CITY OF POQUOSON

POQUOSON PLANNING COMMISSION

JUNE 20, 2016

AGENDA

POQUOSON PLANNING COMMISSION
Monday, June 20, 2016, 7:00 p.m.
COUNCIL CHAMBERS – 500 CITY HALL AVENUE

6:30 p.m. Work Session – Upcoming agenda items

A. CALL TO ORDER

B. INVOCATION & PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE MINUTES

1. **Regular Session – May 16, 2016**

D. AUDIENCE FOR VISITORS

E. PUBLIC HEARINGS

1. **A request by Brick Kiln, LLC, applicant and property owner, for a Conditional Use Permit to construct and operate a storage facility/retail shops/professional offices on property located on the west side of Wythe Creek Road, north of Woodhaven Drive, Tax Map Parcel No. 27-01-00-0018, zoned R-1 (Single-Family Residential).**
    a. **Public Hearing**
    b. **Consideration by the Commission**

2. **A request by Fountains of Poquoson, LLC, property owner and applicant, to modify its existing Conditional Use Permit by extending the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane identified as Tax Map Parcel Nos. 27-10-00-0004, zoned VC (Village Commercial).**
    a. **Public Hearing**
    b. **Consideration by the Commission**

F. UNFINISHED BUSINESS

1. **Comprehensive Plan Update Report**

G. COMMUNICATIONS AND CORRESPONDENCE

1. **Status of the Item from the May 16, 2016 Meeting**

H. ADJOURN

The Poquoson Planning Commission met in a regular session on Monday, May 16, 2016 at 7:00 p.m. in the Council Chambers located at 500 City Hall Avenue.

PRESENT: Commissioner Bonnie W. Shriver, Chairwoman
Commissioner William J. Travis, Vice Chairman
Commissioner Richard D. Clifton, Member
Commissioner Gustavus A. Goddin, Member
Commissioner Leigh Fenigsohn, Member
Commissioner Christopher R. Williamson, Member

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

ABSENT: Commissioner James K. Titlow, Member

REGULAR SESSION

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE MINUTES

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

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

NO: None.

ABSTAIN: Commissioner Clifton.

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

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

NO: None.

ABSTAIN: Commissioners Clifton and Williamson.

AUDIENCE FOR VISITORS

No one in the audience spoke.

PUBLIC HEARINGS

1. **A REQUEST BY POQUOSON ANIMAL WELFARE SANCTUARY, INC. (PAWS) APPLICANT AND PROPERTY OWNER, TO MODIFY ITS EXISTING CONDITIONAL USE PERMIT FOR A PET SANCTUARY AT 181 MESSICK ROAD, TAX MAP PARCEL NO. 32-01-00-0044, ZONED R-2 (SINGLE-FAMILY RESIDENTIAL) BY INCREASING THE MAXIMUM NUMBER OF CATS ON-SITE FROM 50 TO 100.**

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

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

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

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

Chairwoman Shriver opened the public hearing.

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

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

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

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

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

NO: None.

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

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

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

Chairwoman Shriver opened the public hearing.

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

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

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

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

NO: None.

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

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

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

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

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

7. Section 10-6 - requires streetlight installation.

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

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

Chairwoman Shriver opened the public hearing.

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

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

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

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

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

NO: None.

UNFINISHED BUSINESS

Community Participation Team (CPT) and Steering Committee Memberships

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

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

COMMUNICATIONS AND CORRESPONDENCE

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

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

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

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

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

Mr. Wyne thanked the Commission for their hard work.

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

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

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

ADJOURNMENT

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

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: June 20, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Conditional Use Permit For A Mini-Storage Warehouse Facility In A Residential District- Tax Parcel No. 27-1-18**

Introduction

The City has received a request from Mr. Frank Crandol, on behalf of Brick Kiln, LLC, property owner, to establish and operate a mini-storage warehouse facility with a separate professional office building on approximately 5.9 acres located on Wythe Creek Road near Woodhaven Drive, further identified as Tax Parcel No. 27-1-18. The property is zoned R-1, Single Family Residential and commercial operations within residential districts are not permitted as by-right uses.

Public Notice

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

Applicant's Proposal

The applicant is proposing to use the property for the purpose of constructing up to 800 storage units (as outlined in discussions with the applicant), similar to the existing facility on Wythe Creek Road (Storage World Poquoson). The property has been cleared over the years and is not developed. According to the plans provided by the developer/property owner, the development will consist of six (6) separate buildings containing a variable number of storage units with miscellaneous office space at the front of the property. It is important to note that the applicant has provided elevations and pictures of the existing Poquoson Storage World complex as an example of his proposal, which he intends to use in guiding the development of site specific plans for his proposal. The applicant anticipates approximately 3.95 acres of the 5.9 acre site being developed. In conversations with the applicant it has been indicated that initial plans call for approximately 200 storage units with plans to eventually reach approximately 800 units.

Site Character

The site consists of one (1) parcel owned by Brick Kiln, LLC, identified as Tax Parcel No. 27-1-18. The property is served by Wythe Creek Road, where the lot has 415' of frontage. The lot is largely rectangular, aside from an area at its west which juts out into a triangular shape. The parcel consists of 5.9 acres and measures approximately 415' wide and 855' in length at its longest, 610' at its shortest. The property has been cleared over the last several years and elevated to approximately 9' above sea level. The densest remaining vegetation lay at the property's northern and western boundaries. Additionally, some dense vegetation is located at the property's southern boundary; however, it is sparse in certain locations. The use will clearly be visible from Wythe Creek Road. A stream is located near the western boundary of the property and, as a result, some tidal wetland areas and a Chesapeake Bay Resource Protection Area buffer are present on the property.

