CITY OF POQUOSON

POQUOSON PLANNING COMMISSION

JULY 18, 2016

AGENDA

POQUOSON PLANNING COMMISSION
Monday, July 18, 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 – June 20, 2016**
2. **Work Session – June 20, 2016**

D. AUDIENCE FOR VISITORS

E. PUBLIC HEARINGS

1. **A request by John B. Graham Etals, property owner, and Robert Moses, applicant, to amend the City's Comprehensive Plan for 2008 through 2028 by designating future land use for Poquoson Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002 from B-2 (Business) to VC (Village Commercial). POSTPONED**

2. **A request by John B. Graham Etals, property owner, and Robert Moses, applicant, to rezone approximately 2.37 acres of property located on the west side of Wythe Creek Road immediately to the south of George's restaurant, specifically identified as Poquoson Tax Map Parcel Nos. 27-09-00-0002 and 27-18-00-0002, from B-2 (Business) to VC (Village Commercial). POSTPONED**

3. **A request by John B. Graham Etals, property owner, and Robert Moses, applicant, for a Conditional Use Permit to allow residential dwellings above the second floor in a mixed use building and to allow residential separate from a commercial and/or mixed use structure not to exceed two-thirds of the commercial floor area of the development in the Village Commercial District, pursuant to Article XI., Section 11-3 of the City's Zoning Ordinance for the properties identified as Poquoson Tax Map Parcel Nos. 27-09-00-002 and 27-18-00-0002. POSTPONED**

4. **A request by E Rae and Phoebe M. Harcum, property owners, and Samuel Straight, agent, for a Conditional Use Permit to allow for the construction and operation of a small, independent craft brewery to include a tasting area or lounge/beer garden on a 2.42 acre parcel**

located on the south side of Victory Boulevard, east of City Hall, specifically identified as Tax Map Parcel No. 27-01-00-0092, zoned VC (Village Commercial).

a. Public Hearing
b. Consideration by the Commission

F. UNFINISHED BUSINESS

1. Comprehensive Plan Update Report

G. NEW BUSINESS

1. Election of Officers

H. COMMUNICATIONS AND CORRESPONDENCE

1. Status of the Item from the June 20, 2016 Meeting

I. ADJOURN

The Poquoson Planning Commission met in a regular session on Monday, June 20, 2016 at 7:00 p.m. in the Council Chambers located at 500 City Hall Avenue.

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

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

ABSENT: None

REGULAR SESSION

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE MINUTES

Commissioner Goddin moved, seconded by Vice Chairman Travis, that the minutes of the May 16, 2016 regular session be approved. Recorded vote on the motion:

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

NO: None.

ABSTAIN: Commissioner Titlow.

AUDIENCE FOR VISITORS

No one in the audience spoke.

PUBLIC HEARINGS

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

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

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

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

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

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

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

Chairwoman Shriver opened the public hearing.

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

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

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

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

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

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

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

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

NO: Commissioner Fenigsohn.

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

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

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

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

Chairwoman Shriver opened the public hearing.

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

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

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

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

NO: None.

UNFINISHED BUSINESS

Comprehensive Plan Update Report

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

COMMUNICATIONS AND CORRESPONDENCE

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

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

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

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

ADJOURNMENT

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

ADOPTED: _____

ATTESTE: _____
Victoria H. Diggs, Clerk

The Poquoson Planning Commission met in a work session on Monday, June 20, 2016 at 6:30 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 James K. Titlow, Member
Commissioner Leigh Fenigsohn, Member
Commissioner Christopher R. Williamson, Member

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

ABSENT: None

Chairwoman Shriver called the work session to order at approximately 6:30 p.m.

Upcoming Agenda Items

Mr. Kevin Wyne, Planner, stated that public hearings would be held at the July meeting of the Planning Commission to consider requests by John B. Graham, Etals, property owner, and Robert Moses, applicant, with reference to Tax Map Nos. 27-09-00-0002 and 27-18-00-0002. These public hearings will include:

- A request to rezone approximately 2.37 acres of property on the west side of Wythe Creek Road, south of George's Restaurant from B-2 (Business) to VC (Village Commercial);
- A request to amend the City's Comprehensive Plan for 2008 through 2028 by designating future land use for these properties from B-2 to VC, and;
- A Conditional Use Permit to allow residential dwellings above the second floor in a mixed use building and to allow residential separate from a commercial and/or mixed use structure not to exceed two-thirds of the commercial floor area of the development in the VC district.

Mr. Wyne explained that the above requests are for an expansion of the Fountains of Poquoson development currently under construction to allow for a mixed use development on the vacant parcels located between Langley Federal Credit Union and George's Restaurant. The buildings would be constructed with similar elevations as that of Phase One currently nearing completion next to the Food Lion Shopping Center. Mr. Robert Moses, applicant, presented his proposal to the Commission and responded to the Commission's queries. Mr. Wyne pointed out that the

applications are tentatively scheduled for public hearing at the Planning Commission's July 18, 2016 meeting.

There being no further discussion, the meeting was adjourned at approximately 6:50 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: July 18, 2016

To: The Honorable Chairwoman and Members of the Planning Commission

From: Kevin M. Wyne, AICP, Planner

Subject: **Conditional Use Permit for a Brewery with a Tap Room (Bar) and Outdoor Beer Garden in the Village Commercial District- Tax Parcel No. 27-1-92**

Introduction

The City has received a request from Mr. E Rae and Phoebe M. Harcum, property owners, and Mr. Samuel Straight, applicant, for a Conditional Use Permit to allow for the construction and operation of a small, independent craft brewery to include a tap room (bar) and outdoor beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall Avenue, specifically identified as Tax Map Parcel No. 27-01-00-0092, zoned VC (Village Commercial). The Conditional Use Permit request is solely for the allowance of the brewery, as the tap room and beer garden use are permitted by-right in the Village Commercial district.

