CITY OF POQUOSON

POQUOSON PLANNING COMMISSION

MAY 16, 2016

AGENDA

POQUOSON PLANNING COMMISSION
Monday, May 16, 2016, 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 – April 18, 2016
2. Work Session – April 18, 2016

D. AUDIENCE FOR VISITORS

E. 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.

    a. Public Hearing
    b. Consideration by the Commission

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).

    a. Public Hearing
    b. Consideration by the Commission

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).

    a. Public Hearing
    b. Consideration by the Commission

F. **UNFINISHED BUSINESS**

1. **Comprehensive Plan Participation Team (CPPT) & Steering Committee Memberships**

G. **COMMUNICATIONS AND CORRESPONDENCE**

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

H. **ADJOURN**

The Poquoson Planning Commission met in a regular session on Monday, April 18, 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 Gustavus A. Goddin, Member
Commissioner James K. Titlow, Member
Commissioner Leigh Fenigsohn, Member

Deborah L. Vest, Director of Community Development
Kevin M. Wyne, Planner
Victoria H. Diggs, Clerk

ABSENT: Commissioner Richard D. Clifton, Member
Commissioner Christopher R. Williamson, Member

REGULAR SESSION

The regular session of the Planning Commission was called to order by Chairwoman Shriver.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Chairman Travis led the audience in the invocation and the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Vice Chairman Travis moved, seconded by Commissioner Titlow, that the minutes of the March 21, 2016 regular session be approved as amended. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Commissioner Goddin.

AUDIENCE FOR VISITORS

No one in the audience spoke.

PUBLIC HEARING

1. **A REQUEST BY BRADFORD W. DRUMMOND, APPLICANT AND TAGTIME LLC BUSINESS OWNER, AND SGC WYTHE CREEK, LLC, PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT TO OPERATE ESCAPE ROOM GAMES IN A STOREFRONT LOCATED AT 475 WYTHE CREEK ROAD IN THE WYTHE CREEK SHOPPING CENTER, IDENTIFIED AS TAX MAP PARCEL NO. 27-01-00-0107-A, ZONED B-2 (BUSINESS).**

This application was advertised for a public hearing in the Daily Press on April 1, 2016 and April 8, 2016. Adjacent property owners were notified of this request by letters mailed on April 1, 2016.

Kevin M. Wyne, Planner, introduced the request by Mr. Bradford W. Drummond, applicant and Tagtime LLC business owner, and SGC Wythe Creek LLC, property owner, for a Conditional Use Permit to establish an escape room game use on property located at 475 Wythe Creek Road in the Wythe Creek Plaza. He stated that the Wythe Creek Shopping Center is anchored by the Taylor Do-It Center and is Zoned B-2, Business. He pointed out that the most closely related uses to that which is being requested is a bowling alley which is permitted by-right and an arcade which is not specifically permitted in the B-2 District thus necessitating a Conditional Use Permit.

Mr. Wyne explained that the applicant already has an approved Conditional Use Permit to operate a laser tag entertainment business on the 20 acre lot immediately to the northwest of the shopping center property. The requested escape room use he stated would be located in a vacant 2,000 square foot storefront containing four (4) unlocked escape rooms which could hold 6 to 8 people each while they try to solve puzzles and other problem solving exercises in order to exit the room. The area would also be utilized as a gathering area for laser tag players who would be escorted from the rear of the storefront to the laser tag field located on the adjacent parcel.

The Planner concluded his presentation with the following information:

- That an escape room is a unique use (currently not found on the Peninsula);
- That the use fits the B-2 purpose of a variety of commercial uses;
- That it will occupy an existing vacant storefront; and
- That it affords the business owner ease of access for his laser tag patrons to commute to the playing field.

Mr. Wyne 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 approved use permit shall be only for an escape room game use and shall not be interpreted for any other use that cannot be reasonably categorized as such. If the proposed use changes to another form of family amusement the permit shall be evaluated by the Zoning Administrator who will determine if the new use meets the intent of this use permit.
3. Prior to any on-site expansion of the proposed use, the Zoning Administrator shall review the proposal to determine whether reconsideration of this permit is necessary by City Council.
4. 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.
5. City Council reserves the right to review and amend the conditions of this permit as they see fit.

Chairwoman Shriver opened the public hearing. Mr. Bradford Drummond, applicant and Tagtime LLC business owner, stated that he owns the adjacent 20 acre parcel which is utilized for his Tagtime Laser business and that the aforementioned storefront would provide direct access to the parcel while providing the required restrooms.

Mr. Alan Moody, 207 Browns Neck Road, spoke in support of the new escape room business.

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

The Commissioners expressed support for the proposed business and in response to their queries Mr. Drummond stated he would have approximately four (4) to five (5) employees working in the storefront and two (2) to three (3) employees operating the Tagtime business at any given time. He also explained that the lighting for the laser field would be portable LED solar lights and that all participants would travel back and forth in a group. Lastly, Mr. Drummond stated that there was sufficient parking for both uses on-site.

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

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

NO: None.

UNFINISHED BUSINESS

Comprehensive Plan Update Discussion

Chairwoman Shriver stated that in order to take action on any item discussed in the earlier work session, the Planning Commission must first make a motion to amend the agenda accordingly.

Commissioner Goddin moved, seconded by Commissioner Titlow, to amend the agenda to enable the Commission to make appointments to the Community Participation Team (CPT). Recorded vote on the motion:

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

NO: None.

Vice Chairman Travis moved, seconded by Commissioner Titlow, to appoint the top twelve applicants to the CPT. Recorded vote on the motion:

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

NO: None.

COMMUNICATIONS AND CORRESPONDENCE

1. Status of the Items form the March 21, 2016 Meeting

Deborah L. Vest, Director of Community Development, stated that Council at their March 28, 2016 meeting approved the housekeeping ordinances ensuring City Code compliance with the State Code relative to the Board of Zoning Appeals and its processes. In addition, she noted that in the same meeting Council also approved the Price Electrical, Inc. Conditional Use Permit. Ms. Vest pointed out that City Council has requested that the existing pockets of business uses located in residential areas of the City be examined and addressed when the Land Use Chapter of the Comprehensive Plan is updated. Lastly, she stated that a storage warehouse on the west side of Wythe Creek Road may be on the next Planning Commission agenda.

Kevin M. Wyne, Planner, stated that the PAWS Conditional Use Permit request to increase the number of cats on their property at 181 Messick Road is postponed until the next meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 7:35 p.m.

ADOPTED: _____

ATTESTE: _____
Victoria H. Diggs, Clerk

The Poquoson Planning Commission met in a work session on Monday, April 18, 2016 at 6:00 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 Gustavus A. Goddin, Member
Commissioner James K. Titlow, Member
Commissioner Leigh Fenigsohn, Member

Deborah L. Vest, Director of Community Development
Kevin M. Wyne, Planner
Victoria H. Diggs, Clerk

ABSENT: Commissioner Richard D. Clifton, Member
Commissioner Christopher R. Williamson, Member

Chairwoman Shriver called the work session to order at approximately 6:00 p.m.

Comprehensive (Comp) Plan Update

Chairwoman Shriver requested that the candidates for the Community Participation Team (CPT) be discussed by using the assigned application number until such time as the chosen candidates could be notified. During the discussion relative to the application process and the applicants, the Commission made the following comments:

- That a good response, twenty-two applications, was received;
- That the process used to select the top twelve applicants involved the use of randomly assigned application numbers;
- That five applicants tied for the 13th place;
- That alternate members would not be needed, although it is difficult to reject willing volunteers;
- That the submitted applications did not provide the desired membership diversity, i.e. renter/homeowner, socioeconomic status and precinct; and
- That those applicants not selected and all citizens should attend the upcoming Comprehensive Plan public input sessions to express their opinions and provide their input.

During the Commission's discussion, it was agreed that gathering citizen opinions/input from all sectors of the community should be the goal of the CPT. The importance of the composition of the Comprehensive Plan Steering Committee was discussed as they would ultimately be responsible

for the final, updated Comp Plan that would be forwarded to Council for consideration and action. A consensus was reached that at least two Commissioners would be members of the Steering Committee and responsible for keeping the update process on course and moving forward. As Chairwoman Shriver had announced that she was resigning from the Commission at the end of her current term, i.e. November 30, 2016, Vice Chairman Travis and Commissioner Fenigsohn volunteered to assume the Steering Committee leadership role. Commissioner Titlow stated that he too would assist with this task as much as his full-time job would allow. Since the majority of the Commissioners work full-time, it was suggested that should a Commissioner have a specific chapter(s) of the Plan in which they wished to be involved, they could serve on the Steering Committee when it addresses that particular section(s). In addition it was also agreed that a letter would be sent from the Planning Commission to the Mayor and the Chairman of the Economic Development Authority (EDA) asking if a member from each group could serve on the Steering Committee.

Staff was requested to telephone each of the twelve citizens selected to serve on the CPT notifying them of their appointment prior to the information becoming public. In addition, it was requested that a letter be sent to those who were selected notifying them of the first CPT meeting and also a letter of regret to those not chosen. The Commission felt that it was important to move forward with the process in order to maintain the current level of enthusiasm. In conclusion, Vice Chairman Travis stated that the Steering Committee must ensure that the updated Plan reflects the citizens' vision.

City Planner, Kevin Wyne, stated that staff will act as facilitators, provide the updated demographics, and draft the revised language of the Plan pursuant to the Steering Committee's direction.

In conclusion, Chairwoman Shriver stated that she and Vice Chairman Travis had attended the recent Council Retreat at which time a variety of economic development questions were posed to all participants, i.e. preferred uses/development, how to attract them to the City, etc.

There being no further discussion, the meeting was adjourned at approximately 6:55 p.m.

ADOPTED: _____

ATTESTE: _____
Victoria H. Diggs, Clerk

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

MEMORANDUM

Date: May 16, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit For A Cat Sanctuary In A Residential District- Tax Parcel No. 32-1-44**

Introduction

The City has received a request from Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, to amend their existing conditional use permit, issued on September 23, 2013, to request an increase in the number of cats allowed on their property. Presently, PAWS is permitted to have no more than 50 cats on average daily over the course of the month. The applicant is requesting to increase this number to 100. The cat sanctuary is located at 181 Messick Road and is further identified as Tax Map Parcel No. 32-1-44. The property is zoned R-2, Single Family Residential.

Public Notice

This application was advertised for 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.

Applicant's Proposal

As mentioned above, the applicant is requesting an increase in the number of felines allowed on the property from 50 to 100. Since the issuance of the conditional use permit for this operation the City has received no complaints and the owner has operated the use in compliance with all specified conditions. Within the first year of the permit's issuance, a feature was installed on the top of the chain link fence surrounding the parcel that deters cats from leaving the property. This was installed to satisfy condition number two (2) of their issued use permit. The original staff report (dated September 16, 2013) and the approved resolution issuing the use permit (dated September 23, 2013) are attached for your convenience. If the Planning Commission recommends approval of the request to City Council, the following condition must be amended:

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

Attachments

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

MEMORANDUM

Date: September 16, 2013

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit For A Cat Sanctuary In A Residential District- Tax Parcel No. 32-1-44**

Introduction

The City has received a request from Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, to establish and operate a pet sanctuary (short-term/long-term housing facility) on a collection of adjoining parcels located at 181 Messick Road, further identified as Tax Map Parcel No. 32-1-44. The property is zoned R-2, Single family Residential.

Public Notice

This application was advertised for public hearing by legal notice appearing in the Daily Press on August 29 and September 5, 2013. Adjacent property owners were notified by letters mailed on August 26, 2013 with additional notifications being mailed September 9, 2013.