Surrounding Land Uses

The property is surrounded by the R-1, Single Family Residential district in all directions. Within approximately 300' of the perimeter of the property lay approximately 23 single family dwellings. To the property's immediate south lay the small, 10 lot New Bridge subdivision on Woodhaven Drive. The property, while surrounded by the R-1 district, is located near several other zoning districts due to its Wythe Creek Road location. Specifically, the property is approximately 225' north of the B-1, Office/Professional district, approximately 1,200' feet south of the R-3, Multi-Family Residential district (The Villas) and approximately 2,000 feet south of the B-2, Business/Commercial district (Storage World Poquoson). In addition to the uses described above, a portion of the parcel is located adjacent (to the south) to the Poquoson Baptist Church property.

Zoning

The property is zoned R-1, 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. Commercial uses such as the mini-storage warehouse in question that generate activities inconsistent with the purpose of the City's single family residential districts are not specifically permitted in this district.

Land use requests of this nature generally necessitate the need for a developer to apply for a rezoning. In this case a request to rezone the property from R-1, Single Family Residential district to B-2, Business/Commercial district would allow for the developer to then petition City Council for a Conditional Use Permit to operate a mini-storage warehouse facility in the B-2 district. However, as our Zoning Ordinance is structured, it allows a property owner to request a Conditional Use Permit from City Council, with a recommendation from the Planning Commission, for any use that is not specifically permitted for within the parcel's specified zoning district. As is the case, mini-storage warehouse facilities are not a specifically permitted use within the R-1 district, thus the property owner is requesting a use permit to allow for the construction of such facility.

Conditional Use Permits allow for a very specific use to occur on a property, while a rezoning to B-2 would allow for any commercial use permitted within the B-2 district by-right to operate on the property. In a pre-application meeting, the applicant was presented with two (2) avenues for his proposal which included the rezoning route and the Conditional Use Permit option. During that discussion with the applicant it was noted that he has no desire to operate any additional commercial uses on the property and wishes to solely

operate a self-service storage facility, thus he is only requesting a Conditional Use Permit application for a mini-storage warehouse with a professional office structure, not a rezoning.

Traffic

The development would have direct access off of Wythe Creek Road, and as such, all City and Virginia Department of Transportation (VDOT) ingress/egress standards must be adhered to. Uses of this nature do not generate large amounts of traffic. In accordance with the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, mini-warehouses are anticipated to generate .26 vehicular trips during PM Peak Hour per 1,000 square feet of space. Using Storage World Poquoson as an example (57,000 square feet of storage space), at full build out (approximately 800 units), the storage unit use could be expected to generate approximately 15 trips during the PM Peak Hour (4:45pm to 5:45pm). Additionally, utilizing the ITE Manual and using the existing office space at Storage World Poquoson (7,000 square feet) the professional office space could be expected to generated roughly 3.49 PM Peak Hour (the hour in which the highest amount of trips are anticipated) trips per 1,000 square feet, or approximately 24 PM Peak Hour trips overall. With an estimated combined 39 PM Peak Hour trips the use is not expected to reduce the level of service in the area on Wythe Creek Road.

A widening of Wythe Creek Road, from its current two (2) lanes to a proposed three (3) lane configuration has been approved for the area the property fronts. The widening project is still in the planning and engineering phases, however, construction is imminent. As a result any ingress/egress constructed by the developer may need to be replaced as a result of the widening project. The applicant is aware of this and any definitive impacts have yet to be determined.

Environmental

The developer's submitted survey of the property indicates the presence of some tidal wetlands at the rear of the property due to the location of a tidal stream that abuts the property at its western boundary. The plans do not call for disturbance of these wetlands; however, if the plans change and require disturbance of these areas the developer would be required to submit a request for a wetlands permit to the City's Wetlands Board. They would review and hold a public hearing to consider the proposed impacts and render a decision as to whether or not the impact is justifiable and can be sufficiently mitigated.

In addition to the wetlands located on the property, due to presence of the tidal stream detailed above, the property is subject to the Chesapeake Bay Preservation Act's 100' Resource Protection Area (RPA) buffer. Specifically, any development within 100' of the stream would require review and consideration by the City's Environmental Development Plan Review Committee and/or the City's Board of Zoning Appeals to determine whether the proposal is consistent with the requirements outlined in the Commonwealth's Chesapeake Bay Preservation Act. The submitted plan does not indicate any development within the RPA at this time.

Architectural Review Board

The proposed commercial development would be located within 300' of Wythe Creek Road between Yorktown Road and the Hampton City limits, making it a part of the City's Architectural Review District. As such, any proposed commercial development to be located on the site must be reviewed by the City's Architectural Review Board. The purpose of the Architectural Review Board is to determine the aesthetic appropriateness of commercial development within the limits of the review district by reviewing the exterior

appearance of development proposals. During their review, close attention will be paid to proposed materials, colors, signage, building scale and mass, site lighting and landscape features.

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.*

As stated in the "Zoning" section above, the applicant does not wish to utilize the property for any other commercial use other than a mini-storage warehouse and professional office space and thus is not requesting a rezoning of the property from R-1 to B-2. A review of a rezoning application would allow the City's legislative (City Council) and quasi-legislative (Planning Commission) bodies to consider and determine whether the property is appropriate for a variety of commercial uses, to include mini-storage warehouse facilities. Prior to the review of a rezoning application, the applicant would make an application to the City requesting that its land use designation be amended to reflect its proposed rezoning request. This process would allow the City Council to determine, with a recommendation from the Planning Commission, the suitability of commercial use on the property and establish the parcel for commercial use in the City's Comprehensive Plan Land Use Map. As is the case, approval of the applicant's request for a Conditional Use Permit to specifically establish a mini-storage warehouse within a low density residential land use district would be inconsistent with the City's Comprehensive Plan Land Use Map.

