

1. Planning Commission Agenda January 19, 2023

Documents:

[PACKET.PDF](#)

**POQUOSON PLANNING COMMISSION
REGULAR SESSION MEETING
THURSDAY, JANUARY 19, 2023, 7:00 P.M.**

A. CALL TO ORDER

B. INVOCATION & PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE MINUTES

- 1. Work Session- December 5, 2022**
- 2. Regular Session- December 5, 2022**

D. AUDIENCE FOR VISITORS

E. PUBLIC HEARINGS

- 1. A request for a Conditional Use Permit by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence.**
- 2. Proposed Constrained Capital Improvements Plan (CCIP) for FY 2024 and Beyond FY 2028.**

F. NEW BUSINESS

- 1. Discussion on the Architectural Control District.**

G. COMMUNICATIONS AND CORRESPONDENCE

H. ADJOURNMENT

The Poquoson Planning Commission met in a work session on Monday, December 5, 2022 in the Council Chambers located at 500 City Hall Avenue.

PRESENT: Commissioner Anjie Emmett, Chairwoman
Commissioner Bonnie Shriver, Vice Chairwoman
Commissioner Christine Salak, Member
Commissioner Olivia Griebel, Member

Charles Horton, Director of Community Development
Thomas Cannella, Principal Planner
Laura Nusz, Environmental Compliance Officer/ Clerk
Andy Mullins, City Attorney's Office

ABSENT: Commissioner Thomas Stephens, Member

Chairwoman Emmett called the work session to order at 6:00p.m., and confirmed with Staff that the work session discussion would be two conditional use permits and the constrained capital improvement plan (CCIP) for FY 2024 and beyond 2028.

Thomas Cannella introduced the discussion by requesting that the CUP application for 789 Poquoson Ave as well as the CCIP would need to be deferred until the next regular session in January. The 789 Poquoson Ave CUP does not have a complete application and a request has been made for the additional information. The CCIP has been prepared but is currently under review for comments in the City Managers Office.

Mr. Cannella reiterated the background information and objectives surrounding the CCIP and discussed how the process of creating and compiling the CCIP document occurs. Once the document is received from the city managers Officers, the Planning Commission will be provided a copy for reviews and further discussion.

The applicant of the CUP request for 789 Poquoson Ave is hoping to store landscaping equipment on the property. Additional plan requests have been made to show certain required elements. There are certain challenges concerning this property based around its size and intended use so the current owner has been encouraged to talk with the adjacent property owners and provide letters to the Planning Commission indicating their approval of the proposed usage.

The CUP being considered at tonight's meeting by Matt Boothe for a tourist home at 430 Wythe Creek Rd. The home located within the B-2 zoning district and will function as lodging for 1-30 consecutive nights. The City has recommended seven conditions for the Planning Commission include in their recommendation to city council including short term rental taxes, also known as Transient Occupancy Tax. Currently, the city does not have such ordinances to deal with such situations but staff plans on making the necessary updates after the first of the year. The commission voiced a concern about allowing such a conditional permit prior to the implementation of the new ordinances but both the city attorney and city staff advised that the conditional use permit has been set up to reflect what the new ordinances will state.

ADJOURNMENT

There being no further discussion, the work session was adjourned at approximately 6:57 p.m.

ADOPTED: _____

ATTESTE: _____

Laura J.C. Nusz, Clerk

The Poquoson Planning Commission met in a work session on Monday, December 5, 2022 in the Council Chambers located at 500 City Hall Avenue.

PRESENT: Commissioner Anjie Emmett, Chairwoman
Commissioner Bonnie Shriver, Vice Chairwoman
Commissioner Christine Salak, Member
Commissioner Olivia Griebel, Member

Charles Horton, Director of Community Development
Thomas Cannella, Principal Planner
Laura Nusz, Environmental Compliance Officer/ Clerk
Andy Mullins, City Attorney's Office

ABSENT: Commissioner Thomas Stephens, Member

REGULAR SESSION

The regular session of the Planning Commission was called to order by Chairwoman Emmett at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairwoman Emmett led the audience in prayer followed by the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Commissioner Shriver made a motion, seconded by Commissioner Griebel, that the minutes of the November 7, 2022 regular session be approved as amended with two formatting updates to reflect the correct date.

Recorded vote on the motion:

YES: Chairwoman Emmett, Commissioners Shriver, Griebel, and Salak

NO: None

ABSTAIN: None

AUDIENCE FOR VISITORS

Chairwoman Emmett opened the audience for visitors. Seeing no visitors, Chairman Emmette closed the audience for visitors.

