

1. Planning Commission Meeting Documents

Documents: [CPC AGENDA 3.2.16.PDF](#), [CPC MINUTES 2.3.16.PDF](#), [CPC MINUTES 2.17.16 WORK SESSION.PDF](#), [CU-16-361.PDF](#), [CU-16-363.PDF](#)



NEWPORT NEWS CITY PLANNING COMMISSION

2400 WASHINGTON AVENUE
NEWPORT NEWS, VIRGINIA 23607

MICHAEL F. CARPENTER
Chairman

(757) 926-8761

SHEILA W. McALLISTER
Executive Secretary

MARK W. MULVANEY
Vice-Chairman

- A G E N D A -

NEWPORT NEWS CITY PLANNING COMMISSION

March 2, 2016

4:00 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. INVOCATION
- C. MINUTES OF FEBRUARY 3, 2016
- D. MINUTES OF FEBRUARY 17, 2016 WORK SESSION
- E. PUBLIC HEARING

CONDITIONAL USE PERMITS

CU-16-361, DED LLC Requests a conditional use permit to allow for a small motor vehicle repair and service facility and a truck rental facility on a 1.64 acre parcel located at 11606 Jefferson Avenue and zoned C2 General Commercial. The Parcel No. is 213.00-06-09. (Contact Planner: Saul Gleiser at 926-8076)(*To be heard by City Council on March 22, 2016*)

CU-16-363, Adath Jeshurun Synagogue Requests a conditional use permit to allow for the construction of an automobile gasoline supply station in conjunction with a convenience store (7-Eleven) on a 1.61 acre parcel located at 12646 Nettles Drive and zoned C1 Retail Commercial. The Parcel No. is 193.00-04-09. (Contact Planner: David Watson at 926-3833)(*To be heard by City Council on March 22, 2016*)

- F. LEE HALL CORRIDOR OVERLAY DISTRICT REVIEW COMMITTEE APPOINTMENT
- G. EXECUTIVE SECRETARY REPORT
- H. COMMITTEE REPORTS
- I. UNFINISHED BUSINESS
- J. NEW BUSINESS
- K. ADJOURN MEETING

Sheila W. McAllister, AICP
Executive Secretary

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, February 3, 2016
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

PRESENT: Michael F. Carpenter, Chairman; Mark Mulvaney, Vice-Chairman; Sharyn L. Fox; Robert B. Jones; Elizabeth W. Willis; N. Steve Groce; (Staff: Sheila W. McAllister, Director of Planning; Claudia Cotton, Manager of Current Planning; Saul Gleiser, Senior Planner; Flora Chioros, Planning Coordinator; David Watson, Planner; Johnnie Davis, Planner; Lynn Spratley, Deputy City Attorney; Sherry Graham, Inspector III)

ABSENT: Lorraine P. Austin

CALL TO ORDER

Mr. Mulvaney read the Planning Commission's purpose as stated in Section 15.2-2210 of the Code of Virginia. He made a motion to adopt the agenda before the Planning Commission. Ms. Willis seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

INVOCATION

Mr. Simmons presented the invocation.

MINUTES

The minutes of the January 20, 2016 public hearing were approved as presented.

PUBLIC HEARING

SPECIAL EXCEPTION

S. E. 2882, Howard L. Jones. Requests a special exception to allow a residential kennel for keeping six (6) domesticated animals (3 dogs & 3 cats) on a 0.20 acre parcel located at 707 Godfrey Road and zoned R3 Single-Family Dwelling. The Parcel No. is 127.00-01-04.

David Watson, Planner, presented the staff report (copy attached to record minutes).

Mr. Jones asked if, when the applicant applied for the license for her animals, she was told she needed to apply for a special exception to comply with Section 45-3204(9). Mr. Watson stated yes. He stated he has received calls from other people with five or more animals who are being given the same information when they license their pets. Mr.

Watson stated the only time this has been brought to our attention in the past has either been complaint driven or when citizens are licensing their pets.

Ms. Fox stated we are telling our residents they can have four animals, and if they want two more they need to go through the Board of Zoning Appeals for a special exception. She stated we should take a look at our regulations and investigate why we have an arbitrary number of four animals when we can get a special exception for up to six animals. Ms. Fox stated we are the only city that has these requirements. She stated she contacted Hampton and York County concerning their regulations. Ms. Fox stated we should look at these regulations and try to make some sense of allowing only four to six animals. Mr. Watson stated Planning staff would be glad to discuss this matter in a work session.

Ms. Willis stated she is concerned that a special exception stays with the property and, while the current property owner is doing a good job and she has no objections to the application, you do not know who will move into the property later and may abuse the special exception for a kennel. She asked if we could put a limit on the time or duration the special exception would be in effect. Ms. Spratley stated the Virginia Code pertaining to the powers and duties of the Board of Zoning Appeals § 15.2-2309(6) does state that the Board of Zoning Appeals can impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit. She stated you can recommend to the Board of Zoning Appeals that this special exception be limited in time and duration and choose a number you think is appropriate according to the projected life of these pets. Ms. Spratley stated the applicant could come back for an additional exception if needed. Ms. Fox stated we are only talking about two animals.