Historically, Conditional Use Permits within the City are requested primarily for three (3) reasons: (1) To allow legislative review of previously established legal non-conforming (grandfathered) commercial uses to continue to operate in residentially zoned areas; (2) To allow for legislative review of more intense, potentially highly impactful or unique uses not clearly permitted for within existing commercial districts; or (3) To allow legislative review over unique and potentially impactful uses that are anticipated to operate on a property temporarily. This proposal is unique in that it does not fit into one (1) of the traditional categories above. The issuance of this use permit would allow for the construction and maintenance of a commercial facility within a low density residential district. While traffic impacts are anticipated to be minimal, the lack of a consistent existing natural vegetated buffer would allow for potential noise and light trespass that may negatively impact the neighboring properties, specifically those immediately located within the New Bridge subdivision on Woodhaven Drive. Additionally, mini-storage warehouse facilities notoriously utilize metal siding for construction which is not as aesthetically pleasing as other, preferred construction materials. These are impacts that could be mitigated or lessened with the appropriate conditions; however, it is important to note that the issuance of this use permit would allow for the permanent development and operation of a commercial use on undeveloped land designated for use as low density residential within the City's Comprehensive Plan Land Use Map which is a consistent development pattern within the immediate area. If the Planning Commission recommends approval of the request to City Council, staff recommends that approval be subject to the following conditions:

1. Hours of operation shall be limited to 7:00am-8:00pm.
2. In accordance with the City's Site Plan Ordinance, all on-site lighting shall be shielded in a manner that minimizes the impact on adjacent properties.

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

Attachments

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, BRICK KILN LLC,

the undersigned owner(s) of the described property:
5.8778 ACRES LOCATED WEST OF WYTHE CREEK ROAD, SOUTH BY WOODHAVEN DRIVE, WEST BY YORK COUNTY AND NORTH BY POQUOSON BAPTIST CHURCH AND JAYNES

hereby apply for a conditional use permit for the following reasons:
TO CONSTRUCT A STORAGE FACILITY AS DISCRIBED AND DEPICTED ON THE FOLLOWING PAGES

27-01-00-0018

(CONTINUED)

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

SIGNATURE OF PROPERTY OWNER(S):

X Frank T. Crandol

X _____

NAME: FRANK T. CRANDOL

ADDRESS: 41 WOODLAND ROAD
POQUOSON, VA. 23662

TELEPHONE: (757) 846-7347

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.

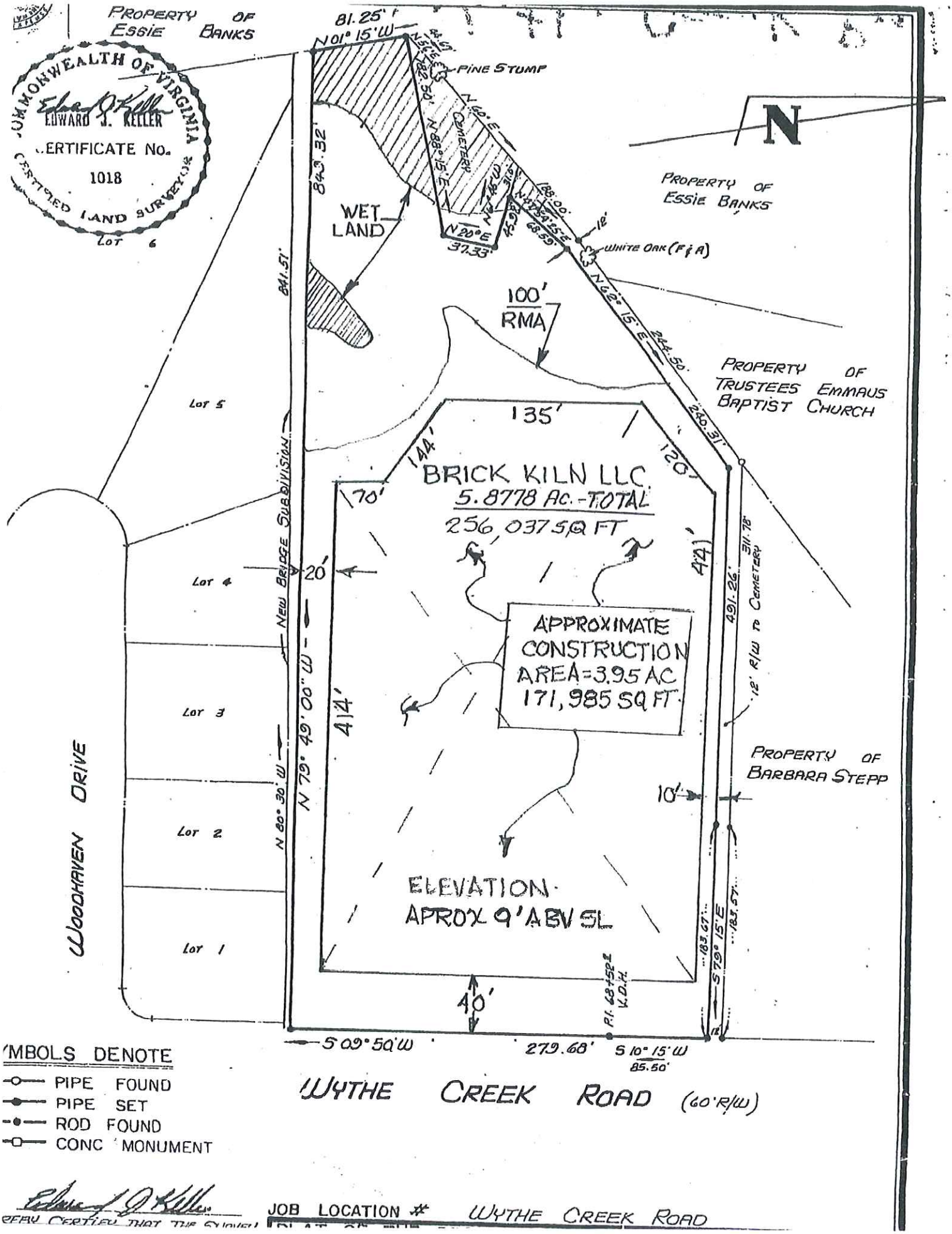
CITY OF POQUOSON
PAID
MAR 31 2016

Revised 1/11/10
TREASURER #3

BRICK KILN LLC Storage Facility Development

Wythe Creek Road is in the process of being improved by widening in the very near future. With the ongoing widening, an R-1 single family development will add a significant amount of traffic entering Wythe Creek Road in a fairly congested area.