PUBLIC HEARINGS

1. A request for a Conditional Use Permit by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Ave, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence.

Mr. Cannella presented the basic facts of the application to the Board. Mr. Cannella informed the Board that he has requested additional information from the applicant so he has requested the Planning Commission defer Mr. Howard's application until the January public hearing.

Chairman Emmett made a motion, seconded by commissioner Griebel to defer the application until the January meeting being held on January 25, 2023.

Recorded vote on the motion:

YES: Chairwoman Emmett, Commissioners Shriver, Salak, and Griebel

NO: None

ABSTAIN: None

The application will be deferred until January 23, 2023.

2. Proposed Constrained Capital Improvements Plan (CCIP) for FY 2024 and Beyond FY 2028

Mr. Cannella presented the basic facts of the Constrained Capital Improvements Plan to the Board. Mr. Cannella informed the Board that although the CCIP has been completed, the document is currently under review by leadership so he has requested the Planning Commission defer the review of the CCIP until the January public hearing.

Chairman Emmett made a motion, seconded by commissioner Shriver to defer the Constrained Capital Improvement Plan until the January meeting being held on January 25, 2023.

Recorded vote on the motion:

YES: Chairwoman Emmett, Commissioners Shriver, Salak, and Griebel

NO: None

ABSTAIN: None

The Constrained Capital Improvement Plan will be deferred until January 23, 2023.

3. A request for a Conditional Use Permit by Matt Booth and Lynn Howard, Overflow LLC, for the operation of a tourist home to be located at 430 Wythe Creek Rd, Tax Map Parcel 27-1-114, zoned B-2 Business/Commercial.

Mr. Cannella presented the facts of the application. This included background history of the property and recommended conditions proposed by City staff. Commissioner Griebel asked about the parking surface and Mr. Cannella stated that several types of parking surface materials can be used including pavers and/or gravel. The Commission asked about additional liability when granting such exception. Mr. Cannella stated that no additional liability from the City or Commissions standpoint would be opened by granting the exception for tourist home.

Lynn Howard, 430 Wythe Creek Rd, also spoke during the public hearing. Chairwoman Emmett asked if there would be anyone within the immediate area to service the house in case of an emergency. Mr. Howard stated that the standard is that staff is available within 15minutes of the facility. The commission asked about adjacent property owners and Mr. Cannella stated the City did not receive any response back.

Commissioner Shriver made a motion, seconded by commissioner Emmett recommended to approval by City Council the proposed conditional use permit with the conditions as presented by City staff.

Recorded vote on the motion:

YES: Chairwoman Emmett, Commissioners Shriver, Salak, and Griebel

NO: None

ABSTAIN: None

The application will be presented to City Council.

COMMUNICATIONS AND CORRESPONDENCE

Mr. Cannella stated that the Board will be holding a regular meeting on January 9, 2022 to hear the two deferred items from today's agenda. A work meeting was requested by the commission and will begin at 6:30pm with a regular meeting at 7pm.

ADJOURNMENT

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

Anjie L. Emmett, Chairwoman

Laura J.C. Nusz, Clerk



CITY OF POQUOSON

COMMUNITY DEVELOPMENT

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

DATE: January 19, 2022
TO: The Honorable Members of the Poquoson Planning Commission
FROM: Thomas J. Cannella II, Principal Planner
SUBJECT: CUP Request for a Proposed Storage Yard

Introduction

Presented for your consideration this evening is a request for a Conditional Use Permit by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence.

Public Notice

This application was advertised for public hearing in November and the public hearing was continued at the December 5th meeting of the Planning Commission. Adjacent letters were sent accordingly.

Applicant's Proposal

The applicant is the owner of a contracting business and has purchased the property in hopes of operating a storage yard on-site to store his vehicles which includes trucks, commercial trailers, and equipment of the like.

Site Character

The proposed site is 789 Poquoson Avenue, the former home to the Tom Hunt Store which was relocated to the Poquoson Museum. There is currently a garage in the rear of the property which has existed for some time. The lot is zoned R-1 Single Family Residence but to staff's knowledge has not had a home on the property in decades if ever. The lot is adjacent to Riggins Motor Company and three residential properties and has direct access to Poquoson Avenue.

Zoning Considerations

As mentioned above, the lot is zoned R-1 Single Family Residence. Historically, the lot was used for commercial purposes but has been unused for many years. Storage Yards are not permitted by right in the R-1 District.