Public Notice

This application was advertised for public hearing by legal notice appearing in the Daily Press on July 1 and July 8, 2016. Adjacent property owners were notified by letters mailed on July 5, 2016.

Applicant's Proposal

The applicant is proposing to use the property for the purpose of constructing a brewery with supporting tap room and outdoor beer garden on a 2.42 acre site located within the City's Village Commercial district. The parcel is located south of Victory Boulevard and east of City Hall Avenue near the traffic circle north of the City Hall complex. The brewery proposes to initially produce up to 200 bbl (31 gallon barrels) annually with anticipated growth expected to reach 500-600 bbl annually, enabling limited regional distribution. Brewing will take place in a 10 bbl (310 gallon capacity) brewhouse, separate from the proposed tap room and outdoor beer garden. The 6,000 square foot brewery is anticipated to have a seating capacity for up to 200 customers, with 3,000 square feet being utilized for brewing purposes while the remaining 3,000 square feet will be utilized for serving purposes as a tap room. At the onset, the applicant does not anticipate preparing food onsite, aside from having food trucks provide food during occasional special events.

The applicant is requesting a Conditional Use Permit to allow for a use that is not specifically permitted within the parcel's zoning district in accordance with Article I. Section 1-8 of the City's zoning ordinance. In this case, the applicant is proposing a beverage manufacturing facility with supporting tap room and outdoor beer garden. The only district in the City where a beverage manufacturer is permitted by right is the City's RD-Research and Development district. The tap room and outdoor beer garden component of the proposed use are permitted by-right within the VC district.

Site Character

The site consists of one (1) parcel owned by E. Rae and Phoebe M. Harcum and is located in the Big Woods area between Alphus Street Extended and City Hall Avenue. The property does lay adjacent to an extended portion of City Hall Avenue (extending east of the traffic circle). The lot is largely rectangular with the longest side measuring approximately 330' in length while the shortest side measures approximately 290' in length. The 2.42 acre parcel is heavily forested and undeveloped. The use will not be clearly visible from Victory Boulevard as it is located approximately 750' south of Victory Boulevard.

Surrounding Land Uses

The property is surrounded by the VC-Village Commercial district, on its eastern, southern and western sides. Additionally, approximately half of its northern boundary abuts the Village Commercial district, while the other half abuts the B-2, Business/Commercial district. The City Hall complex represents the only immediately adjacent developed property, however, within approximately 400' of the perimeter of the property lay four (4) developed properties, including the City Hall complex. Specifically, approximately 400' to the northwest of the property is an office complex at the corner of Victory Boulevard and City Hall Avenue. Approximately 200' to the property's northeast lay the Poquoson Commons Shopping Center (Food Lion) and about 200' to the east of the property lay the under construction Fountains of Poquoson development. In addition to the developed properties in the area, the subject parcel is located in close proximity to the proposed Legacy of Poquoson mixed use develop, which is proposed for areas approximately 600' to its south and west. Aside from the developed parcels located in proximity to the proposed brewery there is a large amount of undeveloped, forested parcels located in the interior of the Big Woods.

In addition to the B-2 district located immediately adjacent to the northeast of the property, the site is located within 1,000 feet of the City's GC- General Commercial district (north of Victory Boulevard and east towards Wythe Creek Road), RD-Research and Development district (west of Oxford Run Canal), R-1, Single Family Residential district (west of Wythe Creek Road) and R-3, Multi-family district (south of Oxford Run Canal.

Zoning

The property is zoned VC- Village Commercial district. In accordance with the Comprehensive Plan, *"The Village Commercial district is intended to encourage the establishment of a village center by permitting a variety of commercial, office and limited businesses in order to create a center of economic activity that takes advantage of the prime location of the Big Woods area."* Encouraged and permitted uses within the district include specialty retail shops, personal service shops, professional offices, eateries, bars and mixed density and creative residential uses. Key design elements of the district include the absence of a minimum lot size requirement, zero-lot line development, on street and shared parking, uniform streetscape, shared storm water facilities and uniform design standards.

The district allows for a mixture of low impact commercial uses that generate low to moderate traffic volumes with a variety of mixed density residential, to include multi-family dwellings, townhomes and single family dwellings at densities higher than what would be appropriate in the City's low density residential districts. The concept behind the Village Commercial district is to encourage a traditional neighborhood development that would allow residents of the district to work and find ample entertainment options within walking distance of their residence. Additionally, the district encourages the creation of a wide variety of commercial uses diverse enough that the developments can spawn destination-style uses.

The key element of the applicant's proposal that is not permitted by-right is the brewery, or beverage manufacturing element. The tap room and outdoor beer garden are generally consistent with the types of uses that the Village Commercial zoning district is anticipated to generate. When the Village Commercial district was created in 1996, breweries with supporting tap room facilities or "brewpubs" had not yet achieved mainstream popularity as recognized land uses, as breweries were traditionally thought to be more large scale manufacturing and industrial type uses. However, over the last two (2) decades, craft breweries, and as a result small brewpubs, have risen in popularity dramatically. Many have established themselves within the region. Brewpubs combine elements of both a bar/beverage tasting and entertainment atmosphere with the manufacturing elements of traditional breweries, making them quite unique from a land use perspective. As such, these uses do not necessarily fit comfortably into a land use category, as they are characterized by the features they share with the categories of which they are composed. Brewpubs, particularly those of the size proposed by the applicant, identify much more with a high turnover or quality restaurant than they do with a large scale beverage manufacturer, making it a use that does fit into the scope of anticipated uses within the Village Commercial district.