With the current single and multi-family ongoing development within the City of Poquoson, there is a shortage of storage facilities. Storage World located to the north which is about 10 years old, is filled to capacity and has a waiting list. Brick Kiln LLC is considering building a storage facility similar to Storage World as depicted on the attached sheets. Storage facilities of this type develop very low traffic flow and low noise. The facility is secure, and does not allow any afterhours accessibility. With the design layout of Storage World, large trucks cannot access the storage area. As to storage spaces, most are rented on long term basis and are very seldom accessed monthly and a large percentage are only accessed twice, once to store and once to remove. The Wythe Creek Road business frontage of this property, will have a building containing various professional businesses such as insurance, physicians, lawyers, etc. and of course the office to the storage facility similar to the elevation study and aerial view as depicted on the attached sheets.



SYMBOLS DENOTE

- PIPE FOUND
- PIPE SET
- ROD FOUND
- CONC MONUMENT

COMMONWEALTH OF VIRGINIA
EDWARD J. KELLER
CERTIFICATE No. 1018
CERTIFIED LAND SURVEYOR

I HEREBY CERTIFY THAT THE SURVEY PLAT OF THE

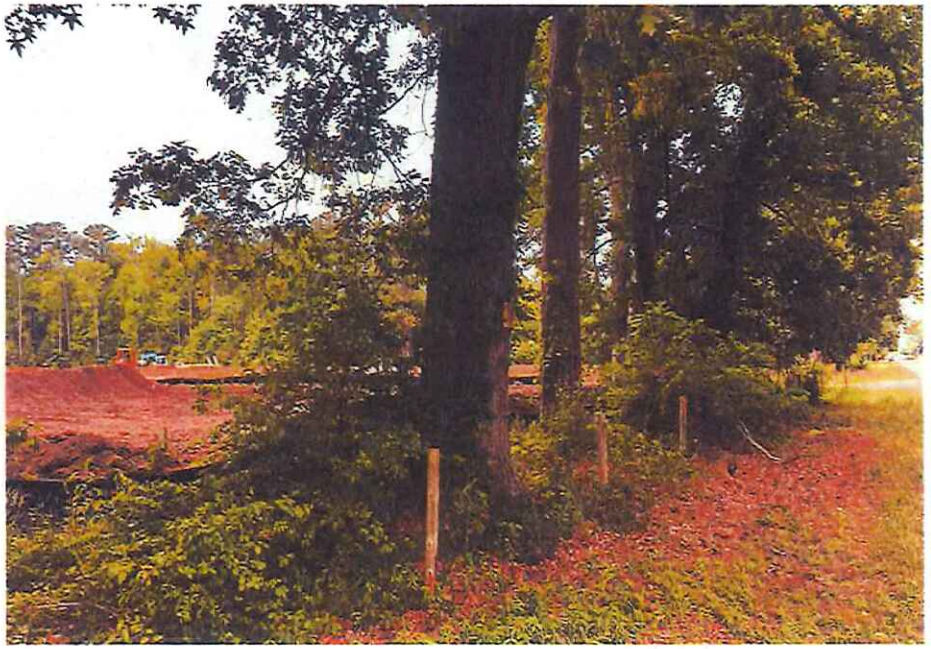
JOB LOCATION # WYTHE CREEK ROAD

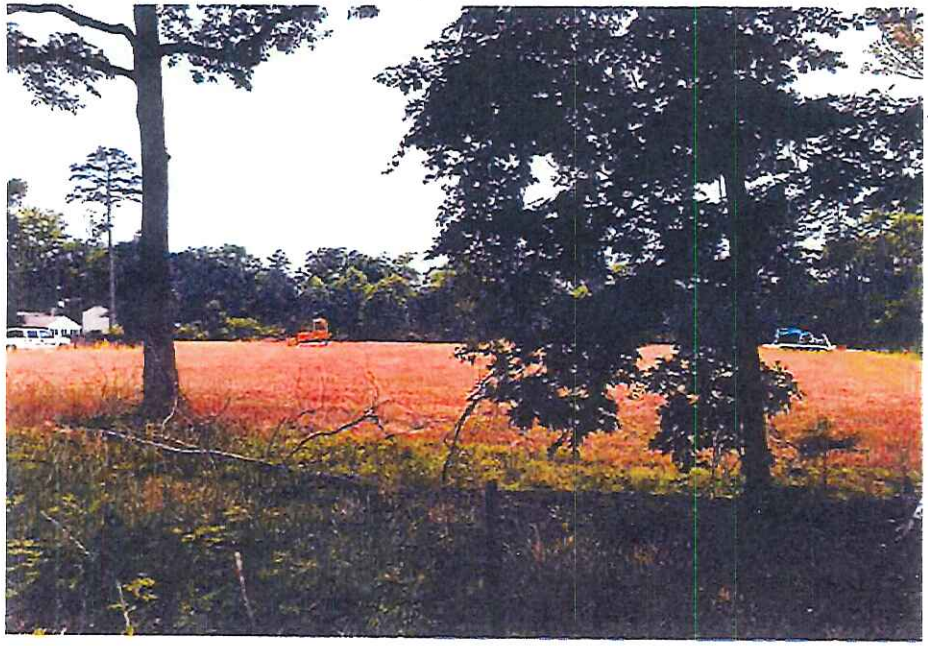
POQUO
SELF STOR

POQUOSON
SELF STORAGE

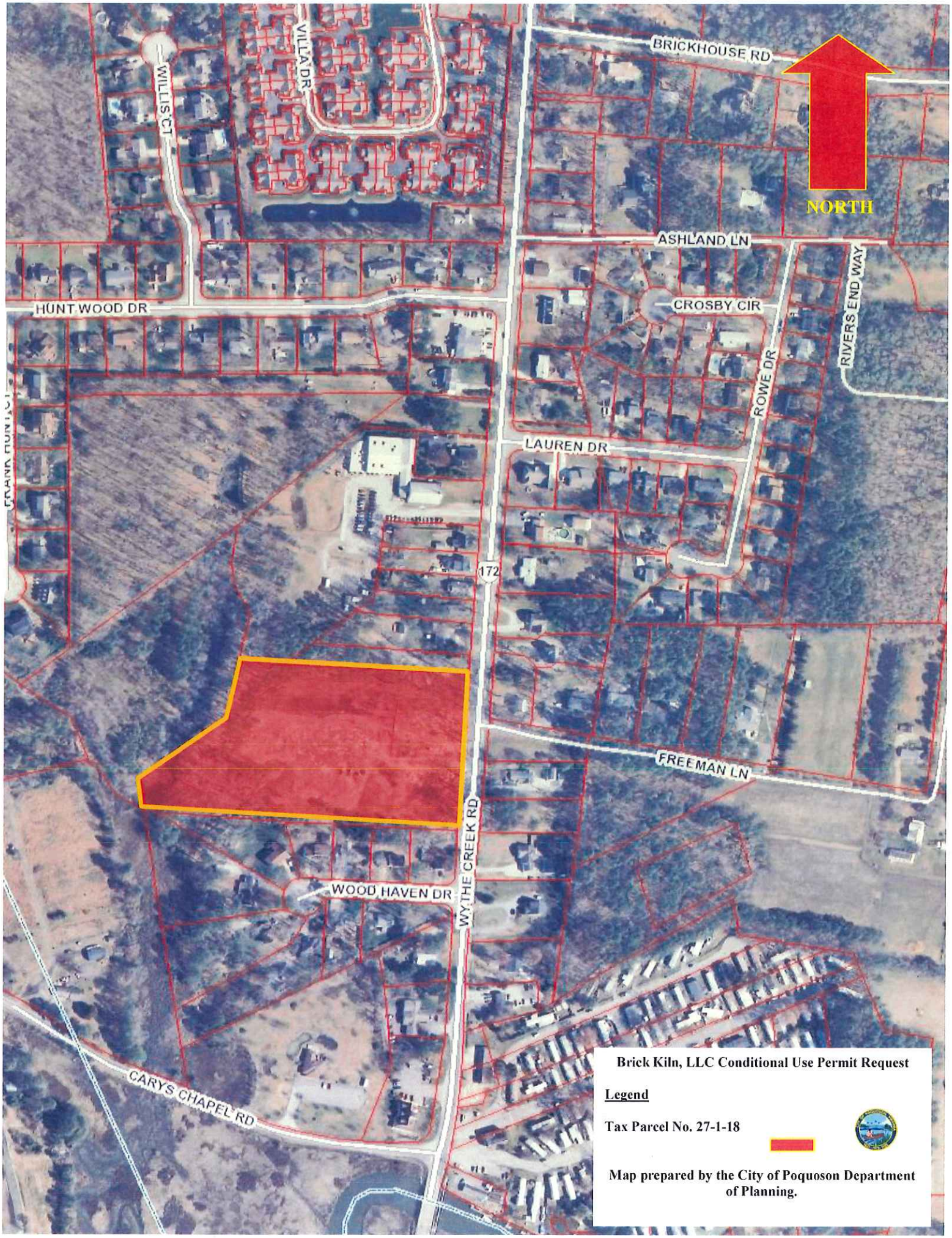
360
STORAGE WORLD
POQUOSON

SELF STORAGE





BRICKHOUSE RD
NORTH
VILLA DR
WILLIS CT
ASHLAND LN
HUNT WOOD DR
CROSBY CIR
RIVERS END WAY
ROWE DR
FRANK HUNT CT
LAUREN DR
172
FREEMAN LN
WOOD HAVEN DR
WY THE CREEK RD
CARYS CHAPEL RD
Brick Kiln Vicinity Zoning Map
Legend
B-1 Office District
Subject Parcels
R-1 Residential
R-3 Multi-Family
Map prepared by the City of Poquoson Department of Planning.


BRICKHOUSE RD
NORTH
VILLA DR
WILLIS CT
ASHLAND LN
HUNT WOOD DR
CROSBY CIR
RIVERS END WAY
ROWE DR
LAUREN DR
172
FREEMAN LN
WOOD HAVEN DR
WYTHE CREEK RD
CARYS CHAPEL RD
Brick Kiln, LLC Conditional Use Permit Request
Legend
Tax Parcel No. 27-1-18
Map prepared by the City of Poquoson Department of Planning.

RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A STORAGE FACILITY/RETAIL SHOPS/PROFESSIONAL OFFICES ON PROPERTY LOCATED ON THE WEST SIDE OF WYTHE CREEK ROAD, NORTH OF WOODHAVEN DRIVE, POQUOSON TAX MAP PARCEL NO. 27-01-00-0018