Mr. Carpenter asked if we could write the special exception to be null and void when the property owner sells the property. Ms. Cotton stated it can end after a certain amount of time.

Mr. Watson stated that the property owner still has to meet all of the conditions of the special exception, specifically *"No person shall utilize any space for the keeping of animals in any manner that is detrimental to the use of adjacent property or that, because of odor, noise or attraction of flies or other pests, reduces or otherwise unreasonably restrict the rights of adjacent property owners to enjoy the use of their property."* He stated these types of uses are complaint driven, meaning that if someone has a complaint, they can contact Animal Control to remedy the situation.

Mr. Mulvaney stated that in this case it relates to three canines and three felines, and if the six animals pass away, the property owner can have six large canine animals. Mr. Watson stated the property owner would still need to comply with the regulations and if not, would be deemed in violation.

Ms. Fox asked if the current ordinance of four animals specifies dogs or cats. Mr. Watson stated it refers to four domesticated animals.

Ms. McAllister stated this was an amendment to the zoning ordinance. She stated this amendment came about because we were having situations where people were hoarding animals. Ms. McAllister stated this ordinance was a way to ensure that the animals have their licenses and they do not overwhelm the property. She stated people may have more than three to four animals and the special exception gives them a way to have more. Mr. Carpenter asked when the amendment was made. Ms. McAllister stated sometime in the early 2000's.

Ms. Fox stated that if we say you have to have a special exception for six animals, we should just make the amendment so they can have six. Ms. McAllister stated prior to the special exception, you could only have three animals and that was a problem. She stated that is why we allow people to have four with the option to have two more.

Ms. Fox stated we have two animal shelters. She stated the Peninsula Regional Animal Shelter euthanized 1,452 animals in its first six months of operation. Ms. Fox stated the animals in this application are all licensed, spayed and neutered, and they are not in the shelter, and it is appropriate for the basis of granting the special exception. She stated we should take a look at the regulations so that we keep those extra two animals out of the shelter.

There being no questions or comments, Mr. Carpenter opened and closed the public hearing.

Ms. Fox made a motion to recommend approval of special exception S.E. 2882 to the Board of Zoning Appeals. The motion was seconded by Mr. Jones.

Ms. Willis stated she would like to see a time limit on the special exception because some people take better care of their animals than others. She stated that rather than being complaint driven, it would be better to amend the special exception so there will not need to be complaints launched against a new property owner with too many animals.

Ms. Willis made a motion to amend the special exception to revoke the special exception after a period of fifteen (15) years from the date of issuance. Mr. Mulvaney seconded the motion.

Ms. Fox stated that since the special exception is only adding two animals, she feels the time limit is irrelevant. Mr. Jones stated the application is complaint driven so there is something that can be done if any number of animals are creating a nuisance. He stated that to give a time period is inconvenient when a property owner will need to reapply for an extension every time it expires.

Mr. Mulvaney stated when you are putting two animals on top of a number that is in place, then you cannot just look at it as two animals, you have to look at it in totality of six animals.

Vote on Roll Call

For: Simmons, Mulvaney, Willis, Carpenter

Against: Fox, Jones, Groce

Abstention: None

The Planning Commission voted 4:3 to amend Ms. Fox's motion to add a 15-year time limit to special exception S.E. 2882.

Ms. Fox made a motion to recommend approval of special exception S.E. 2882 to the Board of Zoning Appeals, as amended. The motion was seconded by Ms. Willis.

Vote on Roll Call

For: Jones, Simmons, Mulvaney, Willis, Groce, Fox, Carpenter

Against: None

Abstention: None

The Planning Commission voted unanimously (7:0) to recommend approval of S.E. 2882 to the Board of Zoning Appeals, with conditions.

ZONING TEXT AMENDMENT

ZT-16-376, 377 & 378 City of Newport News Requests amendments to the Zoning Ordinance to define a new use, Police K9 Training Facility, add it to the Summary of Uses by District matrix, and add general regulations for the use. Article II, Section 45-201; Article IV, Section 45-402; and Article V, Section 45-535.

Claudia Cotton, Manager of Current Planning, presented the staff report (copy attached to record minutes).

Ms. Willis asked if this ordinance is specific to police K9 training facilities. Ms. Cotton stated the definition calls it police K9, and it says working dogs to be trained for police and law enforcement. Ms. Cotton stated it would have to be police and law enforcement using this facility.

Ms. Willis asked if we have other K9 training facilities in the zoning ordinance. Ms. Cotton stated she does not believe so. She stated we have kennels, but there is not another use that would be similar to this use.

Mr. Carpenter stated this ordinance was discussed with the Regulations Committee. He stated the ordinance allows for this type of development in our P1 Park zoning and all of our schools are in P1. Mr. Carpenter stated you can expect this type of use being in M1 and M2 districts, but in P1 which is utilized for our schools, is of concern. He stated that the regulation with the setbacks will hopefully cover any problems. Ms. Cotton stated if there is a school on the property, the schools have a say in how the property is going to be used.