Traffic

The development would have direct access off of City Hall Avenue Extended, and as such, all City and Virginia Department of Transportation (VDOT) ingress/egress standards must be adhered to. Brewpubs do not have a unique land use code within the Institute of Transportation Engineers (ITE) Trip Generation Manual, 5th Edition. As such, the most like use, as determined by staff, is a quality restaurant use, which is anticipated to generate .54 vehicular trips during PM Peak Hour per available restaurant seat. Using the applicant's anticipated seat capacity (200) this use is projected to generate approximately 108 trips during the weekday PM Peak Hour (4:45pm to 5:45pm). This projection is higher than what can realistically be expected at the onset of the establishment of the use, however, 108 trips during peak time should still not have an impact on existing levels of service on City Hall Avenue.

Environmental

The property does have an active wetlands delineation which indicates all of the area is free from wetlands. The approved delineation, dated April 9, 2012, is set to expire on April 9, 2017.

Architectural Review Board

The proposed development will take place within 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 Village Commercial as defined in the City's Comprehensive Plan. A detailed description of the purpose and intent of the Village Commercial land use and zoning district is outlined in the "Zoning" section of this report. As mentioned earlier in this report, when the Village Commercial district was created in 1996, micro-breweries with supporting tap rooms were not a widespread, recognized use. As such, they are not permitted by-right within the district. For all intents and purposes, the micro-brewery proposed is a bar (tap room) that brews their beer on-site, utilizing approximately 50 percent of the overall square footage available for each of those activities. It is important to note that bars are specifically recognized within the City's Comprehensive Plan as uses that are appropriate for Village Commercial district. While the on-site manufacturing of beer does set the proposal apart from a use that would be permitted by-right, certain conditions could be put in place to ensure that the manufacturing portion of the use does not overwhelm the site, neighborhood or district. If the Planning Commission recommends approval of the request to City Council, staff is proposing that you do so with the following conditions:

1. The operation shall maintain all required local, state and federal permits.
2. This use permit is for the allowance of a beverage brewery with supporting tap room and shall not be construed for approval of any use that cannot be identified as such.
3. At no point shall the square footage proposed for beverage manufacturing (brewing) and storage exceed fifty (50) percent of the overall square footage of the use.
4. 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.
5. 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.
6. If construction on the project has not begun within five (5) years of the issuance of this permit, the City Council reserves the right to reconsider its approval.
7. Prior to any approval of development plans, the developer must agree to dedicate a fifty foot (50') right-of-way, acceptable to the City and compatible with the Virginia Department of Transportation roadway standards to allow for future connection to Alphus Street extended and/or Beta Street.
8. All trash receptacles shall be screened from adjacent property owners and shall not be visible from any public right-of-way.

Attachments

RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION AND OPERATION OF A SMALL CRAFT BREWERY ON A 2.42 ACRE PARCEL ON THE SOUTH SIDE OF VICTORY BOULEVARD, EAST OF CITY HALL, TAX MAP PARCEL NO. 27-01-00-0092

WHEREAS, a request was submitted by E. Rae and Phoebe M. Harcum, property owners, and Samuel Straight, agent, for a Conditional Use Permit to construct and operate a small, independent craft brewery to include a tasting area or lounge/beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall, specifically identified as Tax Map Parcel No. 27-01-00-0092, Zoned VC (Village Commercial); and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on July 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 E. Rae and Phoebe M. Harcum, property owners, and Samuel Straight, agent, for a Conditional Use Permit to construct and operate a small, independent craft brewery to include a tasting area or lounge/beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall, identified as Tax Map Parcel No. 27-01-00-0092 is hereby recommended for approval with the following conditions:

1. The operation shall maintain all required local, state and federal permits.
2. This use permit is for the allowance of a beverage brewery with supporting tap room and shall not be construed for approval of any use that cannot be identified as such.
3. At no point shall the square footage proposed for beverage manufacturing (brewing) and storage exceed fifty (50) percent of the overall square footage of the use.
4. 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.
5. 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.
6. If construction on the project has not begun within five (5) years of the issuance of this permit, the City Council reserves the right to reconsider its approval.

7. Prior to any approval of development plans, the developer must agree to dedicate a fifty foot (50') right-of-way, acceptable to the City and compatible with the Virginia Department of Transportation roadway standards to allow for future connection to Alphus Street extended and/or Beta Street.
8. All trash receptacles shall be screened from adjacent property owners and shall not be visible from any public right-of-way.

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

ADOPTED: July 18, 2016

TESTE: _____
Clerk, Planning Commission

RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL DENIAL OF A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION AND OPERATION OF A SMALL CRAFT BREWERY ON A 2.42 ACRE PARCEL ON THE SOUTH SIDE OF VICTORY BOULEVARD, EAST OF CITY HALL, TAX MAP PARCEL NO. 27-01-00-0092

WHEREAS, a request was submitted by E. Rae and Phoebe M. Harcum, property owners, and Samuel Straight, agent, for a Conditional Use Permit to construct and operate a small, independent craft brewery to include a tasting area or lounge/beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall, specifically identified as Tax Map Parcel No. 27-01-00-0092, Zoned VC (Village Commercial); and

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

WHEREAS, careful and thorough consideration was given the request.