WHEREAS, a request was submitted by Brick Kiln, LLC, applicant and property owner, for a Conditional Use Permit to construct/operate a storage facility/retail shops/professional offices on property located on the west side of Wythe Creek Road, north of Woodhaven Drive, Tax Map Parcel No. 27-01-00-0018, Zoned R-1 (Single-Family Residential); and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on June 20, 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 Brick Kiln, LLC, applicant and property owner, for a Conditional Use Permit to construct and operate a storage facility/retail shops/professional offices on property located on the west side of Wythe Creek Road, north of Woodhaven Drive, Tax Map Parcel No. 27-01-00-0018 is hereby recommended for approval with the following conditions:

1. Hours of operation shall be limited to 7:00am-8:00pm.
2. In accordance with the City's Site Plan Ordinance, all on-site lighting shall be shielded in a manner that minimizes the impact on adjacent properties.
3. All existing vegetation on the northern and southern boundaries of the property shall remain undisturbed and/or replaced with similar vegetation if removed for any reason.
4. A 25' landscape buffer shall be required the full length of the developed area on the southern and northern boundaries. The existing vegetation shall be utilized and all gaps in the existing vegetation shall be filled using evergreen vegetation, of at least six (6) feet in height at the time of planting. This buffer shall be maintained in perpetuity in good condition.
5. As a part of the site plan submittal process, the developer shall depict a fence, the full length of the developed area on the southern and northern boundaries of the property. The fence must stand at least six (6) feet in height and consist of a solid material so that the development is

adequately shielded from neighboring properties. Additionally, a fence meeting these conditions must be reviewed and approved by the Architectural Review Board prior to construction. The fence must be constructed prior to the issuance of any Certificate of Occupancy for the development and must be maintained in good condition.