Applicant's Proposal

The Poquoson Animal Welfare Sanctuary, (PAWS) Inc. obtained ownership of the property in August 2013. The group was founded in response to the overpopulation of homeless cats within the City and focuses their efforts to help control the overpopulation of felines in the community by trapping and caring for them in hopes of preparing the cats for adoption. The group, which is a non-profit and is currently preparing to obtain the Internal Revenue Service's 501(c)(3) non-profit status, wishes to conduct large scale trapping of homeless cat throughout Poquoson in an effort to spay or neuter them, as well as conduct blood testing and provide them with the necessary vaccinations. PAWS, Inc. is proposing to use the property as an animal sanctuary that will offer both long and short term care for rescued cats. The organization is proposing housing up to 50 felines on the property, most of which will live inside the unoccupied residential structure or accessory building located on the property. A handful of the rescued cats will live outdoors. The property has been used for a similar operation over the last fourteen years by a former property owner; however, it has been to a lesser scale.

Site Character

The site consists of a collection of four parcels, however; the central lot which consists of approximately 2 acres will be the location of the animal sanctuary. The property sits approximately 170' northeast of Messick Road and is accessible by a private drive. The single family dwelling located on the property consists of around 840 square feet and lay approximately 230' from Messick Road. Additionally, a smaller out building, consisting of approximately 60 square feet is located at the southwestern corner of the property. The site is well vegetated and is not visible from Messick Road. Furthermore, the perimeter of the property is vegetated in a manner where general visibility from adjacent properties is difficult.

Surrounding Land Uses

The property is surrounded by the R-2, Single Family Residential district to its south and west. The properties to the north and east of the parcel consist of parcels zoned for Conservation as those properties largely consist of marshland. In total, the property is surrounded by approximately a dozen single family homes within a 250' radius.

Zoning and City Code

The property is zoned R-2, Single family Residential. Uses permitted in this district without a conditional use permit include single family residential structures and accessory buildings used in conjunction with those structures, 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. A use of this nature is neither defined nor specifically permitted in any zoning district in the City. The use that may be the most closely related that is permitted within the ordinance is a veterinary hospital. Veterinary hospitals are permitted with a Conditional Use Permit within the B-2, Business/Commercial district. Additionally, dog kennels are not regulated by the zoning ordinance and instead are regulated by the Treasurer's Office as stated in the City Code. Kennels housing no more than 20 canines are permitted throughout the City and are subject to the following regulations:

(a) The owner of a kennel shall securely fasten the license tag issued to him under this division to the kennel enclosure, in full view, and keep one of the identification plates provided therewith attached to the collar or harness of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to the animal control officer or other officer upon request.

(b) A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show.

(c) A kennel shall not be operated in such manner as to defraud the city of the license tax applying to dogs which cannot be legally covered thereunder or in any manner to violate other provisions of this article. If the owner of the kennel is found to have violated sections of this article through negligence or carelessness, the court may, in addition of the prescribed penalty, revoke the kennel license and the owner shall thereupon be required to obtain an individual license for each dog.

With a use of this nature not being specifically permitted for within the zoning ordinance, in accordance with Article I. Section 1-8 of the City's zoning ordinance, the property owner(s) has opted to petition the City Council, with a recommendation from the Planning Commission, to operate this use within the R-2, Single Family Residential zoning district.

It is important to note that Chapter 14. Animals, Article II. Cats, of the City Code regulates the keeping of cats within the City. Specifically, this section of the code stipulates that no more than 10 cats be permitted on any one parcel in the City. If a Conditional Use Permit is issued for this use, it would not only allow for a use that is not specifically permitted for within the R-2, Single family Residential district, it would be offering the property owners an exemption from the above cited section of the City Code.

Traffic

Access to the property is provided by the private drive mentioned above. Access to the property is controlled by a gate that is locked when a PAWS representative is not on the site. As previously outlined, the dwelling on the property will not be occupied for residential purposes, thus no vehicular trips will be conducted for that purpose. PAWS representatives will visit the site daily; however, their trips would be no more frequent than the trips created by a single family on average. The organization does take adoption appointments and at this time, staff does not anticipate these appointments to be frequent enough to exceed the number of daily vehicular trips taken by the average family in a residential district.

Relationship to the Comprehensive Plan/Staff Findings

The property is designated for use as Low Density Residential as defined in the City's Comprehensive Plan. A detailed description of the purpose and intent of the Low Density Residential land use designation is outlined as follows:

> *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 use is unique and could potentially be beneficial to the entire community, as Poquoson does have an issue with feline overpopulation. The parcel is well screened from adjacent properties with existing vegetation and is setback approximately 230' from Messick Road. Its location allows for minimal visual impact to neighbors. However, this use could become quite impactful to the adjacent residents if actions are not taken to ensure cats are kept within the confines of the property. Controls should be taken to minimize feline trespass on to neighboring parcels. As stated in their application, the organization plans to construct a fence surrounding the parcels in an effort to discourage cats from leaving the property; however, further methods of control may be necessary. If the Planning Commission recommends approval of the request to City Council, staff recommends that approval be subject to the following conditions:

1. Appointments shall be limited to between the hours of 8:00am and 8:00pm daily.

2. The use shall have one (1) year from the issuance of this permit to provide the City with a plan outlining measures to be taken to ensure felines are kept within the confines of the property. Said plan shall be reviewed and approved by City staff and implemented within two (2) years from the issuance of this permit.
3. All existing vegetation located on the boundary of the property must be perpetually maintained for screening purposes. Any needed replacement of this vegetation shall consist of evergreens of no less than six (6) feet tall at the time of planting.
4. Over the course of one (1) year from the issuance of this permit, City staff will monitor the vegetated perimeter of the property to ensure that the vegetation satisfactorily screens the use from adjacent properties during all months of the year. If the screening is found not to be satisfactory during this time, the property owner shall submit and implement a plan, approved by City staff, which successfully shields the use from view of the adjacent properties.
5. The operation shall obtain all required local, state and federal permits.
6. 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.
7. 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.
8. The use shall not house any more than fifty (50) cats daily on average over the course of a month.
9. If at any time the operation is not in compliance with the conditions set forth in this use permit, it shall be subject to revocation.

Attachments

RESOLUTION NO. 3877

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT AND OPERATION OF A PET SANCTUARY AT 181 MESSICK ROAD, POQUOSON TAX MAP PARCEL NO. 32-01-00-0044

WHEREAS, a request was submitted by the Poquoson Animal Welfare Sanctuary, Inc. (PAWS), applicant and property owner, for a Conditional Use Permit to establish and operate a pet sanctuary (short-term/long-term housing facility) at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single Family Residential; and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on September 16, 2013 and before City Council on September 23, 2013; 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 by the Poquoson Animal Welfare Sanctuary Inc. (PAWS), applicant and property owner, for a Conditional Use Permit to establish and operate a pet sanctuary (short-term/long-term housing facility) at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044, Zoned R-2, Single Family is hereby approved with the following conditions:

1. Appointments shall be limited to between the hours of 8:00am and 8:00pm daily.
2. The use shall have six (6) months from the issuance of this permit to provide the City with a plan outlining measures to be taken to ensure felines are kept within the confines of the property. Said plan shall be reviewed and approved by City staff and implemented within one (1) year from the issuance of this permit.
3. All existing vegetation located on the boundary of the property must be perpetually maintained for screening purposes. Any needed replacement of this vegetation shall consist of evergreens of no less than six (6) feet tall at the time of planting.
4. Over the course of one (1) year from the issuance of this permit, City staff will monitor the vegetated perimeter of the property to ensure that the vegetation satisfactorily screens the use from adjacent properties during all months of the year. If the screening is found not to be satisfactory during this time, the property owner shall submit and

implement a plan, approved by City staff, which successfully shields the use from view of the adjacent properties.

5. The operation shall obtain all required local, state and federal permits.
6. Upon the discontinuance of such use for a continuous period of two (2) years or more, the Conditional Use Permit shall become null and void.
7. 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.
8. The use shall not house any more than fifty (50) cats daily on average over the course of a month.

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

ATTESTE:

Judy F. Wiggins, City Clerk

ADOPTED: September 23, 2013

W. Eugene Hunt, Jr., Mayor

RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT TO OPERATE A PET SANCTUARY AT 181 MESSICK ROAD, POQUOSON TAX MAP PARCEL NO. 32-01-00-0044

WHEREAS, a request was submitted by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate 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; and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on May 18, 2016; and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the request by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044 by increasing the maximum number of cats on-site from 50 to 100 is hereby recommended for approval inclusive of the following amendment to Condition #8 of the original permit:

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

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

ADOPTED: _____

TESTE: _____
Clerk, Planning Commission

RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL DENIAL OF A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT TO OPERATE A PET SANCTUARY AT 181 MESSICK ROAD, POQUOSON TAX MAP PARCEL NO. 32-01-00-0044

WHEREAS, a request was submitted by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate 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; and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on May 18, 2016; and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the request by the Poquoson Animal Welfare Sanctuary (PAWS) Inc., applicant and property owner, for an amendment to its existing Conditional Use Permit to operate a pet sanctuary at 181 Messick Road, Tax Map Parcel No. 32-01-00-0044 by increasing the maximum number of cats on-site from 50 to 100 is hereby recommended for denial.

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

ADOPTED: _____

TESTE: _____
Clerk, Planning Commission

Tue 'ay Feb 23

City Poquoson
500 City Hall Avenue
Poquoson, Virginia 23662
(757) 868-3040

APPLICATION FOR A CONDITIONAL USE PERMIT

To the Planning Commission/City Council
of the City of Poquoson:

I/We, the Board of Directors of the Poquoson Animal Sanctuary

the undersigned owner(s) of the described property:

Shirley Myers - President
Karen P. Dyer, vice president Sol Cawley - Secretary
[illegible] Bohlach VICE PRESIDENT Tracy B Burnett co-manager

hereby apply for a conditional use permit for the following reasons:

We request to change Resolution Number 3877 adopted 9-23-2013, Section 1 Part 8, to increase the number of cats housed at 181 Messick Road from a maximum of 50 daily average over the course of a month to 100. Attached are statistics demonstrating our progress within the city from 2013-2015. During the height of kitten season there can easily be 30 on the property in our six "sheds" or "cottages" including moms and kittens. Even though we adopt increasing numbers, there are still many cases where we must take in stray single feral cats or we take in friendly abandoned cats. Although we adopt out all we can, there are cases where cats are simply not adoptable mostly due to health or behavioral issues such as friendly males who were not fixed as kittens and they spray. Just in the past two months we have taken in about a half dozen friendly abandoned cats. People move and just leave the cats. It is terribly sad. All of the cats are named, well cared for & we have a system in place to keep up

(CONTINUED)

Revised 1/11/10

I HEREBY AUTHORIZE CITY REPRESENTATIVES TO HAVE ACCESS TO THE PROPERTY DURING REASONABLE HOURS.

SIGNATURE OF PROPERTY OWNER(S):

X Tracy B Burnett co-manager

X Karen P. Ayer co-manager

NAME: Tracy B Burnett Karen P. Ayer

ADDRESS: 181 Meesick Rd Poquoson VA 23662

(Mrs. Burnett) (Mrs. Ayer)

TELEPHONE: 757-817-2826 757-287-4757

SIGNATURE OF PERSON REPRESENTING APPLICATION:
(IF OTHER THAN OWNER)

X _____

NAME: _____

ADDRESS: _____

_____

TELEPHONE: _____

INCLUDE WITH THIS APPLICATION:

1. A $500 FEE TO COVER ADVERTISING COST. MAKE CHECK PAYABLE TO "CITY OF POQUOSON".

2. A SURVEYED PLAT OF THE PROPERTY.

Our second request is to have 2 outbuildings placed on the property. One is a 16x10 wooden barn style which houses supplies + records. The second a 10x12 maximum barn style outbuilding we need to house our event supplies and yard sale donations. Other than those all other spaces are dedicated to cat care and housing.

Thank you for your consideration.