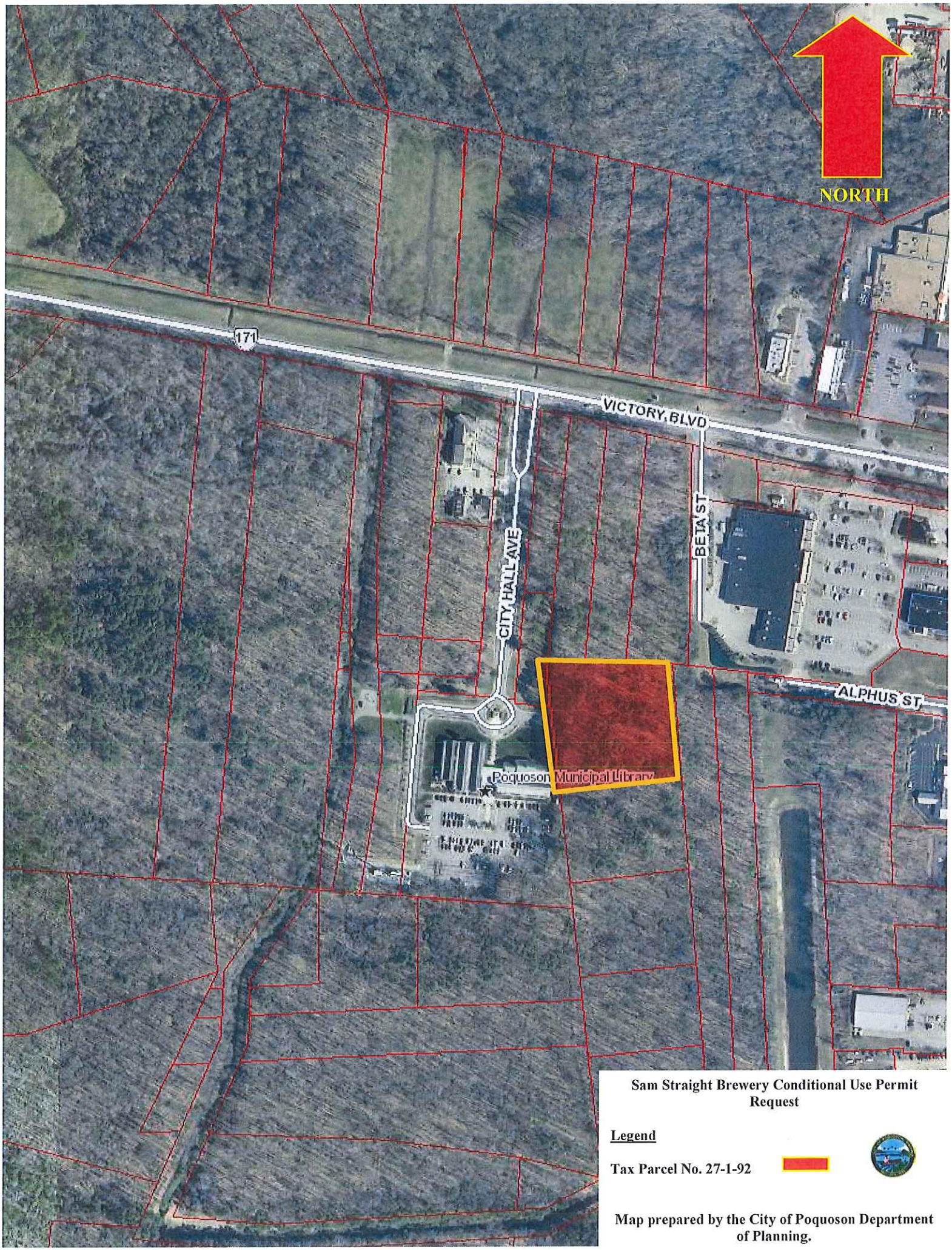
NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Poquoson, Virginia:

Section 1: That the request of E. Rae and Phoebe M. Harcum, property owners, and Samuel Straight, agent, for a Conditional Use Permit to construct and operate a small, independent craft brewery to include a tasting area or lounge/beer garden on a 2.42 acre parcel located on the south side of Victory Boulevard, east of City Hall, identified as Tax Map Parcel No. 27-01-00-92 is hereby recommended for denial.