6. In addition to the required buffer area, the use shall meet all required setbacks of the underlying Zoning District.
7. The façade of all structures facing Wythe Creek Road shall consist of brick or like masonry construction materials.
8. The operation shall obtain all required local, state and federal permits.
9. Upon the discontinuance of such use for a contiguous period of two (2) years or more, the Conditional Use Permit shall become null and void.
10. If at any time the operation is in violation of any local, state or federal regulations, including the conditions set forth in this use permit, the City reserves the right to revoke the permit.
11. If construction on the project has not begun within five (5) years of the issuance of this permit, the Conditional Use Permit shall become null and void.
12. Registered and licensed recreational vehicles and non-commercial trailers may be stored on the property, provided they are located behind the professional office structure.
13. All trash receptacles shall be screened from adjacent property owners and shall not be visible from Wythe Creek Road. Receptacles shall not be placed in any required landscape buffers or required setbacks.

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 CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A STORAGE FACILITY/RETAIL SHOPS/PROFESSIONAL OFFICES ON PROPERTY LOCATED ON THE WEST SIDE OF WYTHE CREEK ROAD, NORTH OF WOODHAVEN DRIVE, POQUOSON TAX MAP PARCEL NO. 27-01-00-0018

WHEREAS, a request was submitted by Brick Kiln, LLC, applicant and property owner, for a Conditional Use Permit to construct/operate a storage facility/retail shops/professional offices on property located on the west side of Wythe Creek Road, north of Woodhaven Drive, Tax Map Parcel No. 27-01-00-0018, Zoned R-1 (Single-Family Residential); and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on June 20, 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 Brick Kiln, LLC, applicant and property owner, for a Conditional Use Permit to construct and operate a storage facility/retail shops/professional offices on property located on the west side of Wythe Creek Road, north of Woodhaven Drive, Tax Map Parcel No. 27-01-00-0018 is hereby recommended for denial.

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

ADOPTED: _____

TESTE: _____
Clerk, Planning Commission

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

MEMORANDUM

Date: June 20, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, Planner

Subject: **Amendment to a Conditional Use Permit for the Allowance of Residential on the Third Floor of a Mixed Use Building in the Village Commercial District- Tax Parcel No. 27-10-4**

Introduction

The City has received a request from Fountains of Poquoson, LLC, applicant and property owner, to amend their existing conditional use permit, issued on May 14, 2012, to request an extension to allow for additional construction time. The applicant has not specified how much additional time is needed to finish the project as proposed. The project is located at 200 Fountains Lane (off of Alphus Street) and is further identified as Tax Map Parcel No. 27-10-4. The property is zoned VC, Village Commercial district and the initial Conditional Use Permit was needed to allow for a third floor of residential for the three (3) mixed use buildings on the site. As of this report, the first building is near completion; two (2) more like buildings are proposed.

Public Notice

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

Required Condition Changes

Upon approval in 2012, the applicant was given five (5) years to complete the project as proposed. This approval period is set to expire on May 14, 2017, in approximately 11 months. In order to facilitate this request, the following condition would need to be amended to allow for additional time:

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

The amended condition as proposed would grant the applicant an additional three (3) years from the issuance of the amended use permit.

Attachments

RESOLUTION NO. 3780

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW RESIDENTIAL DWELLINGS ABOVE THE SECOND FLOOR IN THE VILLAGE COMMERCIAL DISTRICT ON PROPERTIES SPECIFICALLY IDENTIFIED AS TAX MAP PARCEL NOS. 27-(10)-4, 27-(10)-4A & A PORTION OF 27-(10)-3

WHEREAS, a request was submitted by Robert Moses, contract purchaser and G. Curtis Dailey, Sandra Graham and John Graham, property owners, for a Conditional Use Permit in order to allow residential dwellings above the second floor in the Village Commercial District on properties specifically identified as Tax Map Parcel Nos. 27-(10)-4, 27-(10)-4A and a portion of 27-(10)-3; and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on April 16, 2012 and the request was reviewed by City Council in a work session held on April 23, 2012 and a public hearing on May 14, 2012; 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 Robert Moses, contract purchaser and G. Curtis Dailey, Sandra Graham and John Graham, property owners, for a Conditional Use Permit to allow residential dwellings above the second floor on properties specifically identified as Tax Map Parcel Nos. 27-(10)-4, 27-(10)-4A and a portion of 27-(10)-3 is hereby approved with the following conditions:

1. Approval of the Architectural Review Board shall be required on all buildings, including the residential component, prior to site plan approval.
2. All utilities are required to be placed underground.
3. Exterior recreational, display or storage areas are prohibited.
4. If the project is not constructed and fully operational within five (5) years of the issuance of this permit, the Conditional Use Permit shall become null and void.
5. This Conditional Use Permit is for the establishment of residential uses on the third floor. If at any time a portion of the third floor of each of the proposed structures is not utilized for residential purposes, the Conditional Use Permit shall be null and void.
6. The development shall not yield any more than 12 dwelling units per acre.
7. Any development of the subject parcels that occurs in conjunction with any development of the parcel immediately adjacent to the west shall require a shared entrance off of Alphus Street.