Ms. Cotton stated the Regulations Committee considered this ordinance at their December 16, 2015 meeting and recommended approval to the Planning Commission.

There being no questions or comments, Mr. Carpenter opened and closed the public hearing.

Mr. Groce made a motion to recommend approval of zoning text amendments ZT-16-376, 377 and 378 to City Council, as recommended by staff. The motion was seconded by Ms. Fox.

Vote on Roll Call

For: Simmons, Mulvaney, Willis, Groce, Fox, Jones, Carpenter

Against: None

Abstention: None

The Planning Commission voted unanimously (7:0) to recommend approval of zoning text amendments ZT-16-376, 377 and 378 to City Council.

EXECUTIVE SECRETARY REPORT

Ms. Cotton stated that on January 28, 2016, City Council approved the conditional use permits for a used car dealership at 11203 Jefferson Avenue, an automobile gasoline supply station in conjunction with a 7-Eleven at 11500 and 11504 Jefferson Avenue and an electronic display sign for a church at 224 Richneck Road. She stated they also approved three zoning text amendments: to add day services centers to the zoning ordinance; to delete an unnecessary parking regulation from the O3 district requirements; and, to remove halfway houses as a permitted use in single-family residential districts.

Ms. Cotton stated we do not have any scheduled cases for the February 17, 2016 meeting. Mr. Carpenter stated we have a couple items the Planning Commission would like to discuss, such as the electronic delivery of our agenda packages and the time the Planning Commission meetings are held. He stated we can cancel the meeting and have a work session.

Mr. Mulvaney made a motion to cancel the February 17, 2016 meeting and schedule a work session at 12:00 noon. The motion was seconded by Ms. Willis.

Vote on Roll Call

For: Mulvaney, Willis, Groce, Fox, Jones, Simmons, Carpenter

Against: None

Abstention: None

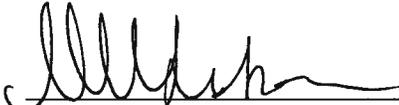
The Planning Commission voted unanimously (7:0) to cancel the February 17, 2016 meeting and schedule a work session at 12:00 noon.

Ms. Cotton stated the March 2, 2016 public hearing will include a conditional use permit for a small motor vehicle repair and service facility and a truck rental facility at 11606 Jefferson Avenue, and a conditional use permit for an automobile gasoline supply station at 12646 Nettles Drive. She stated the second application would be a 7-Eleven at the new intersection of City Center Boulevard and Nettles Drive.

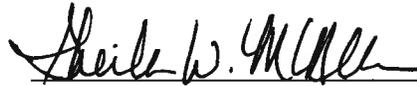
COMMITTEE REPORTS

Ms. Cotton stated the Comprehensive Plan Citizen Advisory Committee met last week and finished their review of the Existing Conditions report. She stated the committee will take a hiatus as Planning staff prepares the chapters for the draft comprehensive plan.

There being no further business, the meeting adjourned at 4:32 P.M.



Recording Secretary



Executive Secretary

MINUTES OF THE PLANNING COMMISSION WORK SESSION
Wednesday, February 17, 2016
10th Floor Conference Room of the City Hall Building
Newport News, Virginia

PRESENT: Michael F. Carpenter, Chairman; Mark W. Mulvaney, Vice-Chairman; Sharyn L. Fox; Robert B. Jones; Daniel L. Simmons, Jr.; Elizabeth W. Willis, N. Steve Groce (Staff: Sheila W. McAllister, Director of Planning; Claudia K. Cotton, Manager of Current Planning; Johnnie Davis, Planner; Flora Chioros, Planning Coordinator; Lynn Spratley, Deputy City Attorney; Christine Mignogna, Zoning Administrator;

ABSENT: Lorraine P. Austin; Willard G. Maxwell, Jr.

Mr. Carpenter opened the work session at 12:00 NOON.

Mr. Carpenter introduced the first item on the agenda: Electronic Delivery of CPC Agenda Packages and Going Paperless. Ms. McAllister stated going paperless is one of the City Manager's objectives. She stated we have decided to poll the Planning Commission to see if going paperless is something we can do. Ms. McAllister asked the commissioners who could go paperless and who cannot. She stated we already send our packages electronically, and will continue to do so, but if the commission is willing to look at packages electronically at Planning Commission meetings then we will not send a paper copy.

The Planning Commission discussed the pros and cons of the request. The Planning Commission agreed to receive an electronic copy of the agenda package and have a paper copy available at their desks for the public hearing.

Mr. Carpenter introduced the second item on the agenda: Meeting Time Options. Ms. Cotton stated the Planning Commission has been meeting at 4:00 P.M. for approximately a year now. She stated the implications of moving the meeting time from 2:00 P.M. to 4:00 P.M. were not just accommodating Planning staff, but also Security and the Audio/Visual Department. Ms. Cotton stated everyone has adjusted to the meeting time change, and because the Planning Commission meetings are typically not very long, it has not been much of an issue for the Audio/Visual Department. The Planning Commission discussed the change and decided to keep the meeting time at 4:00 P.M.

Mr. Carpenter introduced the third item on the agenda: Open Discussion.