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

ADOPTED: July 18, 2016

TESTE: _____
Clerk, Planning Commission

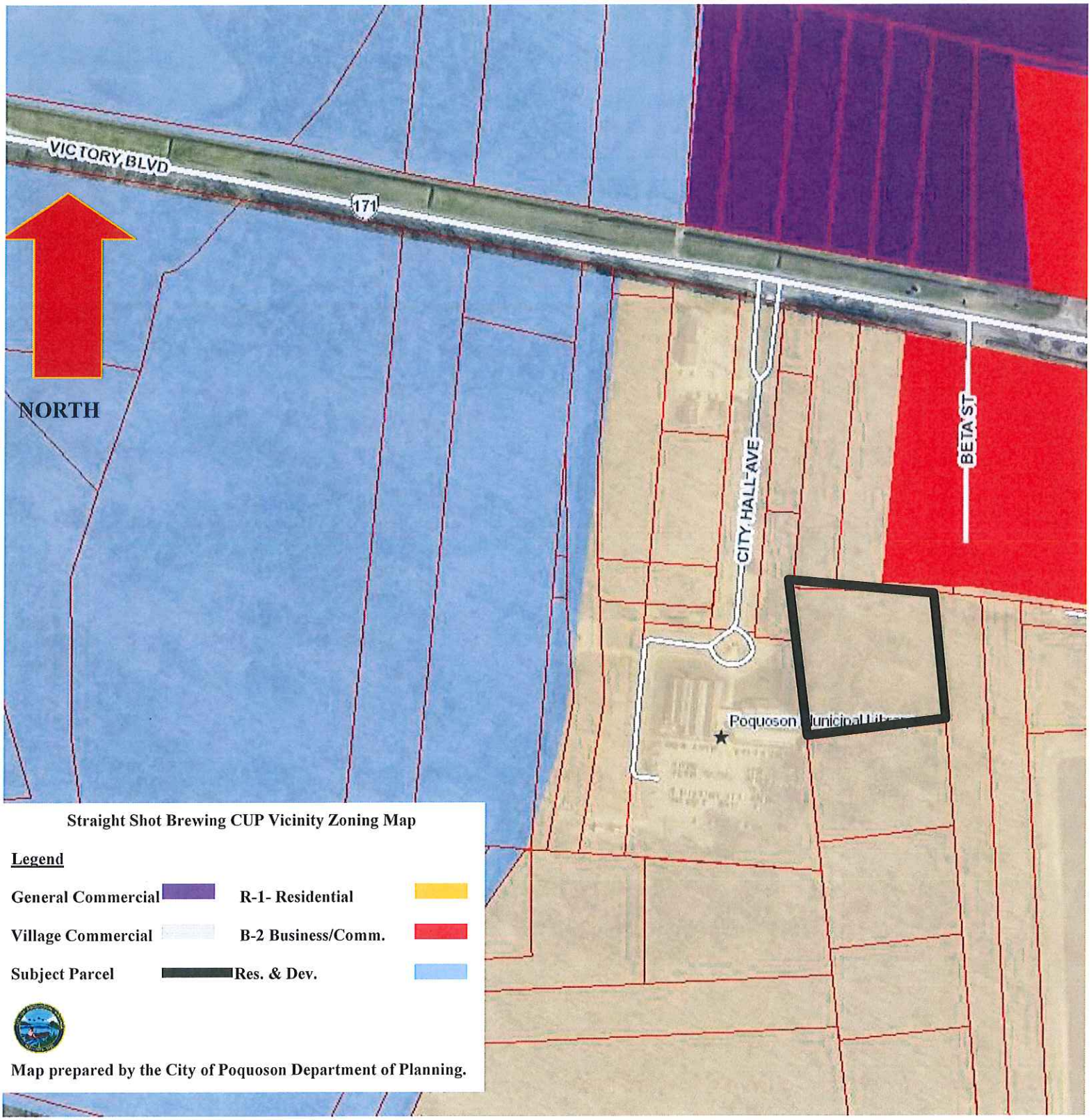


Sam Straight Brewery Conditional Use Permit Request

Legend

Tax Parcel No. 27-1-92

Map prepared by the City of Poquoson Department of Planning.

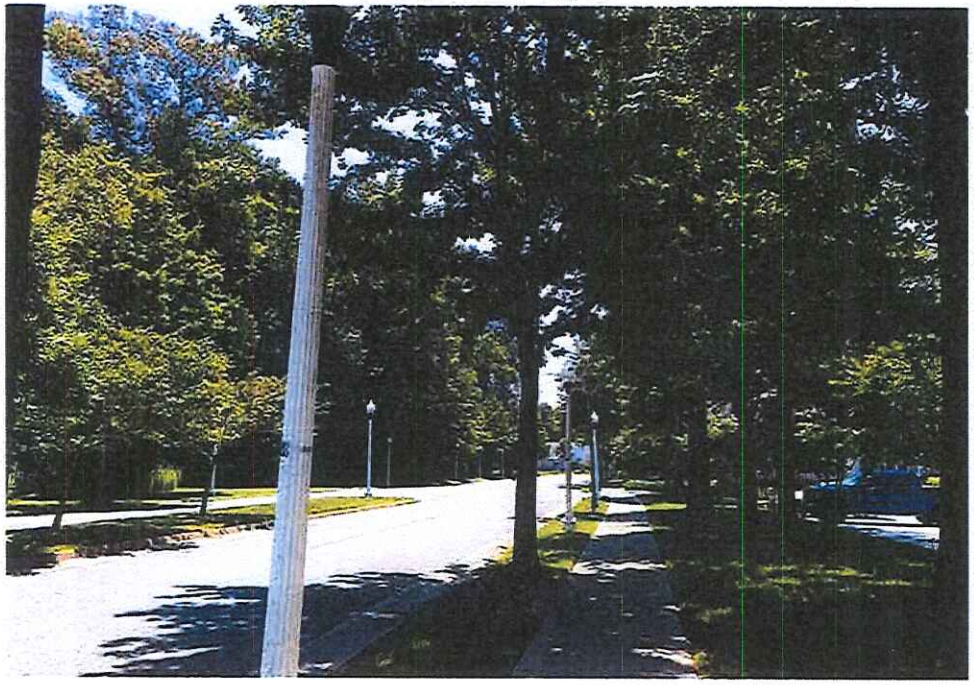


Straight Shot Brewing CUP Vicinity Zoning Map

Legend

General Commercial		**R-1- Residential**	
Village Commercial		**B-2 Business/Comm.**	
Subject Parcel		**Res. & Dev.**	

Map prepared by the City of Poquoson Department of Planning.