8. All large, shared trash containers shall not be visible from public right-of-ways and shall be screened in accordance with City Site Plan and Zoning Ordinance requirements.
9. The development shall utilize the regional storm water management pond owned by the City's Economic Development Authority and provide for pond aeration through the use of fountains as determined by the City Engineer.
10. If at any time traffic impacts, resulting from said development, create demand that exceeds the capabilities of the existing transportation network, the developer shall, at his/her expense, have a Traffic Impact Assessment conducted by a licensed transportation engineer and shall provide mitigation in accordance with the findings of said study.

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

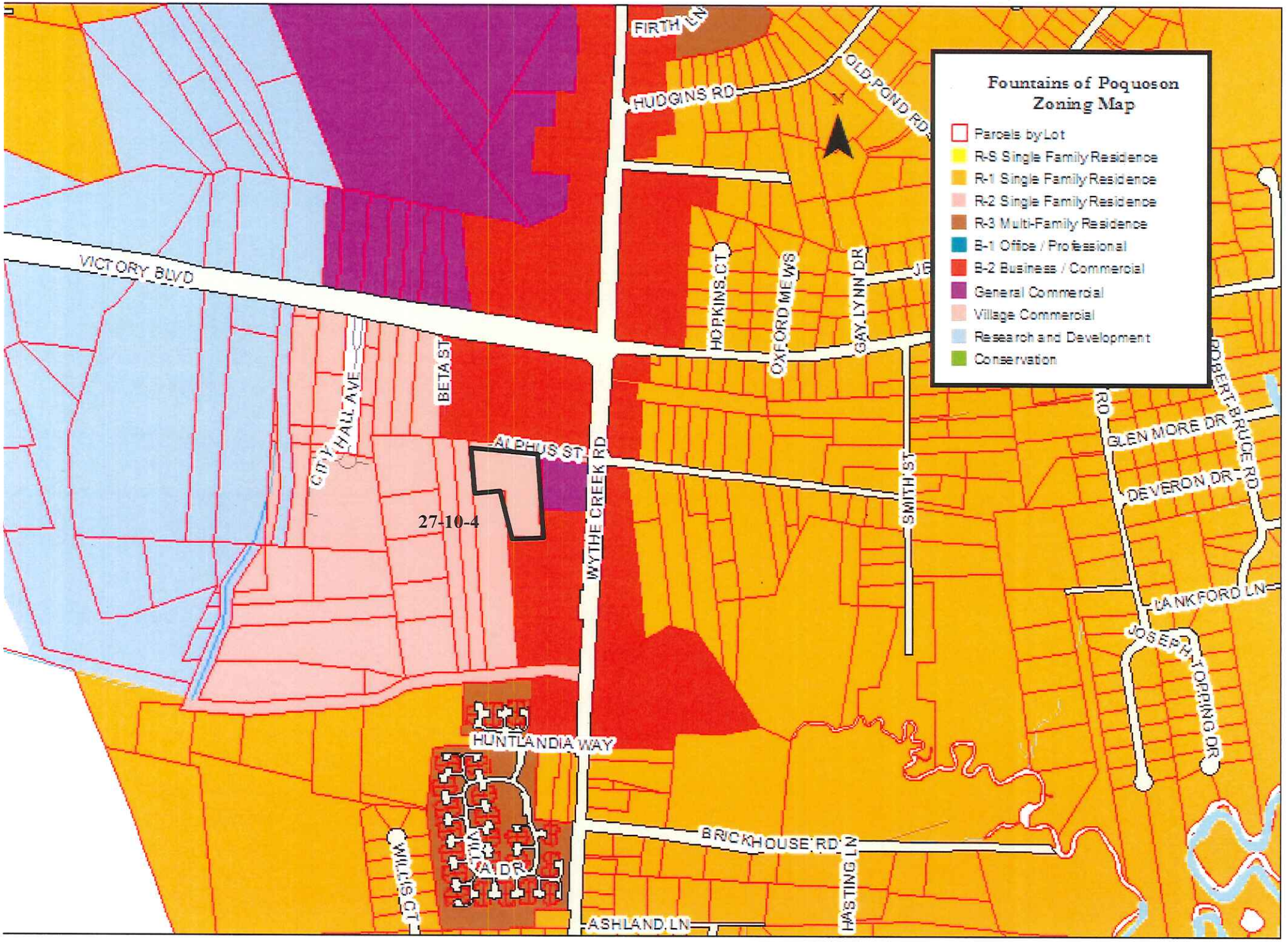
ATTESTE: ADOPTED: May 14, 2012

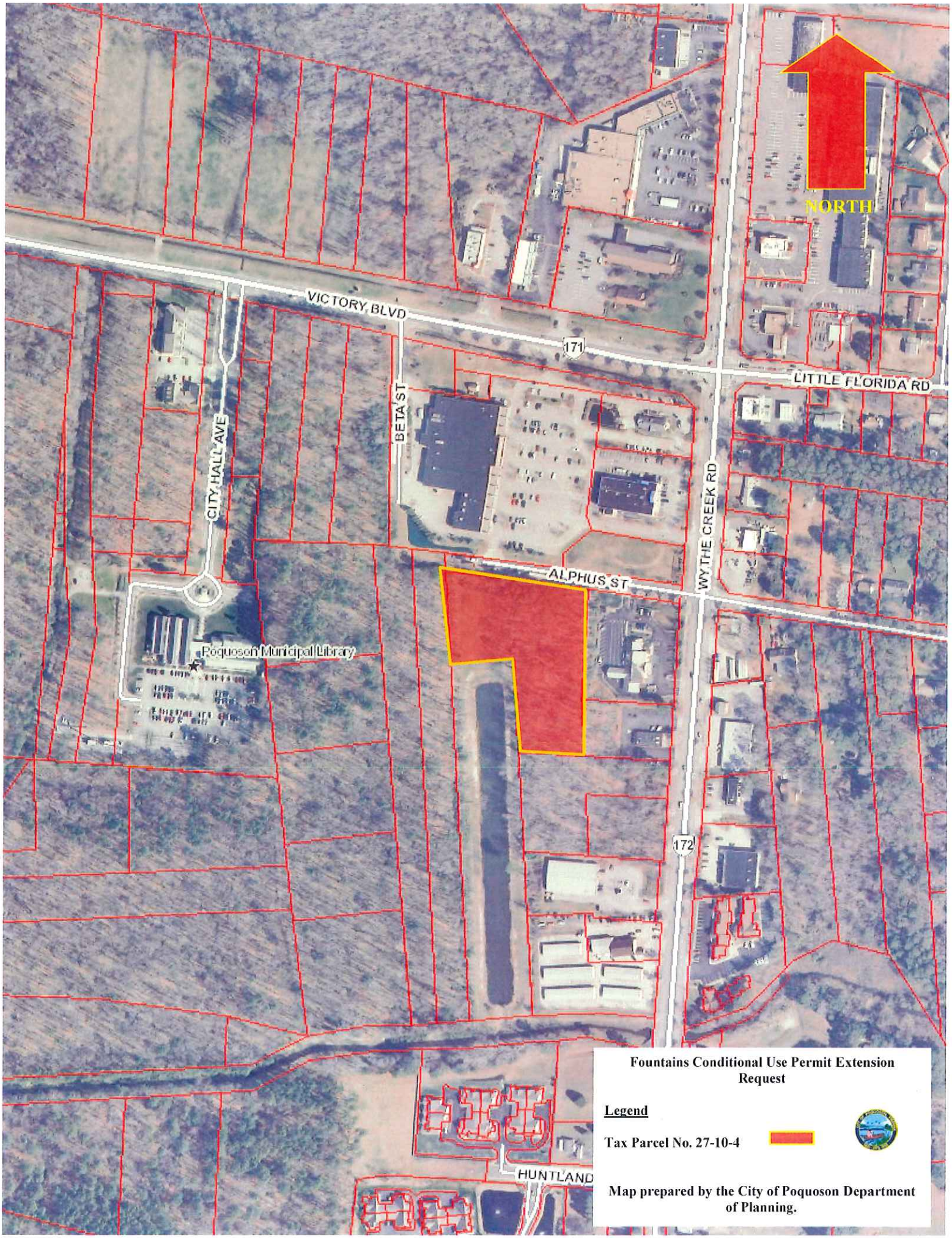
Judy F. Wiggins, City Clerk

W. Eugene Hunt, Jr., Mayor

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

Councilman Green	YES	Councilman Vernall	YES
Councilman Kreiger	YES	Councilwoman Crawford	YES
	Mayor Hunt	YES	


Fountains of Poquoson
Zoning Map
Parcels by Lot
R-S Single Family Residence
R-1 Single Family Residence
R-2 Single Family Residence
R-3 Multi-Family Residence
B-1 Office / Professional
B-2 Business / Commercial
General Commercial
Village Commercial
Research and Development
Conservation
FIRTH LN
HUDGINS RD
OLD POND RD
VICTORY BLVD
HOPKINS CT
OXFORD MEWS
GAY LYNN DR
BETA ST
CITY HALL AVE
ALPHUS ST
27-10-4
WYTHE CREEK RD
SMITH ST
ROBERT BRUCE RD
GLEN MORE DR
DEVERON DR
LANKFORD LN
JOSEPH TORRING DR
HUNTLANDIA WAY
BRICKHOUSE RD
HASTING LN
ASHLAND LN
WILLIS CT



Fountains Conditional Use Permit Extension Request

Legend

Tax Parcel No. 27-10-4

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, Fountains of Poquoson, LLC.

the undersigned owner(s) of the described property:
Fountains Phase II (building #2 & #3)

hereby apply for a conditional use permit extension for the following reasons:
Buildings will not be completed by current deadline in May 2017.

(CONTINUED)

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

SIGNATURE OF PROPERTY OWNER(S):

X Robert Moses

X

NAME: Robert Moses

ADDRESS: 99 Sandy Bay Dr

TELEPHONE: 218-7144

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

X Robert Moses

NAME:

ADDRESS:

TELEPHONE: 218-7144

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.

CITY OF POQUOSON