Surrounding Characteristics

The lots directly adjacent are zoned R-1 to include Riggins. The properties however directly across the street are zoned B-1 Office/Professional one of which a home at 790 Poquoson Avenue and the other serves as a car lot for Riggins

Traffic and Access

The property has direct access to Poquoson Avenue and it is not anticipated to create a traffic issue.

Relationship to the Comprehensive Plan/Staff Findings

The future land use designation as found in the Comprehensive Plan is for low density residential. Given the size and general dimensions of the lot, residential development may be challenging. Additionally, its proximity to lots which are currently zoned for B-1 Office/Professional or currently used as commercial lots should be considered as the future land use designation is limited business.

Staff Recommendation and Recommended Conditions

Given the confines of the lot, staff recommended to Mr. Howard that if the requirements of storage yards as found in City Code could not be met, he ask his neighbors for their consent for both the use and encroachment into what would be required buffers. Attached you will find the letter. If approved, staff recommends the following conditions:

1. The storage yard shall meet the following conditions:
 - a. All site design standards shall be met;
 - b. The storage yard is to be screened from public view on all sides by solid wood, vinyl, masonry fencing or other material deemed appropriate by the zoning administrator with a minimum height of six feet but not to exceed eight feet. Evergreens or shrubbery suitable for the purpose of screening and pursuant to article X, section 10-8 of this ordinance may also be used to meet this requirement. All required screening shall be continuously maintained in good condition to assure that its intended purpose is accomplished. This requirement may be waived by the zoning administrator based upon unique site conditions;
 - c. A landscaped buffer shall be provided in the front setback of the property as shown in the proposed site plan in accordance with article X, section 10-8 of this ordinance;
 - d. For uses abutting residential districts no outdoor activity may be conducted between the hours 9:00 p.m. and 6:00 a.m.;
 - e. Parking areas, if required, shall be surfaced in accordance with the city's site plan ordinance;
 - f. Storage yard areas shall be surfaced with a dust free material;
 - g. Material kept within the storage yard must be screened from public view in its entirety. Equipment and vehicles kept within the storage yard must be screened at 55 percent to be determined by height at the highest point;

- h. Vehicles and equipment kept within the storage yards must be kept in good repair and working condition. Abandoned and/or unlicensed vehicles or equipment will not be permitted;
 - i. Materials used for fencing shall be of a natural wood or neutral earth tone color, as provided for in the architectural review board's adopted color palette;
 - j. Storage yards shall in no instance be located in a required front yard area and shall meet all front yard setback requirements;
2. If fencing/screening does not exist around the perimeter of the property it shall be installed by the applicant. Fencing that currently exists between adjoining property owners may be utilized, but at such time it is damaged or removed shall be replaced by the applicant as indicated in the letter signed by adjacent property owners dated 11-18-2022.
 3. Upon the issuance of a Conditional Use Permit and prior to the operation of the storage yard, the applicant shall present a landscaping plan for the front buffer to Community Development staff to be approved by the Zoning Administrator. The landscaped buffer shall be maintained in good condition.
 4. The use must comply with all local, state and federal permits, licenses and regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
 5. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
 6. City Council reserves the right to review and amend the conditions of this permit as they see fit.

A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF A STORAGE YARD TO BE LOCATED AT 789 POQUOSON AVENUE, TAX MAP PARCEL 19-1-135, ZONED R-1 SINGLE FAMILY RESIDENCE.

WHEREAS, a request for a Conditional Use Permit by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence; and

WHEREAS, a public hearing to receive public comments and review amendments to the request was held before the Planning Commission on January 19, 2023; 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 submitted by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence is hereby recommended for approval with the following conditions:

1. The storage yard shall meet the following conditions:
 - a. All site design standards shall be met;
 - b. The storage yard is to be screened from public view on all sides by solid wood, vinyl, masonry fencing or other material deemed appropriate by the zoning administrator with a minimum height of six feet but not to exceed eight feet. Evergreens or shrubbery suitable for the purpose of screening and pursuant to article X, section 10-8 of this ordinance may also be used to meet this requirement. All required screening shall be continuously maintained in good condition to assure that its intended purpose is accomplished. This requirement may be waived by the zoning administrator based upon unique site conditions;
 - c. A landscaped buffer shall be provided in the front setback of the property as shown in the proposed site plan in accordance with article X, section 10-8 of this ordinance;
 - d. For uses abutting residential districts no outdoor activity may be conducted between the hours 9:00 p.m. and 6:00 a.m.;
 - e. Parking areas, if required, shall be surfaced in accordance with the city's site plan ordinance;
 - f. Storage yard areas shall be surfaced with a dust free material;
 - g. Material kept within the storage yard must be screened from public view in its entirety. Equipment and vehicles kept within the storage yard must be screened at 55 percent to be determined by height at the highest point;
 - h. Vehicles and equipment kept within the storage yards must be kept in good repair and working condition. Abandoned and/or unlicensed vehicles or equipment will not be permitted;