KEEP
RIGHT

CITY OF POQUOSON
THIS PROPERTY IS BEING CONSIDERED FOR
City Council
Planning Commission
Board of Zoning Appeals
Wetlands Board
Questions should be directed to the Planning Department 868-3040.
It shall be unlawful for any person to remove this notice without written permission of the City of Poquoson.
FOR S
COMMERCIAL
WILLIAM
MIKE GROGA
J.W. SHINHOLS

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, E. Rae and Phoebe M. Harcum,

the undersigned owner(s) of the described property:

Plat W.H. Freeman Est. Par 1 2.4248 AC

0 Wythe Creek Road

Parcel ID 27-1-92

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

To allow for the construction and operation of a small independent craft brewery in the Big Woods adjacent to City Hall Drive (zoned VC). In addition to producing beer, the brewery will serve its products in an indoor tap room and an outdoor beer garden. Intial production from the 10bbl brewhouse is estimated at 200bbl annually, with growth to 500-600bbl annually to accomodate limited regional distribution. While the brewhouse structure will be a utilitarian steel buiding, the tap room will be inviting and comfortable with seating at the bar and long tables. A function room will be available to patrons for special events and meetings. The pet-friendly beer garden will feature casual seating under hop-covered pergolas and around fire pits. Total capacity will be 200 customers. A full-service kitchen preparing foods that pair well with the house beer will be introduced at the mid-term planning phase. In the short term, food trucks will be brought in regularly and patrons will be encouraged to order locally for delivery. The construction of the building and grounds will be sustainably-oriented and current plans include solar water heating, a living roof and stormwater mitigation systems such as rain barrels and permeable paving. Please see the attached drawings of the tentative layout of the brewhouse, taproom, beer garden and grounds. Also included are several images representative of the decorative elements to be included in the overall design. The developers and owners of this brewery are Poquoson residents and, as such, are committed to the economic growth of the city and to positively incorporating their business into community development. In particular, the this project will bring (CONTINUED)
new jobs and significant tax revenue to Poquoson, and the developers are amenable the City's proposed plans to contruct a road connecting City Hall Drive and Alphus Street.

I HEREBY AUTHORIZE CITY REPR .VES TO HAVE
ACCESS TO THE PROPERTY DURI NABLE HOURS.

SIGNATURE OF PROPERTY OWNER(S):

X _____

X Phoebe M. Hudson

NAME: _____

ADDRESS: 262 Wythe Creek Rd
Poquoson, VA 23662

TELEPHONE: 757-868-9766

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

X Samuel Straight

NAME: Samuel Straight

ADDRESS: 196 Odd Road Poquoson VA 23662

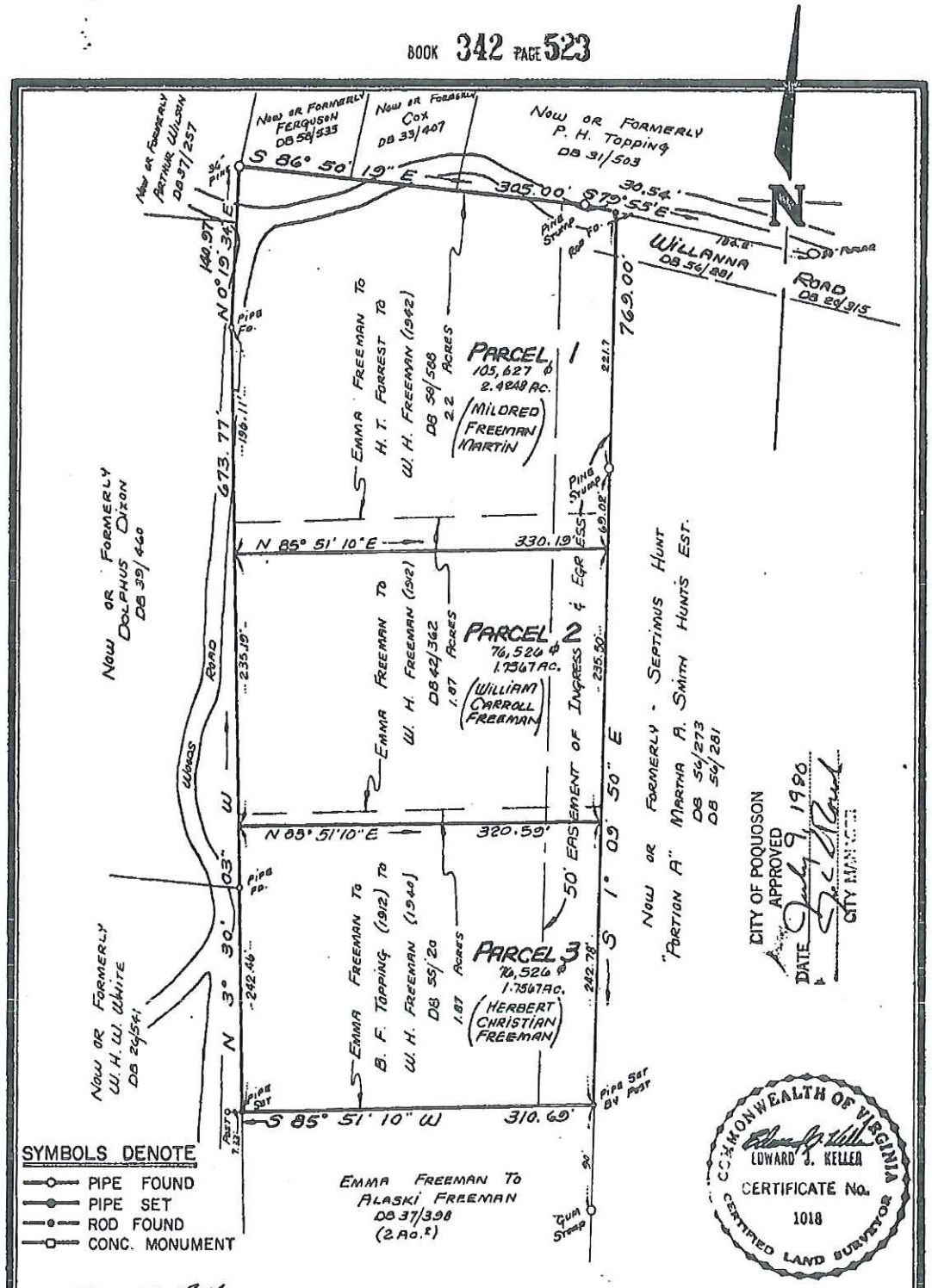
CITY OF POQUOSON
PAID
JUN 20 2016
TREASURER #2

TELEPHONE: 734-223-3109

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.