PAWS Statistics

	2013	2014	2015
Number of Cats Neutered:	114	200	340
Adopted:	76	116	159
Trapped/ Neutered Returned to the Wild:	38	48	185
Assisted Citizens with Cats:		16	15
Neutered and Permanent Residents of the Sanctuary:	9	9	9
Cats Deceased /Euthanized:	14	23	14
Pending Adoption:		10	

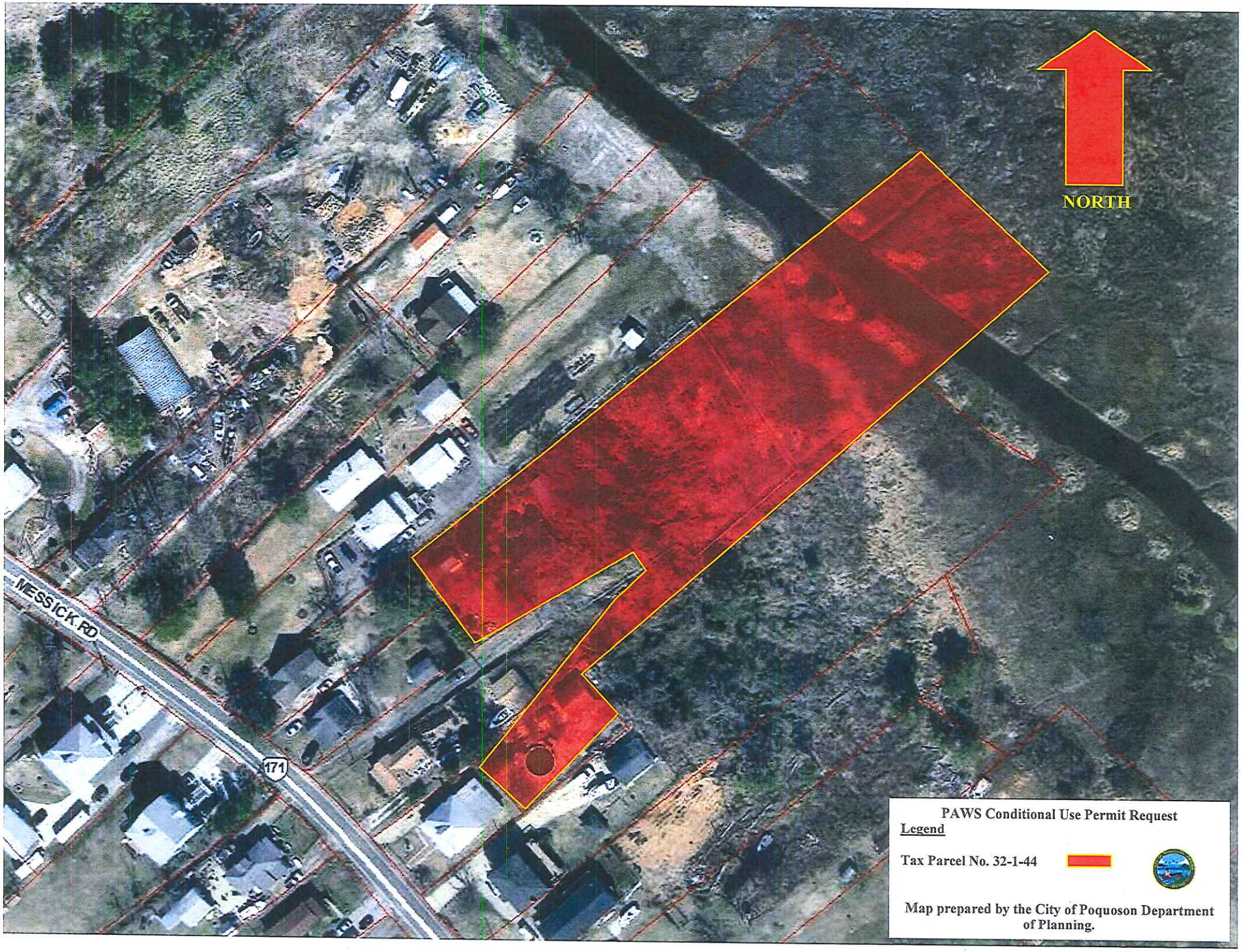
FY 2016, 2017 and 2018 Estimate

Number of Cats Neutered: 300-400

Overall goal is within 4 years, we have a limited numbers of unneutered cats.

Mission Statement

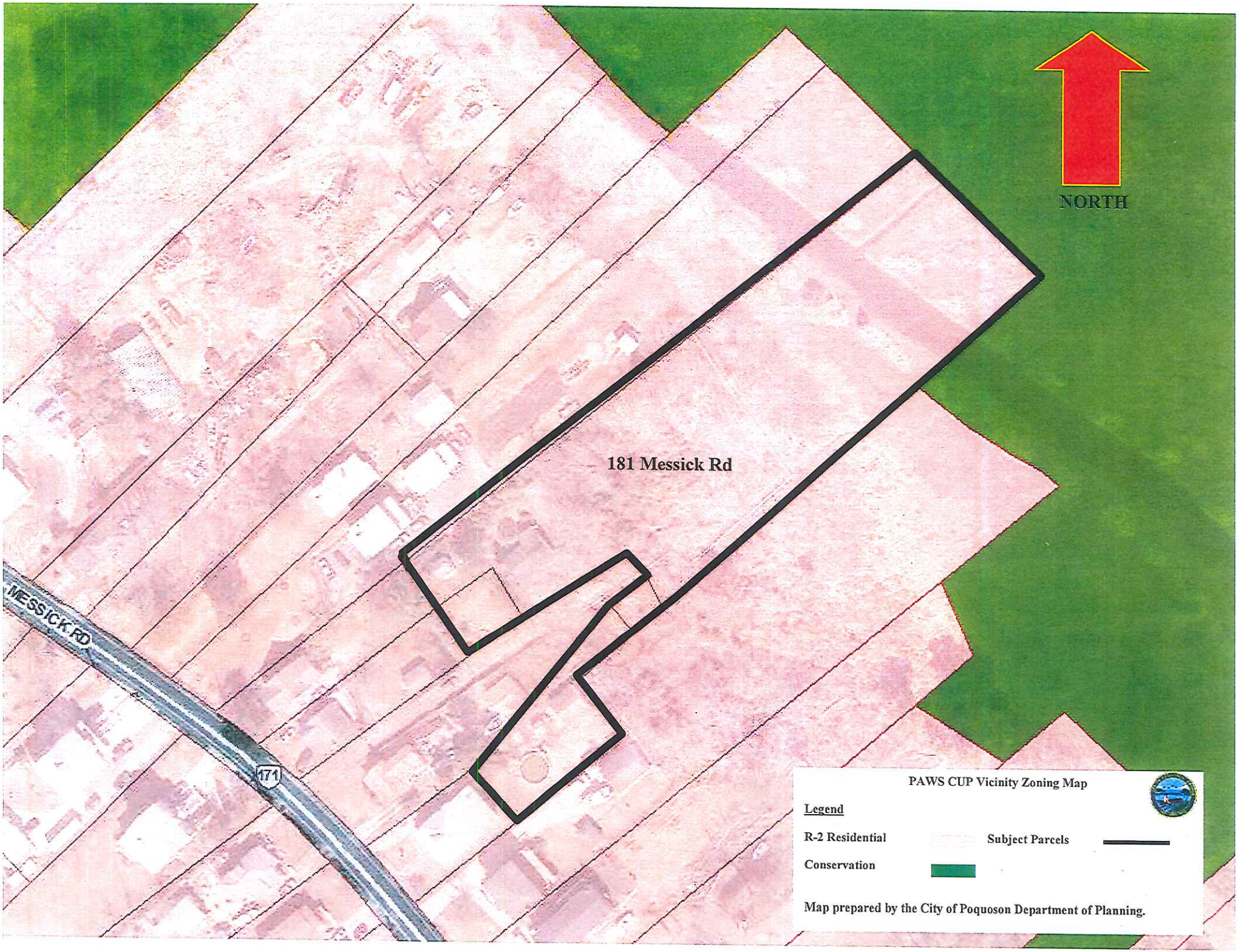
Dedicated to the protection, care and humane treatment of animals in the City of Poquoson "Committed to the Cause for PAWS"


NORTH
MESSICK RD
171
PAWS Conditional Use Permit Request
Legend
Tax Parcel No. 32-1-44
Map prepared by the City of Poquoson Department of Planning.

757-868-1379
10-NOON

CAUTION! CATS WILL TRY TO EXIT
Please Close Completely
GATE OPENS TOWARD THE HOUSE!

CAUTION:


NORTH
181 Messick Rd
MESSICK RD
171
PAWS CUP Vicinity Zoning Map
Legend
R-2 Residential
Subject Parcels
Conservation
Map prepared by the City of Poquoson Department of Planning.

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

MEMORANDUM

Date: May 16, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Amendment to a Conditional Use Permit for a Christian Outreach Center In A Residential District- Tax Parcel Nos. 18-1-145 and 18-1-159**

Introduction

The City has received a request from Emmaus Baptist Church, applicant and property owner, to amend their existing conditional use permit, issued on July 26, 1999, to construct an addition to their previously approved Christian Outreach Center. The addition, which would add 2,400 square feet to the existing 7,200 square foot Christian Outreach Center, would be added to the front of the outreach center facing the church's sanctuary. The church is located at 814 and 828 Yorktown Road and is further identified as Tax Map Parcel Nos. 18-1-145 and 18-1-159. The property is zoned R-S, Single Family Residential district and the establishment of churches in this district requires the issuance of a conditional use permit.

Public Notice

This application was advertised for public hearing in the Daily Press on April 1, 2016 and April 8, 2016. Adjacent property owners were notified of this request by letters mailed on April 1, 2016.

Applicant's Proposal

As mentioned above, the applicant is requesting an amendment to their existing conditional use permit to facilitate to construction of a 2,400 square foot Christian Outreach Center addition. This expansion would bring the total square footage of the outreach center to 9,600 square feet. Attached, please find the original staff report from July 1999. Any approved expansion would necessitate amendment of the outreach center's approved site development plan, and must comply will all applicable City development ordinances. If the Planning Commission recommends approval of the request to City Council, the following condition must be amended:

1. The center shall be limited to a height which shall not exceed a roof line of 35 feet and shall measure no larger than ~~7,200~~ 9,600 square feet in size. Activities within the center at

814 Yorktown Road shall be primarily church-sponsored recreational, education or fellowship events.

Attachments

CITY OF POQUOSON

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
(757) 868-3000 FAX (757) 868-3101

Office of the City Manager

July 26, 1999

TO: City Council

FROM: City Manager

SUBJECT: **Request Of Emmaus Baptist Church For A Conditional Use Permit To Construct A Christian Outreach Center**

Presented for a public hearing is the request of Emmaus Baptist Church for a Conditional Use Permit to construct a Christian Outreach Center on the church site at 814 Yorktown Road. The Center will be located behind the existing church buildings and the parking lot. It will be used for a variety of recreational, fellowship and educational events.

A public hearing was held before the Planning Commission on July 19, 1999 and by a vote of 5 to 0 the Commission is recommending approval of the Conditional Use Permit with certain conditions applied.

The specifics of this request and staff recommendations are included in the attached memorandum to the Planning Commission dated July 19, 1999.

CWBjr:vhd

CITY OF POQUOSON

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

Planning Department

MEMORANDUM

Date: July 19, 1999

To: The Honorable Chairman and Members of the Planning Commission

From: Deborah L. Vest, Planning Assistant

Subject: **Conditional Use Permit Request – Emmaus Baptist Church**

Introduction

The Trustees of Emmaus Baptist Church are requesting a Conditional Use Permit in order to build a 7,200 square foot outreach center on the church site located at 814 Yorktown Road. The center will be located in the southern yard of the site, behind the existing church buildings and parking lot. It will be used for a variety of recreational, fellowship and educational events. The building will contain a gymnasium, bathroom and kitchen facilities.

A Conditional Use Permit is required for the center due to the residential zoning of the church site. Section 5-2 of the City's Zoning Ordinance requires the issuance of a Use Permit for all church, school and other public and semi-public uses established in the City's residential zoning districts.