PAID
MAY 20 2016

Revised 1/11/10
TREASURER #3

RESOLUTION

A RESOLUTION RECOMMENDING APPROVAL OF A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT FOR THE MIXED USED DEVELOPMENT LOCATED AT 200 FOUNTAINS LANE, POQUOSON TAX MAP PARCEL NO. 27-10-00-0004

WHEREAS, a request was submitted by the Fountains of Poquoson, LLC, applicant and property owner, for an amendment to its existing Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-00-0004, Zoned VC (Village Commercial); and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on June 20, 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 the Fountains of Poquoson, LLC, applicant and property owner, for an amendment to its existing Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-00-0004 is hereby recommended for approval inclusive of the following amendment to Condition #4 of the original permit:

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

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

ADOPTED: _____

TESTE: _____
City Clerk

RESOLUTION

A RESOLUTION RECOMMENDING DENIAL OF A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT FOR THE MIXED USED DEVELOPMENT LOCATED AT 200 FOUNTAINS LANE, POQUOSON TAX MAP PARCEL NO. 27-10-00-0004

WHEREAS, a request was submitted by the Fountains of Poquoson, LLC, applicant and property owner, for an amendment to its existing Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-00-0004, Zoned VC (Village Commercial); and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on June 20, 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 the Fountains of Poquoson, LLC, applicant and property owner, for an amendment to its existing Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-00-0004 is hereby recommended for denial.

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

MEMORANDUM

Date: June 20, 2016

To: Chairwoman and Members of the Planning Commission

From: Deborah L. Vest, Director of Community Development

Subject: **Status of the Items from the May 16. 2016 Meeting**

The current status of the items considered by the Planning Commission at its May 16, 2016 meeting is:

1. City Council at its May 23, 2016 meeting approved 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.

2. City Council at its May 23, 2016 meeting approved 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).

3. City Council at its May 23, 2016 meeting denied 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).

DLV:vhd