Mr. Simmons asked if there was any follow-up to the design charrette for downtown that was done in 2015. Ms. McAllister stated the next step is hiring another design consultant to expand it from the Superblock and the waterfront to all of downtown Newport News. Mr. Simmons asked if there was a time table with the new consultant. Ms. McAllister stated we are in negotiations now to secure a consultant to do the work.

CPC WORK SESSION

PAGE 2

February 17, 2016

She stated the consultant will take what was done from the design charrette and expand it.

Ms. Willis asked, aside from Police K9 training facilities, if there are any domestic canine training facilities. She stated she knows there are some in Newport News and asked if they are legal. Ms. McAllister stated canine training facilities are considered an ancillary use for kennels.

Ms. Fox asked if there has been discussion to have the Regulations Committee change the number of domestic animals allowed per household from four to six. She stated it is still an arbitrary number, but certainly allowing for two more animals would impact some of our citizens who have been to City Hall three times in the last 12 years who would not have had to come at all if we had six. Mr. Carpenter stated Ms. Fox's request has been received and will be discussed at the next scheduled Regulations Committee meeting. Ms. Mignogna stated she will poll the regional zoning administrators and share their input. Ms. Willis asked that when Planning staff contacts the other localities, to ask what they allow and how many grievances they have had. Ms. Mignogna stated that now, Codes Compliance receives complaints through neighbors and the Treasurer's Office when citizens are registering their pets.

Mr. Groce stated that, a couple of weeks ago, the Mayor spoke about an initiative to get the Thomas Nelson Community College (TNCC) job training facility in Newport News. He asked if anyone has discussed where that might go because they wanted to use an existing facility rather than a new building. Ms. McAllister stated she did not know. She stated the city had applied for a Choice Neighborhoods grant for a portion of the Southeast Community, specifically Ridley Place, a public housing project. Ms. McAllister stated we applied for a planning grant to get planning money to do a transformation plan. She stated the transformation plan has to focus on people, neighborhoods and housing, and what it would do is redevelop a community, not just redevelop housing. Ms. McAllister stated the transformation is supposed to be from what it is right now to it becoming a choice neighborhood where anyone and everyone would want to live. She stated in doing that, you have to bring on partners as part of the grant application and those partners have to commit financial resources to the transformation. Ms. McAllister stated that she knows that, in doing that partnership, they did not get a commitment from TNCC. Mr. Groce stated that Mayor Price had suggested TNCC should look at Newport News to build a training center. Ms. Willis stated she thought they were looking at the Print Pac facility because it has advanced manufacturing capabilities. Ms. McAllister stated the planning grant will go to a consultant to write the transformation plan. She stated the partners would be contributing financial resources to that transformation. Ms. McAllister stated that you already have partners who have made commitments and HUD wants to see that you are really serious about transforming the community. Ms. Willis asked if you do not get the grant, can you apply for it again the next year. Ms. McAllister stated yes, and the more you are already doing, the better you look. She stated the major drivers for all of the transformation is the school and the developer. Ms. McAllister stated it is always

CPC WORK SESSION

PAGE 3

February 17, 2016

the developer who is a champion of redeveloping that particular project and they stay with the project all the way through. Ms. Fox asked if this transformation is similar to Broad Creek in Norfolk. Ms. McAllister stated it is somewhat the same, but it is not just for housing, it is also economic resources, and making sure the people who live there are no further away from services than the general population. Mr. Carpenter asked how many acres is Ridley Place. Ms. McAllister stated that a public housing complex needs to be a focus, but the target neighborhood expands beyond that from the waterfront to Marshall Avenue to 39th Street to the interstate. She stated that in doing that, we have the downtown consultant looking at the connections to both sides between Overtown and Jefferson Avenue and Brooks Crossing. Mr. Simmons asked if the Planning staff is looking to incorporate those areas together within the transformation zone and expanding it. Ms. McAllister stated there are natural barriers between the Southeast Community and Downtown/Overtown but you do have connections. She stated people do not notice the connections because of the interstate but there are pedestrian connections, and unless you are walking on them you just do not notice them. Ms. Willis asked if the walking paths are also bike paths. Ms. McAllister stated yes. Ms. Fox stated it would be nice to integrate a pedestrian park plaza over the interstate with walkways and bike paths that take away the impact of walking over an interstate or a railroad track.

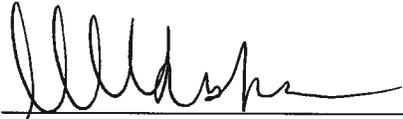
Mr. Carpenter asked if there are any major projects coming to Planning Commission. Ms. McAllister stated there is a major rezoning that is coming in April for a shopping center with a grocery store at the entrance to Kiln Creek on airport property. Mr. Mulvaney asked how the grocery store would impact traffic. Ms. McAllister stated a traffic impact analysis is part of the rezoning submittal. Mr. Mulvaney asked how you overcome the safety issues there because it is right along the runway path of the airport. Ms. McAllister stated it is placed in between the flight paths. Mr. Carpenter asked what the traffic impact analysis looks like. Ms. McAllister stated right now it looks good. She stated there will be a new road connected to Habersham Drive, but the old road will remain there. Mr. Carpenter asked if Brick Kiln Boulevard will still be able to cross the street to Walmart. Ms. McAllister stated no, but traffic will still turn left or right on to Jefferson Avenue. Mr. Mulvaney asked if the intersection to Walmart is being closed. Ms. McAllister stated no, you just cannot drive straight across Jefferson Avenue into the Walmart entrance from Brick Kiln Boulevard. Ms. Fox asked what the current zoning is for the proposed shopping center. Ms. McAllister stated that right now it is zoned industrial because it is airport property. She stated the rezoning will require a plan amendment, which is expected to be discussed in a work session at Planning Commission's second meeting in March 2016, and then the rezoning will be heard at the first meeting in April 2016.