Public Notice

This application was advertised for public hearing by block advertisement appearing in the Poquoson Post on Monday, July 5 and July 12, 1999. Adjacent property owners were notified of this hearing by letters mailed on July 1, 1999.

Zoning

This site is zoned R-S (Residential) and has been developed with a church and cemetery for decades. Accordingly, all existing uses and improvements on the tract enjoy a grandfather status and are not subject to current development standards until they are

enlarged or altered. All new uses and improvements on the site, however, are subject to current land use development standards.

Churches are permitted by right in the City's Limited and General Commercial Zoning Districts.

Site Characteristics

The church property is a ten (10) acre site situated on the south side of Yorktown Road, at the Yorktown and Emmaus Roads intersection. It is comprised of two (2) adjoining parcels with frontage on both Yorktown Road *(a public arterial street)* and South Emmaus Road *(a private unpaved street)*. A small undeveloped strip of the tract extends across Yorktown Road to the north.

The church buildings, cemetery and paved parking lot are located on a four (4) acre parcel fronting on both Yorktown and South Emmaus Roads. The church parsonage and detached garage are located on an adjoining six (6) acre tract fronting on South Emmaus Road. The parsonage is accessed by both South Emmaus Road and the church parking area. The remaining portion of both parcels is undeveloped yard area.

There are 100 existing paved marked parking spaces on the site. The parking area is accessed off Yorktown Road by way of two (2) separate driveway entrances. With the exception of landscaping, the existing parking area appears to generally comply with City parking design standards.

Proposed Use

As previously noted, the center will be used for a variety of social events. It is anticipated, however, that these events will not occur concurrently with other worship, ceremonial, educational and burial services on the site.

Proposed Improvements

The 60 by 120-foot single-story center will be erected between the church buildings and parsonage, adjacent to the parking lot. Its location necessitates clearing of several mature trees within the project area. On-site stormwater best management practices will be imposed on the new and possibly portions of the existing development on the site. These improvements must be shown on a professionally prepared site improvement plan. A plan for this development has been prepared and submitted to the City for review.

No additional parking spaces appear to be needed at this time for establishment of the center given the compatibility of on-site uses. Additional parking could, however, be needed in the future to adequately accommodate multiple use of the facilities on the site.

Traffic

Churches generally generate higher traffic volumes during weekend hours. Although the expanded use of the facility may result in additional traffic during weekday hours, the volumes are expected to be relatively low with very little impact on surrounding properties and/or Yorktown Road.

Compatibility with Surrounding Land Uses

All surrounding properties are zoned R-S (Residential). Most of these properties are subdivision lots developed with homes. Specifically, the Woodrum Place, Oakmoore and Towering Pines subdivisions are located to the west, southwest and east, respectively. Moreover, there are several other lots with homes bordering the church site to the north and east. Certainly, these homes will be most impacted by the proposed use. For this reason, landscaping along the eastern and northern boundary lines of the church site may be imperative in an effort to lessen adverse impacts to the surrounding properties.

Staff Recommendations

Planning staff hereby recommends approval of the Conditional Use Permit contingent upon the following conditions:

1. The center shall be limited to a single-story building measuring no larger than 7,200 square feet in size. Activities within the center at 814 Yorktown Road shall be primarily church-sponsored recreational, education or fellowship events.

2. If the need for additional on-site parking is determined necessary in the future, such parking area expansion shall require City Council approval following a review by the City's Planning Commission. Moreover, access to the parking lot shall be limited to driveway entrances on Yorktown Road.

3. The existing trees within the green area in the eastern side yard of the site, adjacent to South Emmaus Road, must remain undisturbed. In addition, five (5) new trees, measuring at least six (6) feet tall at the time of planting, shall be planted within the green areas at the northeast corner and northern boundary line of the church site.

RESOLUTION NO. 2869

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR EMMAUS BAPTIST CHURCH TO CONSTRUCT A CHRISTIAN OUTREACH BUILDING AT 814 YORKTOWN ROAD,

WHEREAS, a request was submitted by Emmaus Baptist Church Trustees for a Conditional Use Permit in order to construct a Christian Outreach Center at 814 Yorktown Road and further identified as City of Poquoson Tax Map Parcel Nos. 18-(1)-145 and 18-(1)-159, and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on July 19, 1999 and City Council on July 26, 1999, and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the Emmaus Baptist Church Trustees' request for a Conditional Use Permit to construct a Christian Outreach Center at 814 Yorktown Road is hereby recommended for approval with the following conditions:

1. The center shall be limited to a height which shall not exceed a roof line of 35 feet and shall measure no larger than 7,200 square feet in size. Activities within the center at 814 Yorktown Road shall be primarily church-sponsored recreational, education or fellowship events.

2. If the need for additional on-site parking is determined necessary in the future, such parking area expansion shall require City Council approval following a review by the City's Planning Commission. Moreover, access to the parking lot shall be limited to driveway entrances on Yorktown Road.

3. The existing trees within the green area in the eastern side yard of the site, adjacent to South Emmaus Road, must remain undisturbed. In addition, two (2) new trees, measuring at least six (6) feet tall at the time of planting, shall be planted within the green areas at the northeast corner and northern boundary line of the church site.

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

ATTESTE:

Judy F. Wiggins

Judy F. Wiggins, City Clerk

ADOPTED: July 26, 1999

Gordon C. Helsel, Jr.

Gordon C. Helsel, Jr., Mayor

The foregoing resolution was adopted by the affirmative roll call vote of a majority of the members of Council in attendance, the ayes and nays recorded in the minutes of the meeting as shown below:

RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT FOR THE CHRISTIAN OUTREACH CENTER LOCATED AT 828 YORKTOWN ROAD, POQUOSON TAX MAP PARCEL NO. 18-01-00-0145

WHEREAS, a request was submitted by Emmaus Baptist Church, applicant and property owner, for an amendment to its existing Conditional Use Permit to expand the existing facility 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); and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on May 18, 2016; and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the request of Emmaus Baptist Church, applicant and property owner, for an amendment to its existing Conditional Use Permit to expand the existing facility to include additional office and education space on church property located at 828 Yorktown Road, Tax Map Parcel No. 18-01-00-0145 is hereby recommended for approval inclusive of the following amendment to Condition #1 of the original permit:

1. The center shall be limited to a height which shall not exceed a roof line of 35 feet and shall measure no larger than ~~7,200~~ 9,600 square feet in size. Activities within the center at 814 Yorktown Road shall be primarily church-sponsored recreational, education or fellowship events.

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

ADOPTED: _____

TESTE: _____
Clerk, Planning Commission

RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL DENIAL OF A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT FOR THE CHRISTIAN OUTREACH CENTER LOCATED AT 828 YORKTOWN ROAD, POQUOSON TAX MAP PARCEL NO. 18-01-00-0145

WHEREAS, a request was submitted by Emmaus Baptist Church, applicant and property owner, for an amendment to its existing Conditional Use Permit to expand the existing facility 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); and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on May 18, 2016; and

WHEREAS, careful and thorough consideration was given the request.

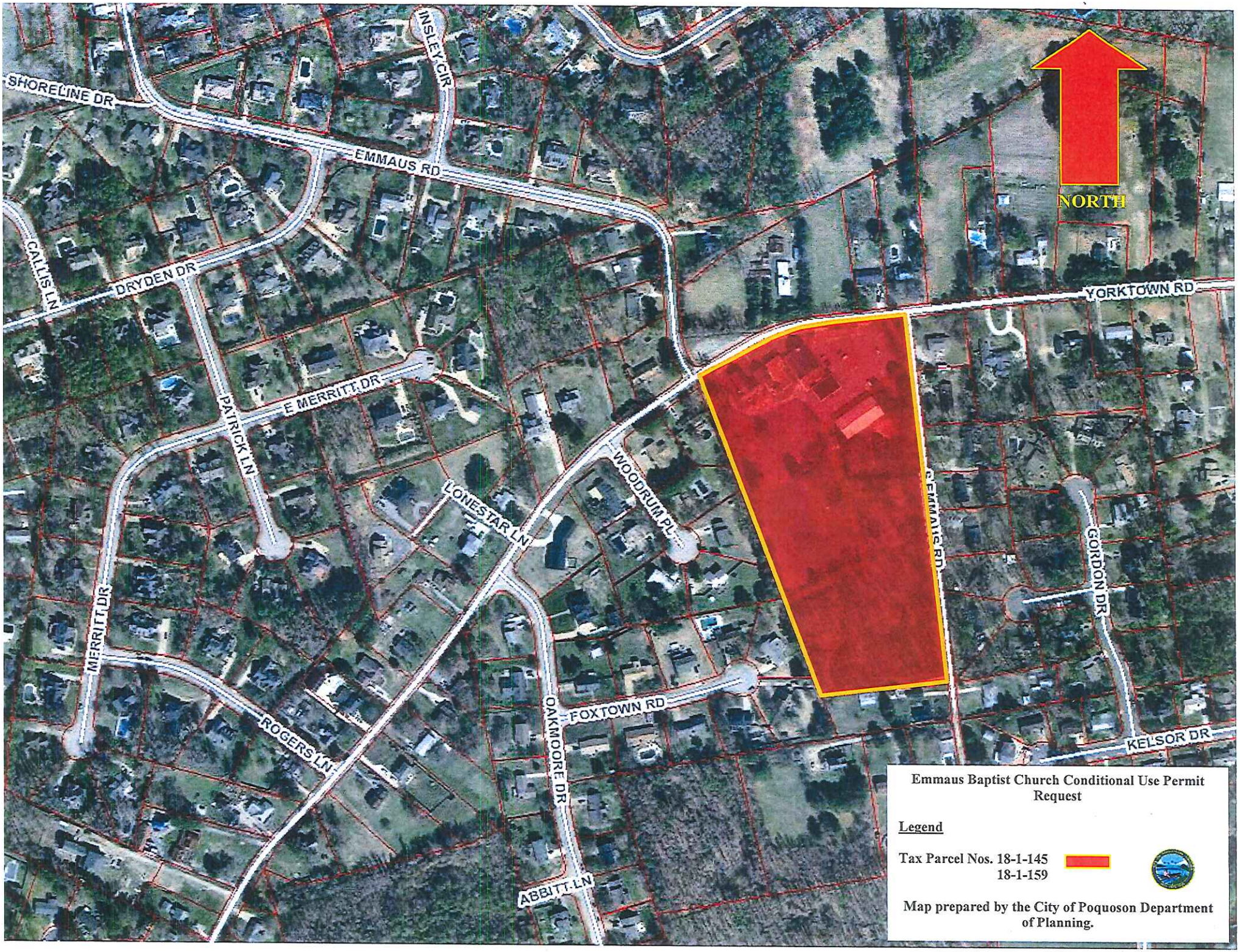
NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Poquoson, Virginia:

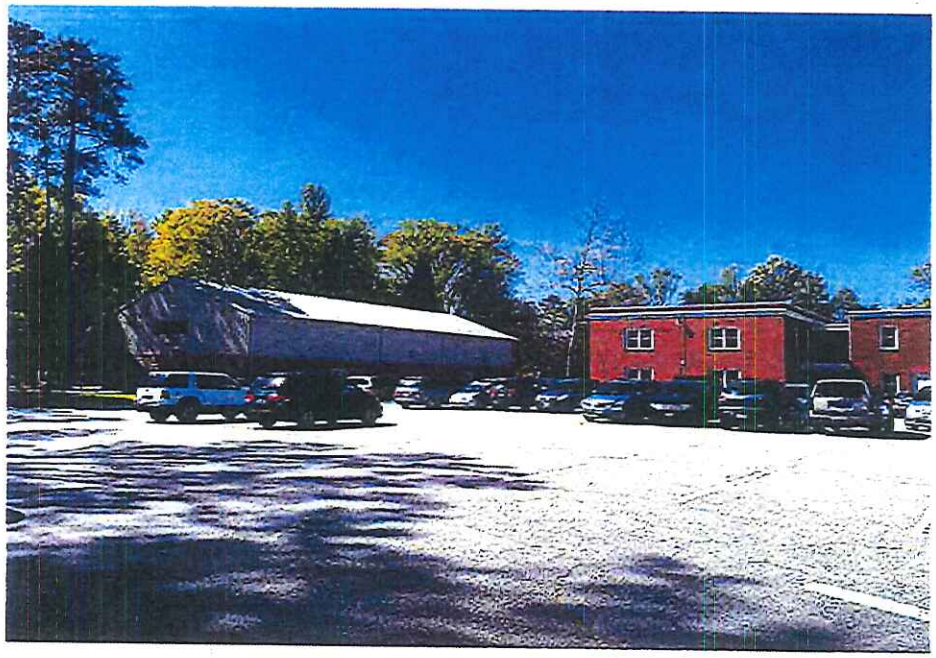
Section 1: That the request of Emmaus Baptist Church, applicant and property owner, for an amendment to its existing Conditional Use Permit to expand the existing facility to include additional office and education space on church property located at 828 Yorktown Road, Tax Map Parcel No. 18-01-00-0145 is hereby recommended for denial.