I, Edward J. Keller HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE BY ME ON THIS DATE AND IS CORRECT. THERE ARE NO ENCROACHMENTS UNLESS SHOWN HEREON.

E. J. KELLER, INC.
LAND SURVEYOR
NEWPORT NEWS, VIRGINIA

JOB LOCATION #

PLAT OF THE PROPERTY OF:
W. H. FREEMAN ESTATE

3 PARCELS OF LAND
CONTAINING
5.938 ACRES
CITY OF POQUOSON, VA.

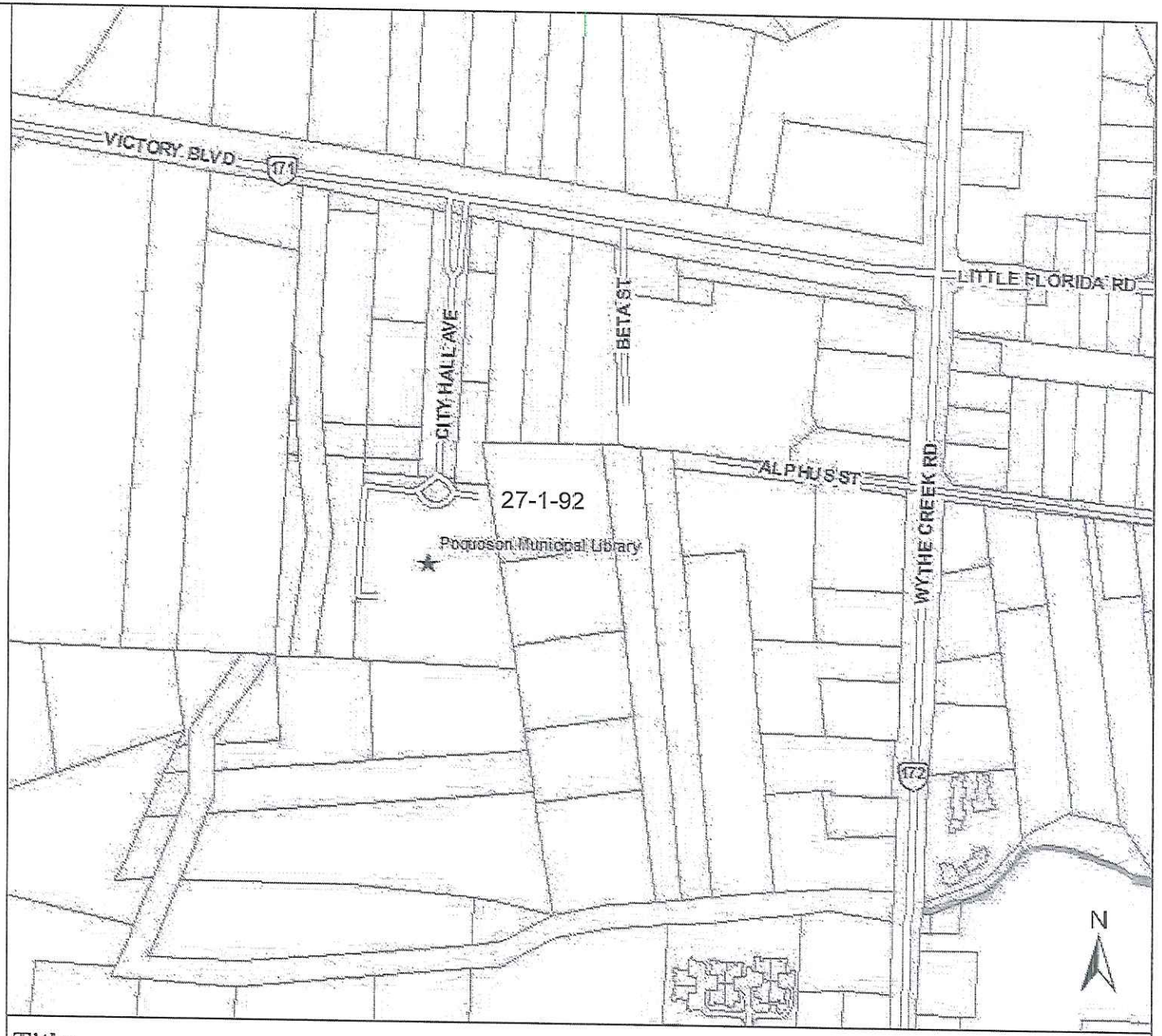
CODE: 76-330	DWN. BY- DW	SCALE: 1" = 100'	TO: Martin	DATE: 19 MAR 79

REVISED: 20 JUNE 80

City of Poquoson, Virginia

Legend

- City Boundary
- Road Labels
- Parcel Boundaries
- Places



Title:

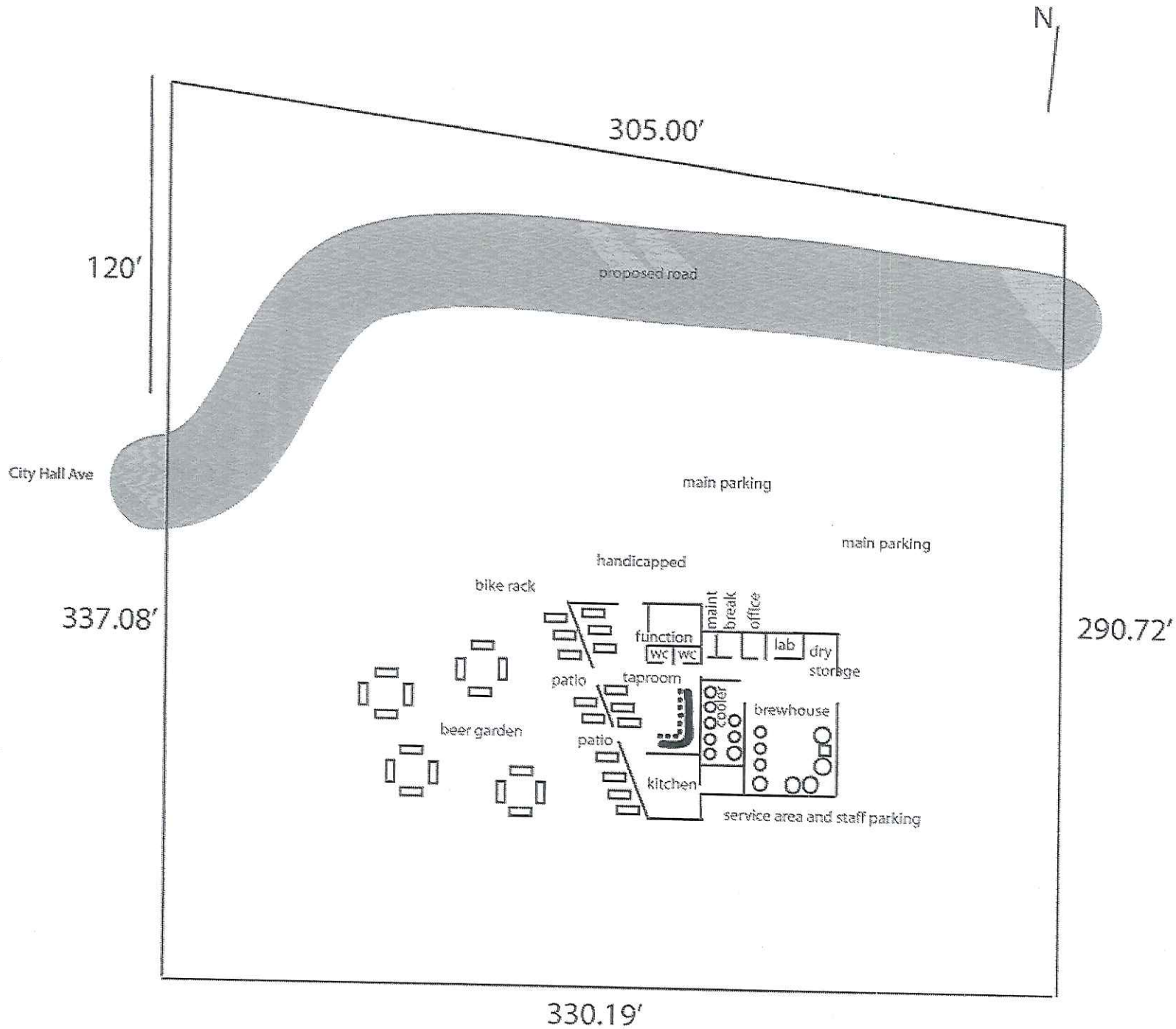
Date: 3/29/2016

Feet

0 100 200 300 400

1:4,800 / 1"=400 Feet

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and the City of Poquoson is not responsible for its accuracy or how current it may be.


N
305.00'
120'
proposed road
City Hall Ave
main parking
main parking
handicapped
bike rack
337.08'
290.72'
maint
break
office
function
wc
wc
lab
dry
storage
patio
taproom
cooler
brewhouse
beer garden
patio
kitchen
service area and staff parking
330.19'

20'

Brewhouse equipment

Tap room.

Patio - aerial view

Beer garden

CITY OF POQUOSON

PLANNING DEPARTMENT

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

MEMORANDUM

Date: July 18, 2016

To: Chairwoman and Members of the Planning Commission

From: Deborah L. Vest, Coordinator of Community Development

Subject: **Election of Officers**

In accordance with the Planning Commission's Rules of Procedure, the Commission is scheduled to hold annual elections in the month of July to elect/re-elect its officers. As you know, each office has a term of one year and is currently filled as follows: Bonnie W. Shriver is Chairwoman; William J. Travis is Vice Chairman; Vicki Diggs is Clerk; and Evie Insley is Deputy Clerk.

We respectfully request your consideration of this matter this evening.

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: July 18, 2016

To: Chairwoman and Members of the Planning Commission

From: Deborah L. Vest, Director of Community Development

Subject: **Status of the Items from the June 20, 2016 Meeting**

The current status of the items considered by the Planning Commission at its June 20, 2016 meeting is:

1. City Council, at its June 27, 2016 meeting, approved 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).

2. On June 27, 2016, City Council held a work session on the 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). Council will hold a public hearing to formally consider this request at its July 25, 2016 meeting.

DLV:vhd