Ms. Fox asked what is coming up at the next public hearing. Ms. Cotton stated the first March meeting will have a 7-Eleven at Nettles Drive and City Center Boulevard and a small motor vehicle repair and service facility on Jefferson Avenue across from Deer Park Elementary School.

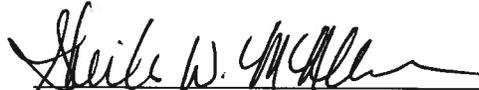
CPC WORK SESSION
PAGE 4
February 17, 2016

Mr. Mulvaney asked when the next Regulations Committee meeting will be. Ms. Cotton stated in April.

There being no further discussion, the meeting adjourned at 1:31 P.M.



Recording Secretary



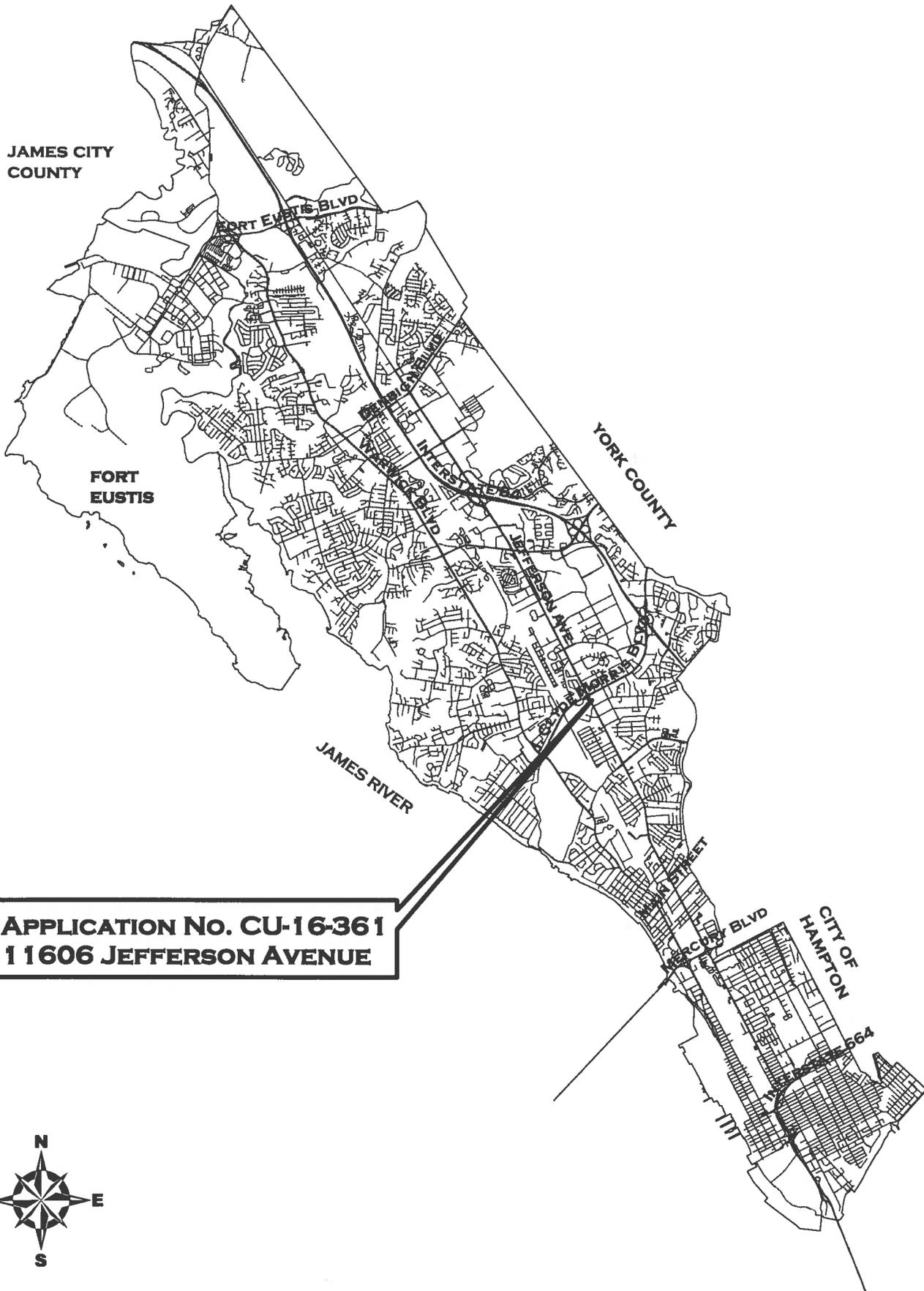
Executive Secretary

CU-16-361

DED LLC

**CITY OF NEWPORT NEWS
PLANNING COMMISSION
MARCH 2, 2016**

**CONDITIONAL USE PERMIT
APPLICATION NO. CU-16-361
DED, LLC.**



leasing facility in the C2 General Commercial zoning district.