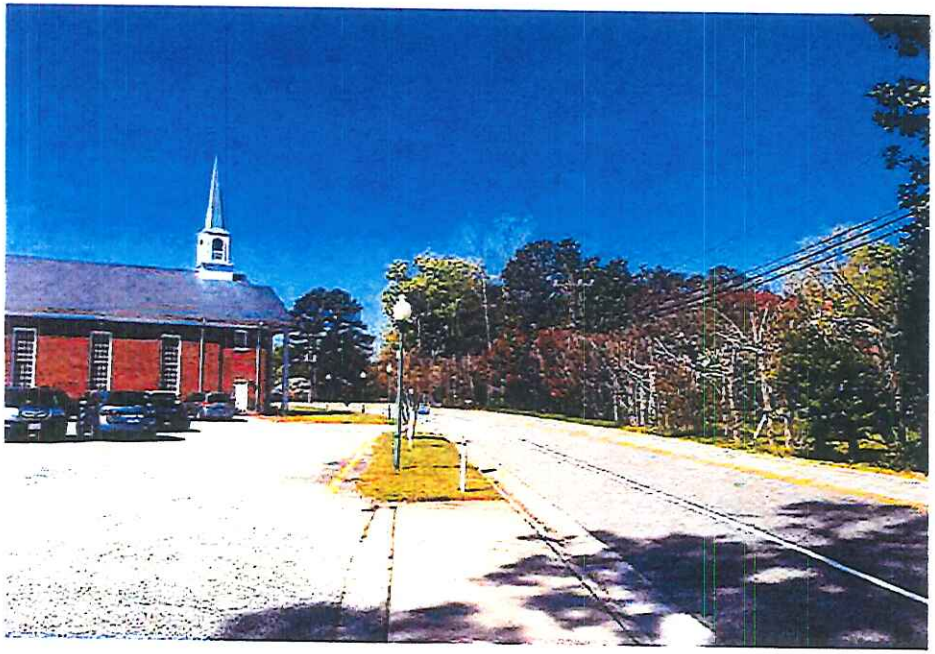
Section 2: That this resolution shall be in effect on and after its adoption.

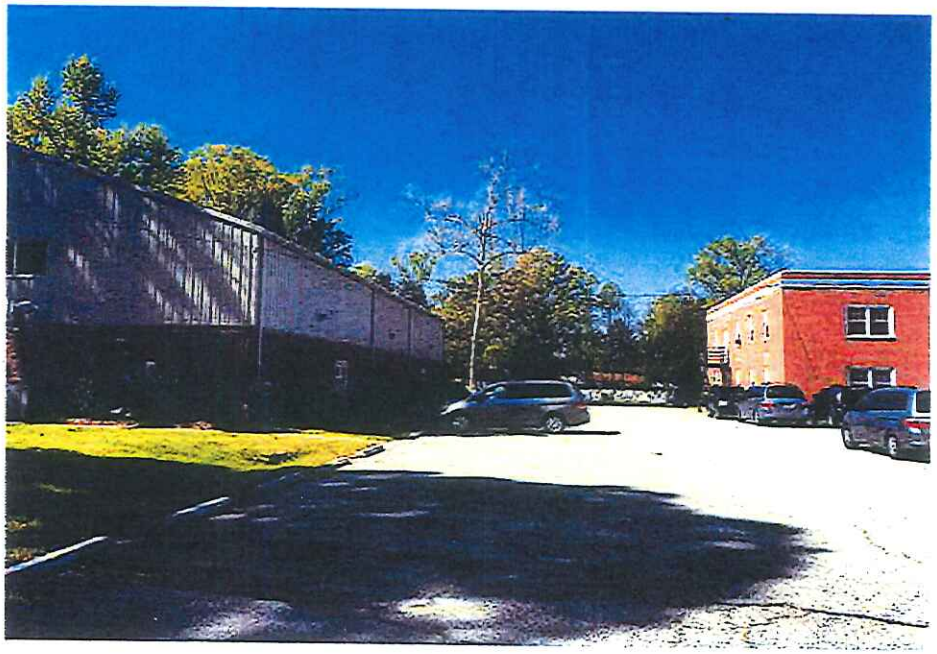
ADOPTED: _____

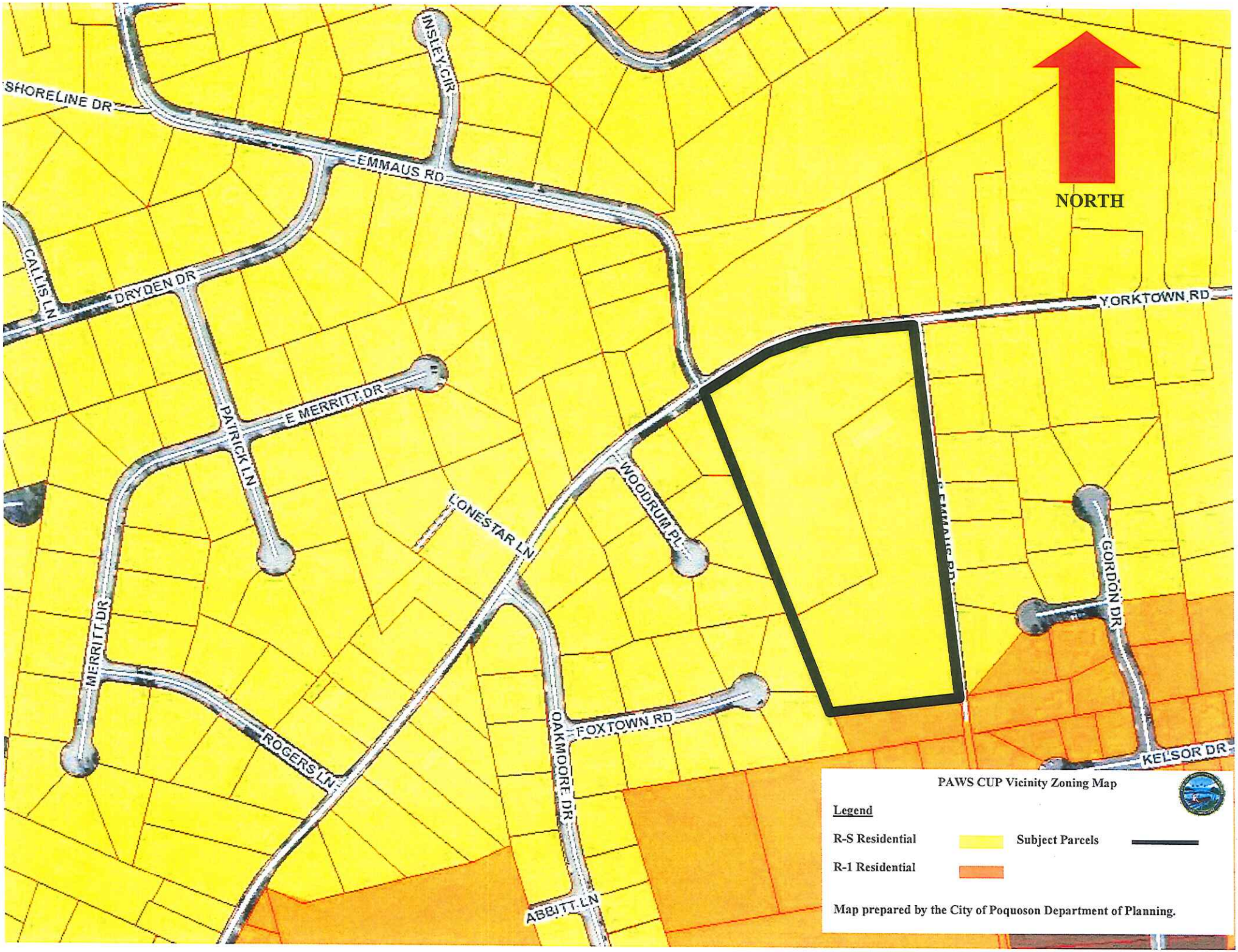
TESTE: _____
Clerk, Planning Commission


SHORELINE DR
INSLEY CIR
EMMAUS RD
NORTH
CALLIS LN
DRYDEN DR
YORKTOWN RD
E MERRITT DR
PATRICK LN
LONESTAR LN
WOODRUM PL
EMMAUS RD
GORDON DR
MERRITT DR
ROGERS LN
FOXTOWN RD
OAKMOORE DR
KELSOR DR
ABBITT LN
Emmaus Baptist Church Conditional Use Permit Request
Legend
Tax Parcel Nos. 18-1-145
18-1-159
Map prepared by the City of Poquoson Department of Planning.








SHORELINE DR
INSLEY CIR
EMMAUS RD
NORTH
CALLIS LN
DRYDEN DR
YORKTOWN RD
E MERRITT DR
PATRICK LN
WOODRUM PL
LONESTAR LN
GORDON DR
MERRITT DR
ROGERS LN
OAKMOORE DR
FOXTOWN RD
KELSOR DR
ABBITT LN
PAWS CUP Vicinity Zoning Map
Legend
R-S Residential
R-1 Residential
Subject Parcels
Map prepared by the City of Poquoson Department of Planning.

City of Poquoson
500 City Hall Avenue
Poquoson, Virginia 23662
(757) 868-3040

APPLICATION FOR A CONDITIONAL USE PERMIT

To the Planning Commission/City Council
of the City of Poquoson:

I/We, the congregation of Emmaus Baptist Church, Poquoson

the undersigned owner(s) of the described property:
Wayne Carlton, Trustee
Martha Bradley, Trustee

hereby apply for a conditional use permit for the following reasons:
TO ADD EDUCATIONAL & OFFICE SPACE.
THE ADDITION IS A 120 W X 20' L X 8' H,
ATTACHMENT TO THE EXISTING CHRISTIAN OUTREACH CENTER.

828 Yorktown Road, Tax Map # 18-01-00-0145

(CONTINUED)

I HEREBY AUTHORIZE CITY REPRESENTATIVES TO HAVE ACCESS TO THE PROPERTY DURING REASONABLE HOURS.

SIGNATURE OF PROPERTY OWNER(S):

X C Wayne Carter TRUSTee

X Martha O. Bradley Trustee

NAME: RAY FURR

ADDRESS: 214 DARDEN DR
POQUOSON VA 23662

TELEPHONE: 757-846-0284

SIGNATURE OF PERSON REPRESENTING APPLICATION:
(IF OTHER THAN OWNER)

X _____

NAME: _____

ADDRESS: _____

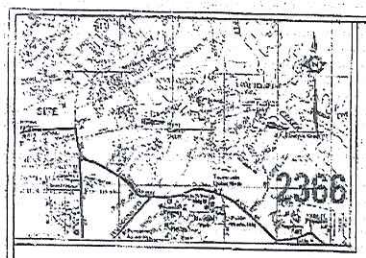
_____

TELEPHONE: _____

INCLUDE WITH THIS APPLICATION:

1. A $500 FEE TO COVER ADVERTISING COST. MAKE CHECK PAYABLE TO "CITY OF POQUOSON".

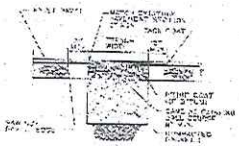
2. A SURVEYED PLAT OF THE PROPERTY.