- i. Materials used for fencing shall be of a natural wood or neutral earth tone color, as provided for in the architectural review board's adopted color palette;
 - j. Storage yards shall in no instance be located in a required front yard area and shall meet all front yard setback requirements;
2. If fencing/screening does not exist around the perimeter of the property it shall be installed by the applicant. Fencing that currently exists between adjoining property owners may be utilized, but at such time it is damaged or removed shall be replaced by the applicant as indicated in the letter signed by adjacent property owners dated 11-18-2022.
 3. Upon the issuance of a Conditional Use Permit and prior to the operation of the storage yard, the applicant shall present a landscaping plan for the front buffer to Community Development staff to be approved by the Zoning Administrator. The landscaped buffer shall be maintained in good condition.
 4. The use must comply with all local, state and federal permits, licenses and regulations. If at any time this use is operating in violation of any of the regulations set forth by the aforementioned agencies, the City Council may revoke this permit.
 5. If at any time the specified permitted use on the property is discontinued for a period of two (2) or more years, this permit shall become null and void.
 6. City Council reserves the right to review and amend the conditions of this permit as they see fit.

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

ADOPTED: _____

TESTE: _____

Clerk, Planning Commission

**A RESOLUTION RECOMMENDING DENIAL OF A CONDITIONAL USE PERMIT
FOR THE OPERATION OF A STORAGE YARD TO BE LOCATED AT 789
POQUOSON AVENUE, TAX MAP PARCEL 19-1-135, ZONED R-1 SINGLE FAMILY
RESIDENCE.**

WHEREAS, a request for a Conditional Use Permit by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence; and

WHEREAS, a public hearing to receive public comments and review amendments to the request was held before the Planning Commission on January 19, 2023; 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 submitted by Caleb Howard for the operation of a storage yard to be located at 789 Poquoson Avenue, Tax Map Parcel 19-1-135, zoned R-1 Single Family Residence 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

COMMUNITY DEVELOPMENT

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

DATE: January 19, 2022
TO: The Honorable Members of the Poquoson Planning Commission
FROM: Thomas J. Cannella II, Principal Planner
SUBJECT: Amending the Architectural Control District Language in the City Code

Background

As you all know, the City has an Architectural Review Board which regulates the exterior appearance of commercial buildings and structures. The City Code reads the following:

Section 11.3-1. - Purposes of article.

The city council finds that bizarre, garish or otherwise inappropriate exterior design and appearance of buildings, structures and improvements erected in business, commercial, research and development and industrial areas adversely affects the desirability of immediately adjacent and neighboring properties; impairs the benefits of occupancy as to existing properties in such areas; jeopardizes the economic stability and taxable value of businesses, land and buildings in such areas, and in the City of Poquoson as a whole; prevents the optimum use of real estate in the city; induces physical degeneration of property with attendant deterioration of conditions bearing directly on the public health, safety, morals and general welfare of the citizens; deprives the city of tax revenue and destroys the proper balance between the taxable value of real property and the cost of municipal services.

Therefore, in order to encourage the construction of attractive buildings, to protect and promote the general welfare and to prevent deterioration of the appearance of the city which would tend to create hazards to public health, safety and morals, destroy opportunity for the development of business and industry, and thereby deteriorate taxable land values and commerce below levels necessary to finance acceptable levels of municipal services, it is the purpose of this article to provide for the designation of architectural control districts within land areas zoned for business, commercial, research and development and industrial areas to establish a board of architectural review to regulate the exterior appearance of buildings, structures and improvements proposed for erection or alteration in such districts and to set standards and procedures to be followed by such board and, on appeal from its decision, by the city council.

Section 11.3-2. - Designation of architectural control districts.

All land areas located within the Village Commercial Zoning District, the General Commercial Zoning District, the Research and Development/Office Zoning District and nonresidential structures located within 300 feet of the western and eastern right-of-way lines of Wythe Creek Road extending from Hampton's Corporate Limits northward to Yorktown Road are hereby designated as an architectural control district.

By practice, staff considers all commercial properties as part of the Architectural Control District as is the purpose underlined in Section 11.3-1. However, we are seeking input from the Planning Commission on how to expand upon and/or clarify Section 11.3-2 of the City Code so that it is explicitly clear on which specific zoning districts as well as areas of the City are to be subject to architectural review.