eclectic mix of established non-residential uses, to include the adjacent funeral home and government building as well as the church across the street. Additionally, Municipal Park, which houses the City pool, a softball field and other recreational uses along with the City's Public Works compound, are located nearby.

### **Traffic and Access**

The property has direct access from Poquoson Avenue. The property currently has about five (5) customer spaces out front and ample room on the property for the additional 10 spaces that will be required for the use upon completion of the proposed expansion. Additionally, on site circulation is anticipated to be sufficient to serve a use of this nature. The structure is setback far enough from Poquoson Avenue that staff does not anticipate any safety issues pertaining to ingress/egress.

### **Site Plan Required**

Due to the proposed amount of increased square footage, the redevelopment of the site would require the submittal and approval of a plan of development. Site improvements are subject to the City's land use ordinances, and will be reviewed for compatibility at the time of site plan submittal. Additionally, State stormwater regulations pertaining to redevelopment would need to be met.

### **Utilities**

The property is served by all necessary utilities.

### **Architectural Review Board**

The site is located outside of the City's Architectural Review district, thus review by the City's Architectural Review Board is not required.

### **Relationship to the Comprehensive Plan/Staff Findings**

As stated above, the property is designated for use as *Low Density Residential* as defined in the Comprehensive Plan. A detailed description of the purpose and intent of the *Low Density Residential* land use designation is outlined above in the section titled "Zoning and Comprehensive Plan Considerations."

The property has operated as non-residential since its construction in the 1960's. While an electrical contracting use is no more impactful than the current furnisher repair/antique shop use or the Post Office use it succeeded, the proposed redevelopment of the site (building expansion) necessitates the need for a conditional use permit. While the property is zoned residential and designated for residential use on the City's Future Land Use Map, it is surrounded by a handful of non-residential uses like itself. As mentioned above, this particular block of Poquoson Avenue offers an eclectic mix of non-residential uses, most of which were established in or before the 1960's. During the upcoming Comprehensive Plan update, the Planning Commission may want to re-evaluate the land use designations in this area. The property has operated as some form of commercial since its construction and its commercial operation has fit well into

the fabric of the neighborhood. Overall, staff anticipates the redevelopment of the site to transform a dated building into a more attractive business in this area of Poquoson Avenue.

If the Planning Commission recommends approval of the request to City Council, staff recommends that approval be subject to the following conditions:

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.

Attachments









**PUBLIC AUCTION**  
**SAT. MAR. 12 - 9 AM.**  
HUBBARD'S AUCTION  
804-694-4312 804-815-2474

PROPERTY  
TWO WEEKS  
495.00