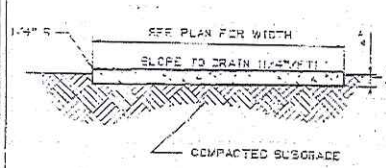
VICINITY MAP

SCALE: 1" = 2000'

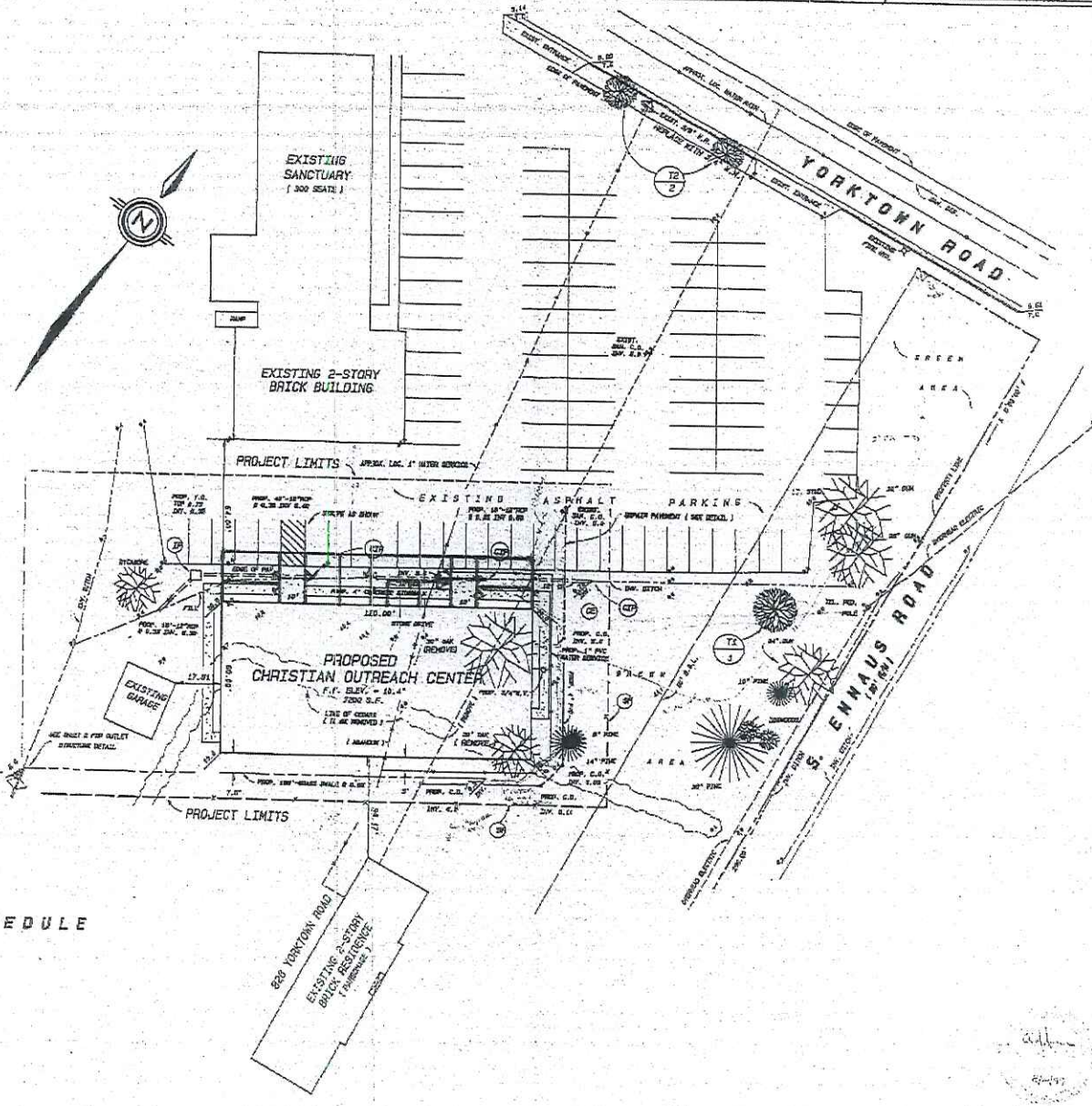
TYPICAL CLEAN-OUT WITH CLEAN-OUT BOX



TYPICAL PAVEMENT PATCH



CONCRETE SIDEWALK DETAIL



CONSTRUCTION SCHEDULE

STARTING DATE: SEPTEMBER 15, 1999
COMPLETION DATE: MARCH 30, 2000

EROSION AND SEDIMENT CONTROL MEASURES MUST BE IN PLACE PRIOR TO ANY LAND DISTURBANCE.

STORM DRAINAGE WILL BE COMPLETED FIRST.

APPROVED FOR THE CITY OF POQUOSON

BY: [signature] DATE: 9-23-99
CHARLES W. BURGESS, CITY MANAGER

STATISTICAL DATA

AREA OF SITE	10 +/- ACRES
AREA OF PROJECT	0.67 +/- ACRES
AREA OF BUILDING	7200 S.F.
SEATING CAPACITY	300
OWNER OF RECORD	TRUSTEES OF EMMAUS BAPTIST CHURCH 814 YORKTOWN ROAD POQUOSON, VA 23662
APPLICANT	SAME
PROPERTY ZONED	R S
No. of PARKING SPACES	100 + 3 H.P.
USE of BUILDING	FELLOWSHIP HALL
TAX MAP PARCELS	[illegible]
INDICATES	EXISTING GRADE; PROPOSED GRADE
GREEN AREA	63 %
BUILDING HEIGHT/STORIES	30', 1 STORY + MEZZANINE

GENERAL NOTES

ELEVATIONS BASED ON THE FINISHED FLOOR ELEVATION OF THE EXISTING CHURCH BUILDING, ELEVATION 11.50. (U.S.C. & G.S. DATUM)

BUILDING RESTRICTIONS ARE AT THE DISCRETION OF THE CITY OF POQUOSON.

MISS UTILITY - 1-800-552-7001 FOR THE LOCATION OF ALL UNDERGROUND UTILITIES.

THE CONTRACTOR WILL UNCOVER AND VERIFY CLEARANCES BETWEEN PROPOSED AND EXISTING UTILITIES BEFORE STARTING CONSTRUCTION.

ALL SIGNS TO BE APPROVED BY SEPARATE PERMIT FROM THE ZONING DEPT.

A LAND DISTURBING PERMIT IS REQUIRED.

ALL DENUDED AREAS WILL BE TOPSOILED AND SEEDED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, 1992 EDITION, SECTION 3.30 - 3.32.

THIS PROPERTY IS LOCATED IN A STORMWATER MANAGEMENT AREA AS DEFINED BY THE CITY OF POQUOSON.

PROPERTY IS LOCATED IN FLOOD ZONE X PER FIRM COMMUNITY PANEL No. 510163 0003 E DATED REVISED MAY 15, 1986.

THIS PROPERTY IS LOCATED IN A RESOURCE MANAGEMENT AREA (RMA) AS DEFINED BY THE CITY OF POQUOSON.

ANY PROPOSED SITE LIGHTING MUST BE HORIZONTALLY SHIELDED.

A CONDITIONAL USE PERMIT WAS APPROVED BY CITY COUNCIL ON 7/25/99 (RESOLUTION No. 8088) FOR THE ESTABLISHMENT OF THE CENTER AS A LAND RESTRICTION ON THE CHURCH PROPERTY.

CHRISTIAN OUTREACH CENTER

EMMAUS BAPTIST CHURCH

814 YORKTOWN ROAD
CITY OF POQUOSON, VIRGINIA

SIMMONS NEWSOME, P.C.
Engineers Surveyors Planners
110 A Dare Road
Yorktown, Virginia 23692

SCALE 1" = 40'

DATE: MARCH 3, 1999 JOB No. [illegible]
REVISION AMOUNT [illegible]

Sheet

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

MEMORANDUM

Date: May 16, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Deborah L. Vest, Director of Community Development

Subject: A Subdivision Ordinance Variance Request By Shirley Haugen

Introduction

The City of Poquoson is in receipt of a request by Wayne and Shirley Haugen, property ownesr, and Davis and Associates, P.C., agent, for approval of variances to requirements of the City's Subdivision Ordinance as it pertains to the division of acreage located at 284 Hunts Neck Road. Specifically, the applicants are proposing to subdivide the property into nine (9) lots with benefit of relief from Sections5-2; 10-1-1; 10-1-2; 10-1-3; 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.4; 10-1-4.5; 10-4(b); 10-5 and 10-6 of the Subdivision Ordinance which requires preliminary plan submittal and installation of curb and gutter, sidewalks, utility upgrades, fire protection and streetlights.

Public Notice

This application was advertised for public hearing in the Daily Press on April 1 and 8, 2016. Adjacent property owners were notified of the public hearing by letters mailed on April 1, 2016; however, subsequent to these notices, the applicants requested a postponement of the request until the Planning Commission's May 16, 2016 meeting. Consequently, additional notification was given to the adjacent property owners by letters mailed on May 6, 2016.

Site Location/Character

The Haugen property is identified as Tax Map Parcel No. 05-01-00-0004 and is located at the corner of Hunts Neck Road and Bayview Drive. It contains eight (8) acres of land comprised of field and woods with over 1,600' of "unimproved" street frontage on both Hunts Neck Road and Bayview Drive. For purposes of this request unimproved street frontage refers to a substandard right-of-way and pavement width with no curb and gutter, sidewalk or underground utilities. Additionally there is an existing small family cemetery on the site which will be preserved during the subdivision process.

Applicants' Proposal

The applicants propose to divide the referenced tract into nine (9) lots measuring between .6 and 1.5 acres in size. Each lot will front directly on either Bayview Drive or Hunts Neck Road. These bordering streets are presently substandard in terms of public street requirements and will remain unchanged with the approval of the requested variances. Access points to each lot will be provided by individual driveway openings on the adjoining streets. The applicants are proposing a slight right-of-way dedication for future improvements at the corners of Hunts Neck Road and Bayview Drive and at the corner of Bayview Drive across from Poquoson River Drive. These dedications ae depicted on the attached plan view drawing. To support this application as proposed, a variance is needed from the following Subdivision Ordinance provisions:

Section 5-2 - Prescribes the preliminary plan submission, review and approval process
Sections 10-1-1; 10-1-2; 10-1-3 – Establishes minimum design standards for public streets by specifying pavement composition and width, curb and gutter composition and street grade
Sections 10-1-4; 10-1-4.1; 10-1-4.2; 10-1-4.3; 10-1-4.4 – Regulates sidewalk installation by specifying design, width, setback and placement requirements and outlines a waiver process
Section 10-1-5 – Specifies minimum street elevation
Section 10-4(b) - Requires all utilities traversing or within a subdivision be placed underground
Section 10-5 – Requires adequate fire hydrants
Section 10-6 - Requires installation of streetlights at a maximum separation of 300'

Zonng

The Haugen property, as well as adjoining parcels, are located in the R-S Zoning District (ref. Article V of the Zoning Ordinance). In summary, single-family residential developments are allowed by right in the R-S Zoning District provided that new lots are created with a minimum area of 26,700 square feet, exclusive of wetlands and rights-of-way, and measure at least 120 feet wide at the front building setback line which must be established at least 40 feet from the front property line.

All lots in the Haugen subdivision are proposed to exceed these dimensional standards.

