CITY OF POQUOSON

PLANNING DEPARTMENT

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

August 22, 2016

To: The Honorable City Council

Through: City Manager

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**

Presented for your consideration and a public hearing is 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.

This item was discussed at your Monday, July 25, 2016 meeting during a work session.

Previously, the Planning Commission held a public hearing on this item at their Monday, July 18, 2016 meeting and recommended its approval unanimously, by a vote of 4-0.

This application was advertised for public hearing by legal notice appearing in the Daily Press on August 5 and 12 2016. Adjacent property owners were notified by letters mailed on August 1, 2016.

KMW

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW 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, public hearings to receive public comments and review the request were held before the Planning Commission on July 18, 2016 and before City Council on August 22, 2016; and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the request of 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 approved 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: _____

TESTE: _____
City Clerk

RESOLUTION NO. _____

A RESOLUTION DENYING A CONDITIONAL USE PERMIT TO ALLOW 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, public hearings to receive public comments and review the request were held before the Planning Commission on July 18, 2016 and before City Council on August 22, 2016; and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the request of 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 denied.

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

ADOPTED: _____

TESTE: _____
City Clerk

City of Poquoson, Virginia

Legend

- City Boundary
- Poquoson Streets (12,000)
- Poquoson Streets Back (12,000)
- Yorktown Road; PR 172; PR 171; Ridge Rd; Poquoson Ave
- Other
- Road Labels
- Parcel Boundaries
- Places

Place sign here facing traffic circle

Feet

0 50 100 150 200

1:2,257 / 1"=188 Feet

Title: Parcel Boundaries

Date: 6/21/2016

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 Poquoson is not responsible for its accuracy or how current it may be.

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