The proposed facility will occupy a 3,800 square foot building. The auto repair component, of the business will occupy 2,500 square feet. For that component, the required parking ratio is one (1) space for each 500 square feet of floor area, or eight (8) parking spaces. The remaining 1,300 square feet will be used for office and retail activity. The required parking is a maximum of one (1) space for each 200 square feet of floor area, or seven (7) parking spaces. The submitted site plan for the property indicates twenty-nine (29) regular parking spaces in addition to thirteen (13) spaces that will be dedicated for the truck rental component of the application. (See Appendix A-2.)

This is a developed site that is paved in its totality and no changes are proposed or required at this time. The new parking layout will be freshly striped and new landscaping will be planted within existing green areas.

The departments of Codes Compliance, Engineering, Public Works, Public Utilities, Fire, Police, Parks, Recreation and Tourism and Development have no objection to the request.

Comprehensive Plan Review The *Framework for the Future 2030* comprehensive plan land use map designates community commercial for the property. The proposed uses are consistent with this designation. (See Appendix A-5.)

ANALYSIS

The building at 11606 Jefferson Avenue was designed and used as offices and a repair shop for a used car dealership that operated on the site for almost 30 years. The building has been vacant for more than a year.

The front of the building will continue to be used as office space with an added retail component that will include display of various automotive retail items such as wheels and batteries.

The building has five bay doors that are accessed from the rear allowing the building to be used for small motor vehicle repair without any alterations or negatively impacting the surrounding area. In addition, the applicant is proposing to install an ornamental opaque metal fence from the building to the property line providing storage space that will be properly screened from Jefferson Avenue. (See Appendix A-3.) The property will be further improved by installing landscaping in existing beds, and removing the existing pole sign.

The site will be re-striped providing ample parking for the proposed business and clearly delineating the areas where the rental trucks will be parked. The rear of the property which is currently fenced off is and will continue to be used for storage and staging of large vehicles associated with the applicant's towing and large vehicle repair business that operates in the adjoining property at 16 Robinson Drive. Hence, the adjoining residential property will not be in any way affected by the new proposed uses on the site. All other abutting properties house auto related uses and will not be

negatively impacted.

There is an existing utility cabinet located at the southern corner of the property on Jefferson Avenue that would block the view of a low sign. The applicant will lower the existing freestanding sign to be no taller than 15 feet. If the existing freestanding sign is removed and a new sign is installed it must meet current sign ordinance requirements and its design, materials and location will be reviewed and approved by the Director of Planning.

CONCLUSION

The proposed small motor vehicle repair and automobile leasing facility will use an existing building surrounded by similar automotive uses. The installation of a new decorative fence facing Jefferson Avenue, landscaping and striping will improve the appearance of this parcel. The uses are consistent with the *Framework for the Future 2030* comprehensive plan and are compatible to the surrounding uses.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-16-361 to allow for the operation of a small vehicle repair and service facility and an automobile leasing facility with the following conditions:

1. The applicant shall improve the site in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2 and shall conform to this conditional use permit.
2. The applicant shall install landscaping in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2 and shall conform to this conditional use permit. All landscaping shall be maintained in a healthy condition in perpetuity. The uses approved by this permit shall not commence until the landscaping has been installed.
3. The applicant shall install a decorative opaque metal fence in general conformance with the photograph submitted found in Appendix A-3 and its location shall generally conform with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2.
4. The applicant shall lower the existing freestanding pole sign to be no taller than fifteen (15) feet. If the sign is replaced, the new sign shall be consistent with requirements of the sign ordinance. The design of such sign shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit.
5. All repair and service work shall be performed indoors.
6. Storage of cars in a state of obvious disrepair shall be screened from public view.

7. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide surveillance coverage encompassing both the front, side and rear exteriors of the business. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty (30) days.

8. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.

9. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the zoning ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.

10. A Certificate of Use and Occupancy shall be obtained prior to the operation of any business use on the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.

11. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.

12. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.

13. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this

conditional use permit are not severable; in the event that any condition contained herein, of part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional or otherwise unenforceable, then the use permitted by this conditional use permit shall be void and the use permitted by this conditional use permit shall be invalid. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.

14. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event of an amendment to the zoning of the property is produced by a comprehensive implementation of a new or substantially revised zoning ordinance, the conditions imposed by the conditional use permit shall continue in effect.