Environmental

Wetlands - There are no known wetland areas on this site at this time; however, further analysis of environmental features will be addressed during the site plan review process.

Flood Zone – A portion of this property is categorized as an AE 7 on the City's Flood Insurance Risk Map (FIRM); therefore, homes within this zone will be constructed with a Base Floor Elevation (BFE) of 10 feet or higher. Other areas of the property lay outside of an AE zone.

Stormwater – Typically residential developments generate stormwater loads that are best managed through a unified retention and treatment system such as wet ponds; however, such a system does not appear necessary for the Haugen subdivision given the minimal amount of expected development improvements compared to the size of the lots. Therefore, on-site stormwater mitigation will most likely be managed on an individual lot basis which will be determined during the plan review process.

Utilities

The Haugen subdivision will be served by individual lot connections to the public water and sewer system which are available on both Hunts Neck Road and Bayview Drive.

Alternative Development Opportunities

The Citys Subdivision Ordinance includes a provision which relaxes many of the development standards for small scale subdivisions categorized as either a "Definitional Exception" which allows up to three (3) lots or a "Family Subdivision" which allows up to five (5) lots with a 3-year ownership restriction. Basically these subdivisions are exempt from the public street and utility standards required of larger subdivisions.

Surrounding Character

The Haugen property is uniquely located near the westernmost end of Hunts Neck Road at the entranceway to the Poquoson Shores Subdivision. With the exception of independently platted acreage to the south, most surrounding lots are located within an established subdivision which are not eligible for re-divisions based on current zoning laws.. Hence no significant growth is expected beyond the subdivision's boundaries at this time. However, redevelopment of the area is always a possibility in the future, thereby possibly changing the overall character of the area.

The street network in the area is also unique with varying characteristics. Specifically Hunts Neck Road at the subdivision site is substandard in terms of right-of-way width and physical improvements. Bayview Drive appears fairly functional as a neighborhood street with minimal physical improvements at the subdivision site.

Variance Provision

Section 7.3 of the City's Subdivision Ordinance outlines the terms for the granting of a variance to a requirement of the ordinance. The provision states:

"The city council may authorize in specific cases such variances from the strict application of the terms of this ordinance that will not be contrary to the public interest when, owing to special conditions, a literal enforcement will result in unnecessary hardships, provided that the spirit of this ordinance shall be observed and substantial justice be rendered.

No variance shall be authorized by the city council unless:

(a) Strict application of the ordinance would produce undue hardship.
(b) The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the neighborhood will not be adversely affected.
(c) The problem involved is not of so general or recurring of a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance.
(d) The hardship is created by the physical character of the prope11y, including dimensions and topography, or by other extraordinary situation or condition of such prope11y, or by the use or development of prope11y immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.
(e) Where a variance is granted, the city council may attach such conditions and safeguards as are deemed necessary to protect general public interest or the character of the neighborhood, and may require a guarantee or bond to assure compliance.

Application for modification of standards or for variances to subdivision requirements shall be made to the city council and filed with the city manager. The application shall be advertised for public hearing before the planning commission in the manner prescribed by the city. The planning commission shall forward a recommendation to the city council. After receiving the recommend action of the planning commission, the city council shall hold a public hearing and act upon the proposed application , granting the application in whole or in part with or without modification , or denying it.

Any appeal for a variance shall be accompanied by a fee of$225.00 to cover the cost of publication of notice of public hearing and processing.

Conclusion

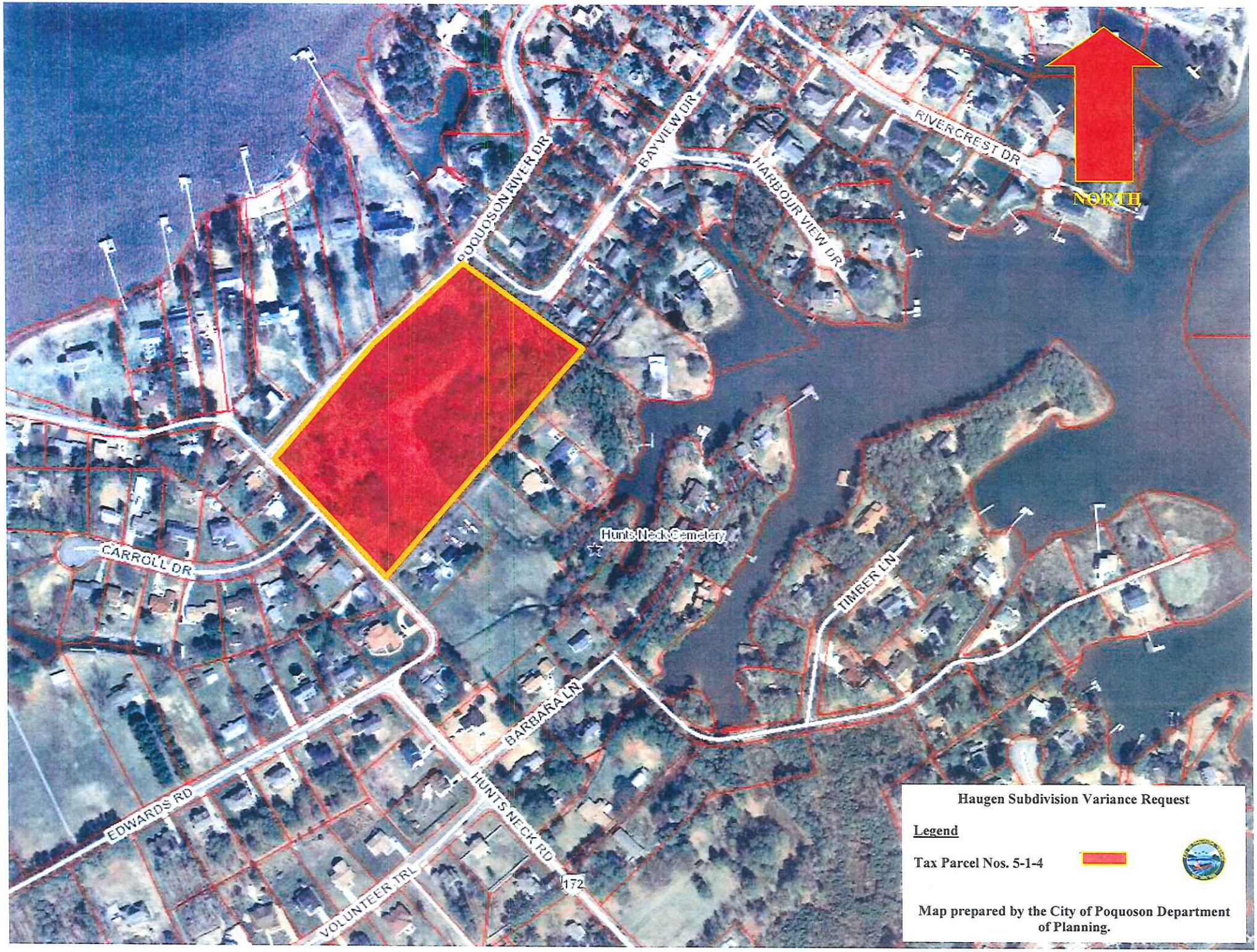
In comparing the submitted application with the above variance criteria, most of the variances requested could be granted with a seamless effect on the character of the neighborhood. Specifically, the least impactful variances pertain to burial of overhead utilities, installation of sidewalks and upgrading of Bayview Drive along the northwestern boundary of the subdivision site. However, the more impactful variances apply to roadway improvements along Hunts Neck Road and bayview Drive at the eastern end of the subdivision tract. Specifically, Hunts Neck Road presently suffers from a substandard right-of-way and pavement width. Any upgrade to this street would certainly improve its service capacity. Furthermore, upgrading Bayview Drive at the referenced location would certainly improve the stretch between two (2) 90 degree curves. However should the Commission decide that street upgrades are not needed at this time, staff suggest requiring the dedication of right-of-way along the tract's front property line to accommodate future improvements.

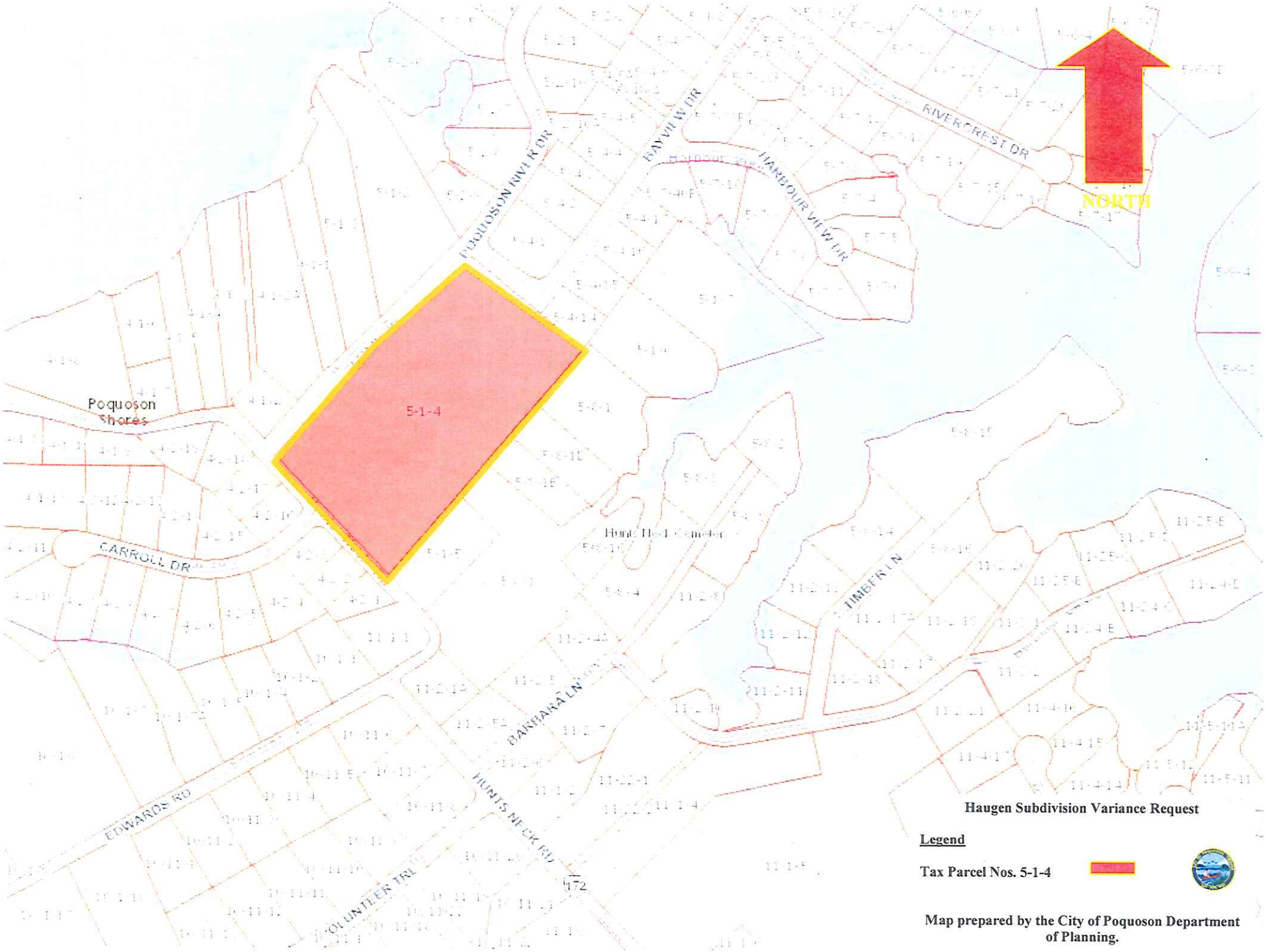
Additionally, the granting of a variance to the fire protection requirement may be inappropriate until a water service analysis is completed by appropriate agencies during the plan review process. It is possible that the analysis may find that no additional water service upgrade, i.e. fire hydrant installation, is required. However, the assessment can only occur after design work is completed on the property. If the Commission elects to deny the fire protection variance, the applicants will be required to re-submit the request in the future.

