

**MINUTES OF THE CITY COUNCIL MEETING**  
**AUGUST 22, 2016, 6:00 P.M.**  
**WORK SESSION**  
**Council Chambers**

**PRESENT:** The Honorable W. Eugene Hunt, Jr., Mayor  
The Honorable Carey L. Freeman, Vice Mayor  
The Honorable Traci-Dale Crawford  
The Honorable Charles "Bud" M. Southall III  
The Honorable Herbert R. Green, Jr.  
The Honorable Raymond E. Vernall  
The Honorable Henry W. Ayer III

J. Randall Wheeler, City Manager  
Judy F. Wiggins, Assistant City Manager/City Clerk  
D. Wayne Moore, City Attorney

The meeting was called to order by Mayor Hunt at approximately 6:00 p.m. in Council Chambers.

**Moses/Graham Land Use Amendment/Rezoning/Conditional Use Permit Requests:**

The City Manager, J. Randall Wheeler, stated that the Planner, Kevin Wyne, would provide a brief, combined presentation on the three land use applications requested by Robert Moses, developer of the three subject parcels and owner of Tax Map No. 27-1-87, and John B. Graham, property owner of Tax Map Nos. 27-9-2 and 27-18-2.

Mr. Wyne offered the following information on the requests:

- That an amendment to the Comprehensive Plan Future Land Use Map is being requested for Tax Map Parcel Nos. 27-9-2 and 27-18-2 located on the west side of Wythe Creek Road immediately to the south of George's restaurant, from B-2 to VC;
- That likewise a rezoning of Tax Map Parcel Nos. 27-9-2 and 27-18-2 from B-2 to VC is being requested;
- That a Conditional Use Permit is requested for Tax Map Parcel No. 27-1-87 (Phases III & IV), located immediately south of the Poquoson Commons Shopping Center and west of the EDA regional stormwater pond and for Tax Map Parcel Nos. 27-9-2 and 27-18-2 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;
- That Phase III of the development (Graham parcels) will include two mixed use buildings and one commercial building;
- That Phase IV of the development (Moses parcel) will consist of 26 townhome units;
- That all interior property lines of the development will be vacated;

- That the Planning Commission at its August 15, 2016 meeting, by a vote of 5-1, recommended approval of all three requests;
- That approval of the rezoning request included seven conditions; and
- That in addition to the nine conditions suggested by City staff relative to the CUP approval, the Planning Commission added a tenth condition:

*Prior to the issuance of any building permit related to Phase IV (townhome site as depicted on the submitted plan), the developer must provide documentation to the City verifying that two-thirds of commercial and residential components of the entire development (to include Phases I, II and II) are occupied.*

In response to Council queries, the City Attorney, D. Wayne Moore stated that if the applicant fails to comply with the conditions attached to the Conditional Use Permit, the permit will be revoked.

In response to a City Attorney query, Mr. Wyne stated that if approved staff will have to consider ways by which actual occupancy in the development can be confirmed.

The City Manager stated that if Council feels the language in the Planning Commission's tenth condition is insufficient or vague; staff can modify it such that it is clarified without altering its intent.

Mayor Hunt stressed the importance of ensuring a good balance between residential and commercial uses on the subject parcels and of connecting Alphas and Beta streets in the future.

Councilman Ayer voiced a safety concern relative to the EDA pond and the proposed adjacent Fountains of Poquoson residential development. In response, the City Manager stated that, if Council so chooses, staff can bring this issue to the EDA's attention and report any recommendation/action they agree upon to Council at its next meeting.

During Council's discussion it was pointed out that a fence was unlikely to be the foremost safety measure, but rather the use of vegetation, signs, etc. may be the best solution to this issue.

Mr. Robert Moses, Fountains of Poquoson developer, stated that buildings one through five are self-regulating relative to occupancy. He informed Council that he already has two letters of intent to occupy building six (all commercial), but needs permission to simultaneously start construction on some of the townhomes in order to make the development financially feasible.

In response to Council queries regarding leaving the 2<sup>nd</sup> floor of building 6 unfinished until leased, Mr. Moses stated that the completion of this floor would likely occur in the evening so as not to negatively impact the first floor business occupants and patrons.

**Comprehensive Plan Update:**

Mr. Bill Travis, Planning Commission Vice Chair and Comprehensive Plan Steering Committee Chair, provided a brief overview on the progress of updating the City's Comprehensive Plan. He introduced Robert Liles, Chair of the Community Participation Team (CPT), whose primary responsibility is to garner public input/comment on the Plan. In addition, Mr. Travis pointed out that the CPT has developed two subcommittees, i.e. the Community Engagement Team that will seek to generate public interest in the update and the Data Collection Team that will structure public queries and collect the data. He thanked City staff for their ongoing assistance with this task. He informed Council that there is currently a link on the City's homepage to information on the Comprehensive Plan; that the CPT will have a table at the upcoming Seafood Festival; and that they will solicit public input using a variety of methods. In conclusion, he informed Council that the first public input session on the Plan will be held on October 18, 2016 at the High School cafeteria.

**Report on Council Retreat:**

The City Manager reminded Council that a work session, at the Mayor's request, was held on April 12, 2016 to discuss issues pertaining to the development of the EDA-owned 6 parcel assemblage across from City Hall Avenue. The participants included Council members, the Planning Commission and EDA Chair and Vice Chair, and senior staff members. He stated that following the group's discussion of potential desirable development concepts and possible undesirable impacts, a list of guiding principles/expectations materialized. In addition, the following five development concepts received a majority or strong consensus from the group:

- Regional Sporting Goods Store
- Nautical Themed Retail
- Public-Private Recreation and/or Cultural Center Project
- Hi-Tech Manufacturing or Medical Facility
- Professional Office-Mixed Use

Mr. Wheeler stated that as part of the Mayor's original request for the work session he also asked staff to consider and offer possible next steps. As such he suggested that Council establish a working committee consisting of one Council Member, one Planning Commissioner, the members of the Economic Development Authority with participation from the Hampton Roads Economic Development Alliance and senior City staff. He explained that this committee would be asked to present its preliminary analysis to Council within 90 days to include its recommendations regarding which of the five development concepts are most desirable/feasible. The committee would subsequently be tasked with developing a detailed feasibility analysis and associated recommendations to present to Council within 120 days. After which, he stated Council would consider and select the preferred development concept(s) and the EDA would be asked to solely and actively market the property for the specific concept(s).

In addition, subsequent to Council's selection of the preferred development concept(s), the Planning Commission and City staff would review the Comprehensive Plan and related zoning requirements to identify and revise any section which may act as a barrier to the chosen concept(s) and to incorporate the Guiding Principles for Development into

the Comprehensive Plan and zoning requirements related to future development along the Victory Boulevard corridor.

Since Council voiced no objection to the aforementioned next steps, Mayor Hunt asked that a resolution formally approving them be brought forward for a vote at the next meeting.

**ADJOURNMENT:**

There being no further business, the work session was adjourned at approximately 6:59 p.m.