Overall there are some unique aspects of this request in terms of site location and varying roadway conditions. Specifically the subdivision tract has over 1,600' of road frontage which could be deemed unusual, but not an exception. For example a similar situation was experienced in the development of the Hunts Neck Estates Subdivision, just to the southeast of the Haugen property. That subdivision had frontage on two (2) existing streets, Hunts Neck Road and Edwards Road. Both streets were upgraded through the development process to comply with ordinance requirements which resulted in improved travel lanes on each street. Consequently the Commission should remain mindful that the approval of the applicants request could establish precedence for the submission of similar request in the future.

DLV

Attachments


NORTH
POQUOSON RIVER DR
BAYVIEW DR
HARBOUR VIEW DR
RIVERCREST DR
CARROLL DR
Hunts Neck Cemetery
TIMBER LN
BARBARA LN
EDWARDS RD
HUNTS NECK RD
VOLUNTEER TRL
172
Haugen Subdivision Variance Request
Legend
Tax Parcel Nos. 5-1-4
Map prepared by the City of Poquoson Department of Planning.



Haugen Subdivision Variance Request

Legend

Tax Parcel Nos. 5-1-4

Map prepared by the City of Poquoson Department of Planning.

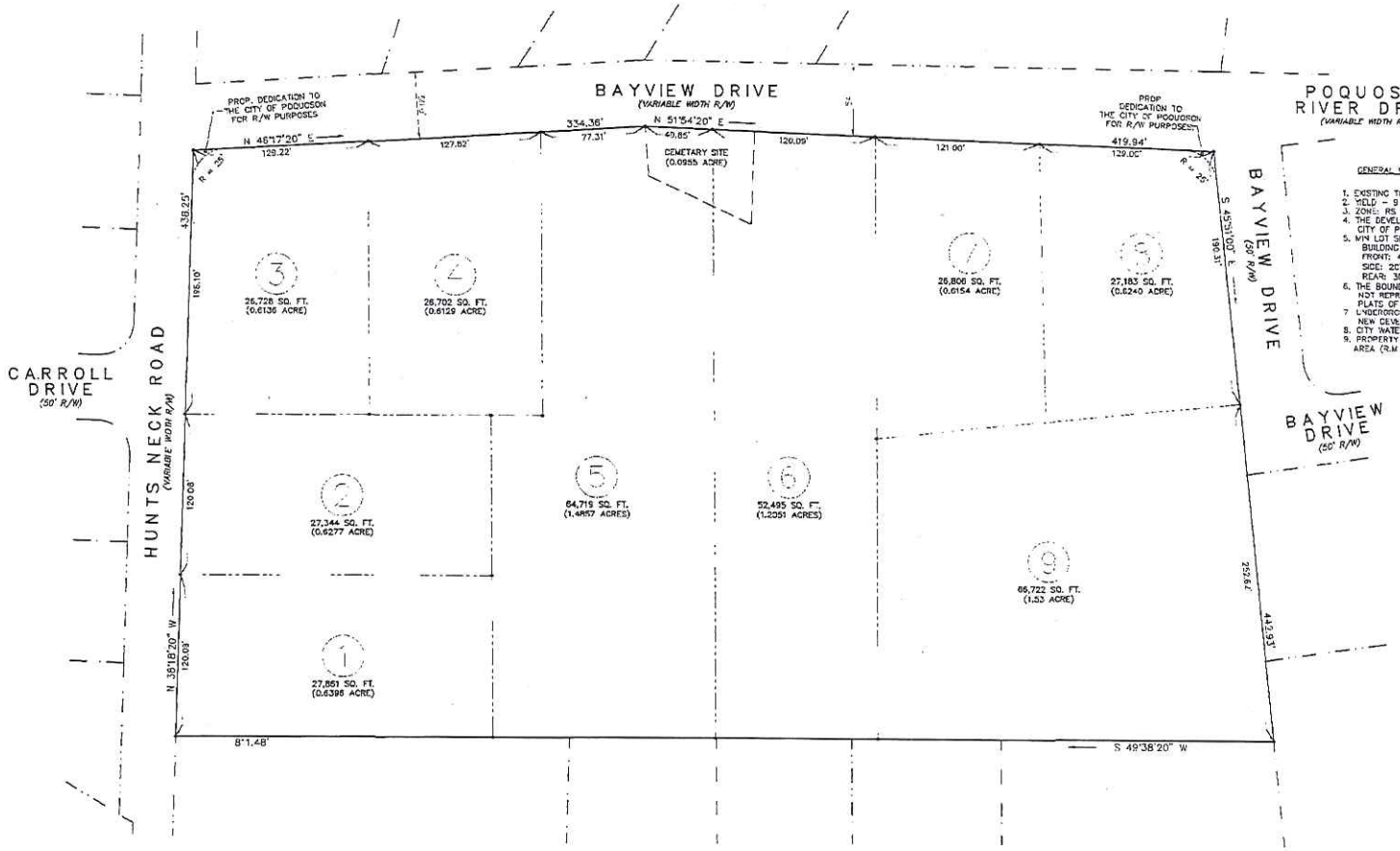
SKETCH PLAN OF HAUGEN SUBDIVISION

REMAINDER OF PARCEL "A"
ESTATE OF J. W. DRYDEN
PARCELS "A" & "B"
CITY OF POQUOSON, VIRGINIA
PLAT BOOK 12, PAGE 113
SCALE: 1" = 40' REVISION DATE: JULY 29, 2015

DAVIS & ASSOCIATES, P.C.
SURVEYORS – PLANNERS
3630 GEORGE WASHINGTON
MEMORIAL HIGHWAY – SUITE G
YORKTOWN, VIRGINIA 23693
(757)867-8583

P.B.12, PG. 113

NOTE:
THE EXISTING PUBLIC RIGHT OF WAYS ARE EARTH TYPE DITCHES WHICH WILL REMAIN.



GENERAL NOTES:

1. EXISTING TOTAL LOT AREA =350,723 SQ. FT. (8.0515 AC)
2. YIELD = 9 LOTS
3. ZONE: RS
4. THE DEVELOPMENT SHALL ADHER TO THE CITY OF POQUOSON STANDARDS.
5. MIN LOT SIZE: 26,700 SQ. FT.
   BUILDING SETBACKS
   FRONT: 40' OR 65' FROM CENTER OF THE R/W
   SIDE: 25'
   REAR: 30'
6. THE BOUNDARY INFORMATION SHOWN HEREON DOES NOT REPRESENT A FIELD RUN SURVEY. DEEDS AND PLATS OF RECORD WERE COMPILED.
7. UNDERGROUND UTILITIES ARE REQUIRED FOR NEW DEVELOPMENTS.
8. CITY WATER AND CITY SANITARY SEWER TO BE PROVIDED.
9. PROPERTY IS LOCATED IN THE RESOURCE MANAGEMENT AREA (RMA).

PROPERTY OWNER OF RECORD:
NAME: SHIRLEY T. HAUGHEN & WAYNE K. HAUGEN
PARCEL ID: 05-01-00-0004
INSTRUMENT #: 060025624

40' 0' 40' 80'
SCALE: 1" = 40'

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING APPROVAL OF VARIANCES TO THE CITY'S SUBDIVISION ORDINANCE AS IT RELATES TO THE PRELIMINARY PLAN SUBMITTAL FOR A PROPOSED SUBDIVISION OF PROPERTY LOCATED AT THE INTERSECTION OF BAYVIEW DRIVE AND HUNTS NECK ROAD, TAX MAP NO. 05-01-00-0004

WHEREAS, an application was submitted 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); and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on May 18, 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 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 is hereby approved contingent upon the following:

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

ADOPTED: _____

TESTE: _____
City Clerk

CITY OF POQUOSON

PLANNING DEPARTMENT

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

DATE: May 18, 2016

TO: Chairwoman and Members of the Planning Commission

FROM: Deborah L. Vest, Director of Community Development

SUBJECT: **Membership of the Comprehensive Plan Participation Team (CPPT) & Steering Committee**

As you will recall, at your April 18, 2016 meeting, the top twelve applicants chosen by the Commission to serve on the Comprehensive Plan Participation Team (CPPT) were formally approved. A letter was sent to each of these volunteers immediately following that meeting notifying them of their selection and of the first scheduled meeting which was to occur on May 12th.

City Council however at its April 25, 2016 meeting, following a brief discussion, asked City staff to respectfully request the Commission to reconsider using all 22 applicants on the CPPT. As such the City Manager, on behalf of City Council, sent the attached letter to Chairwoman Shriver for her consideration. As a result of this request, Vice Chairman Travis and Commissioner Fenigsohn, who have accepted leadership of the Comp Plan update, agreed that the May 12th meeting should be cancelled and rescheduled for a date subsequent to this meeting in case the Commission chooses to include all twenty-two applicants on the CPPT. A copy of the letter sent to the original 12 committee members cancelling and rescheduling the first CPPT meeting is attached also.

This request, as well as a request to establish the Steering Committee membership, is being presented for the Commission's consideration and action this evening.

DLV:vhd

CITY OF POQUOSON

500 City Hall Avenue, Poquoson, Virginia 23662-1996

Office of the City Manager (757)868-3000 Fax (757)868-3101

April 26, 2016

Bonnie W. Shriver
Chair, Poquoson Planning Commission
921 Poquoson Avenue
Poquoson, VA 23662

Dear Chairwoman Shriver,

During last evening's City Council meeting members of Council discussed the Planning Commission's recent action to establish a twelve member Citizen Participation Team (CPT) to work with the Planning Commission as part of the Comprehensive Plan update process. While the Council understands and is supportive of the process by which the twelve person team was chosen, it was the consensus of Council to ask the Commission to reconsider this decision based upon the relatively small number of applications received. As such, the Council respectfully requests that the Commission consider including all twenty-two applicants on the CPT.

The City Council and I look forward to working with the Planning Commission and the CPT during the Comprehensive Plan update process in the months ahead. Should you have any questions regarding Council's recommendation regarding the constitution of the CPT, please do not hesitate to contact me.

Respectively,

J. Randall Wheeler

J. Randall Wheeler
City Manager

CITY OF POQUOSON
Office of Community Development
500 City Hall Avenue, Poquoson, Virginia 23662-1996
(757)868-3040 Fax (757)868-3105 FAX

May 5,, 2016

«AddressBlock»

«GreetingLine»

This is to notify you that the first meeting of the City's Comprehensive Plan Participation Committee scheduled for May 12th has been cancelled. However, it has been rescheduled for Thursday, June 2nd starting at 6 p.m. in the large Library meeting room which is accessible immediately off of the City Hall lobby. As noted previously, dress for the meeting is casual and you may want to consider bringing a note pad and a pen/pencil if you so choose.

We apologize for any inconvenience this change in plans has caused and we look forward to seeing/meeting you on the 2nd.

Sincerely,

Deborah L. Vest
Community Development Director

DLV:vhd

CITY OF POQUOSON

PLANNING DEPARTMENT

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

MEMORANDUM

Date: May 16, 2016

To: Chairwoman and Members of the Planning Commission

From: Deborah L. Vest, Director of Community Development

Subject: **Status of the Item from the April 18. 2016 Meeting**

The current status of the item considered by the Planning Commission at its April 18, 2016 meeting is:

1. City Council at its April 25, 2016 approved a request by Bradford W. Drummond, applicant and Tagtime LLC business owner, and SGC Wythe Creek, LLC, property owner, for a Conditional Use Permit to operate Escape Room games in a storefront located at 475 Wythe Creek Road in the Wythe Creek Shopping Center, identified as Tax Map Parcel No. 27-01-00-0107-A, Zoned B-2 (Business).

DLV:vhd