APPENDIX

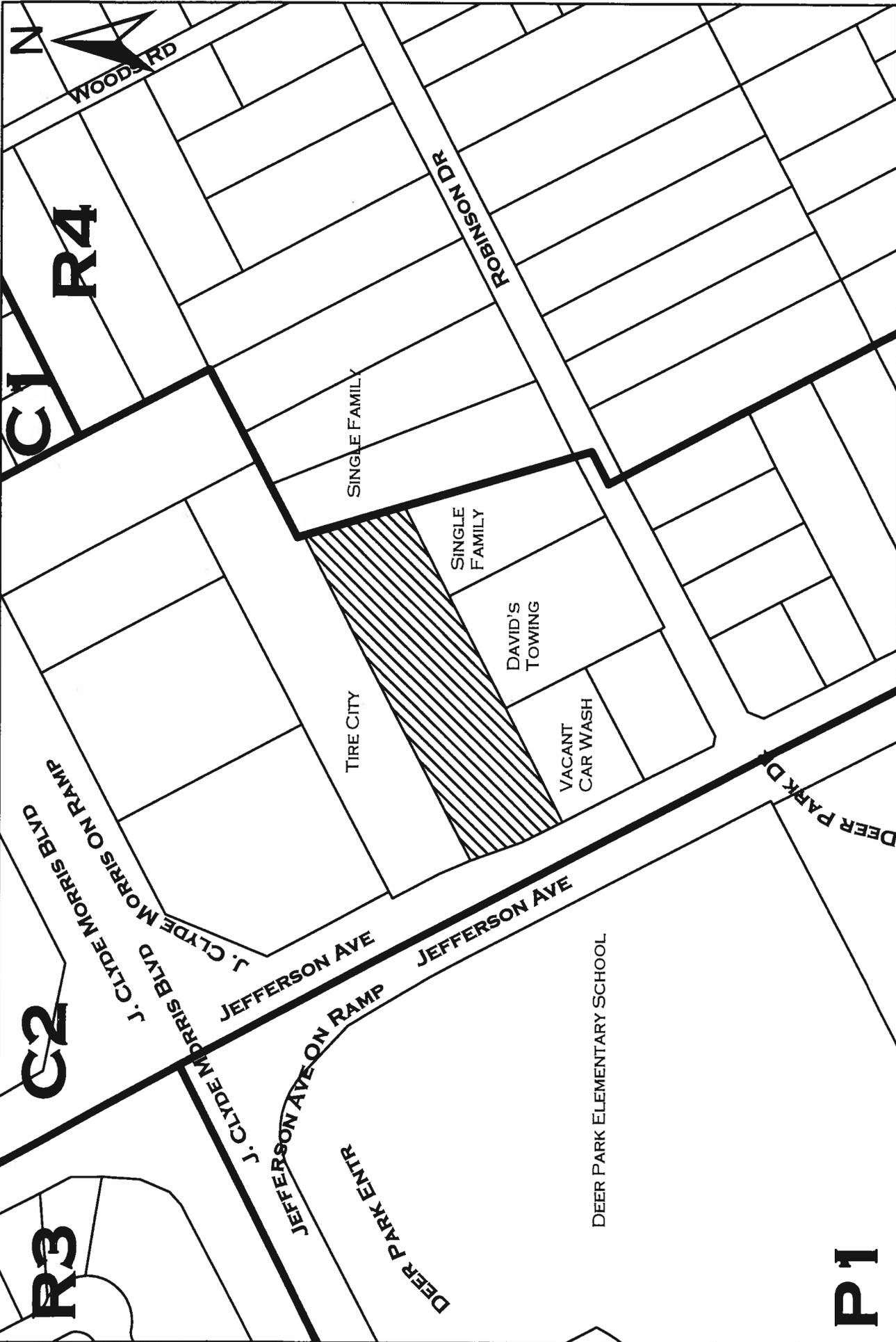
A-1 VICINITY/ZONING MAP

A-2 SITE PLAN

A-3 FENCE DESIGN

A-4 AERIAL MAP

A-5 *FRAMEWORK FOR THE FUTURE 2030* LAND USE MAP



CU-16-361

DED LLC

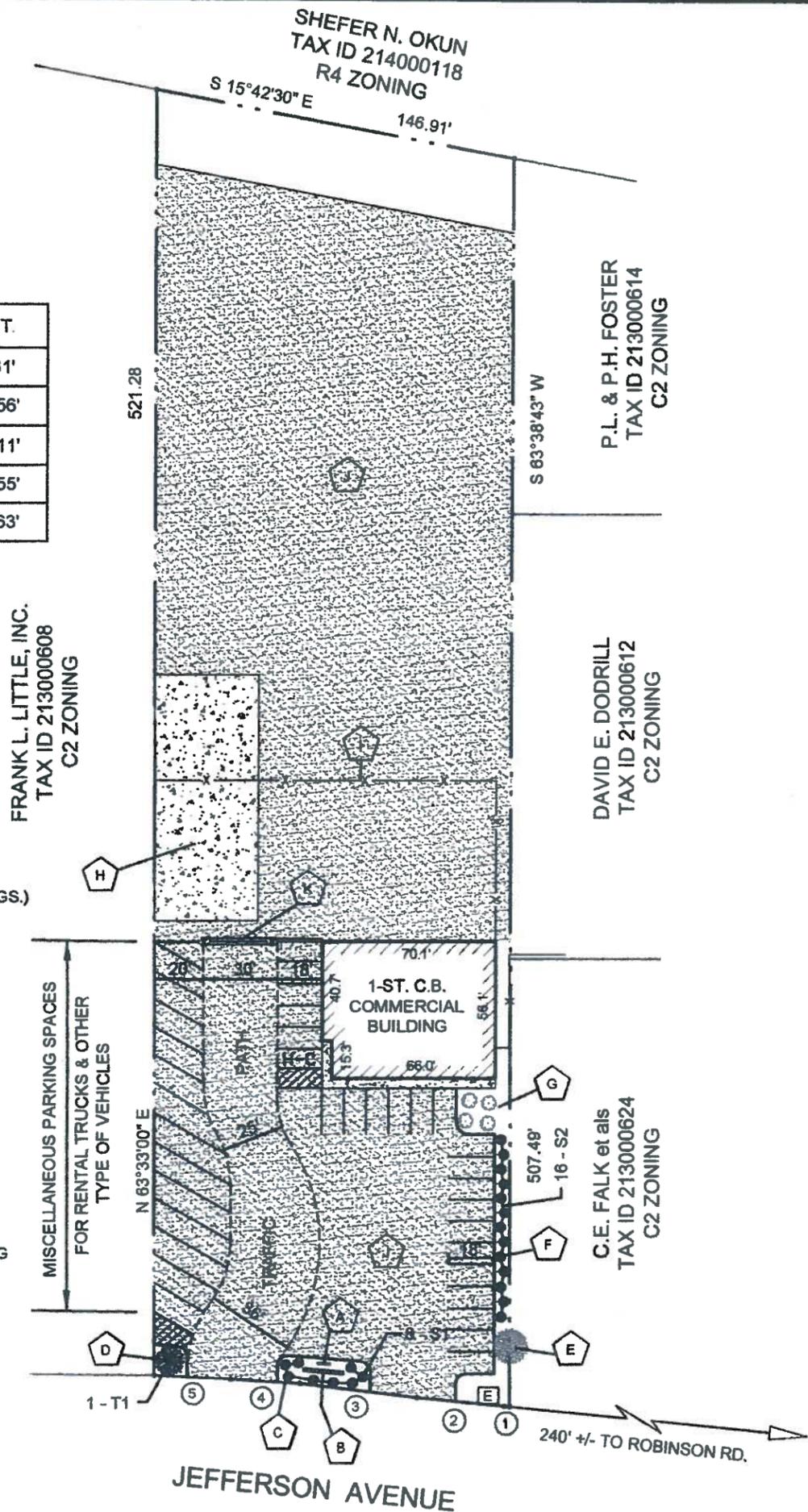
P1

No.	BEARING	DIST.
1	N 27°04'07" W	0.81'
2	N 23°13'43" W	29.56'
3	N 22°22'26" W	28.11'
4	N 19°09'16" W	47.55'
5	N 20°32'30" W	37.63'

LEGEND

- A - REMOVE EXISTING SIGN
- B - NEW MONUMENT SIGN (PER CNN REGS.)
- C - NEW SHRUBS
- D - NEW TREE
- E - EX. TREE TO REMAIN
- F - NEW SHRUBS
- G - EX. SHRUBS TO REMAIN
- H - EX. CONCRETE PAD TO REMAIN
- I - EXISTING FENCE TO REMAIN
- J - EX. PAVED SURFACE TO REMAIN
- K - NEW SECURITY FENCE WITH ROLLING GATE

SEE PLANT LIST



PROPERTY APPEARS WITHIN FLOOD ZONE X AS DEPICTED ON PANEL 128, F.I.R.M. FOR COMMUNITY No. 510103, DATED DECEMBER 9, 2014.

PLAT PREPARED WITHOUT BENEFIT OF A TITLE SEARCH REPORT AND THEREFORE IT IS SUBJECT TO ALL ENCUMBRANCES ON THE PROPERTY.

OWNER: DED, LLC - DOC. #12001245
 BUILDING AREA: 3,856 S.F.
 ZONING: C2 GENERAL COMMERCIAL DISTRICT
 TAX ID: 213000809

PARKING REQUIRED: 10 SPCS.

PARKING PROVIDED: 28 R (9'x18') + 1 H-C (8'x18') = 29 SPCS. & MISC.
 RENTAL TRUCKS [(10'x25') & (10'x30')] = 7 SPCS.
 TOTAL PARKING: 36 SPCS.

GREEN AREA: +/- 10,548 S.F.

LAND USE PLAT

ADDRESS: 11606 JEFFERSON AVE.
 PROPERTY OF DED, LLC
 CONTAINING 1.70 AC.
 FORMERLY PROPERTY OF
 J.A. ARGABRIGHT, et als
 (D.B. 105 - PG. 391)
 NEWPORT NEWS - VIRGINIA

SCALE: 1" = 60'

Job No. 16-02-11144



ALFONSO & ASSOCIATES, INC.
 SURVEYING - PLANNING

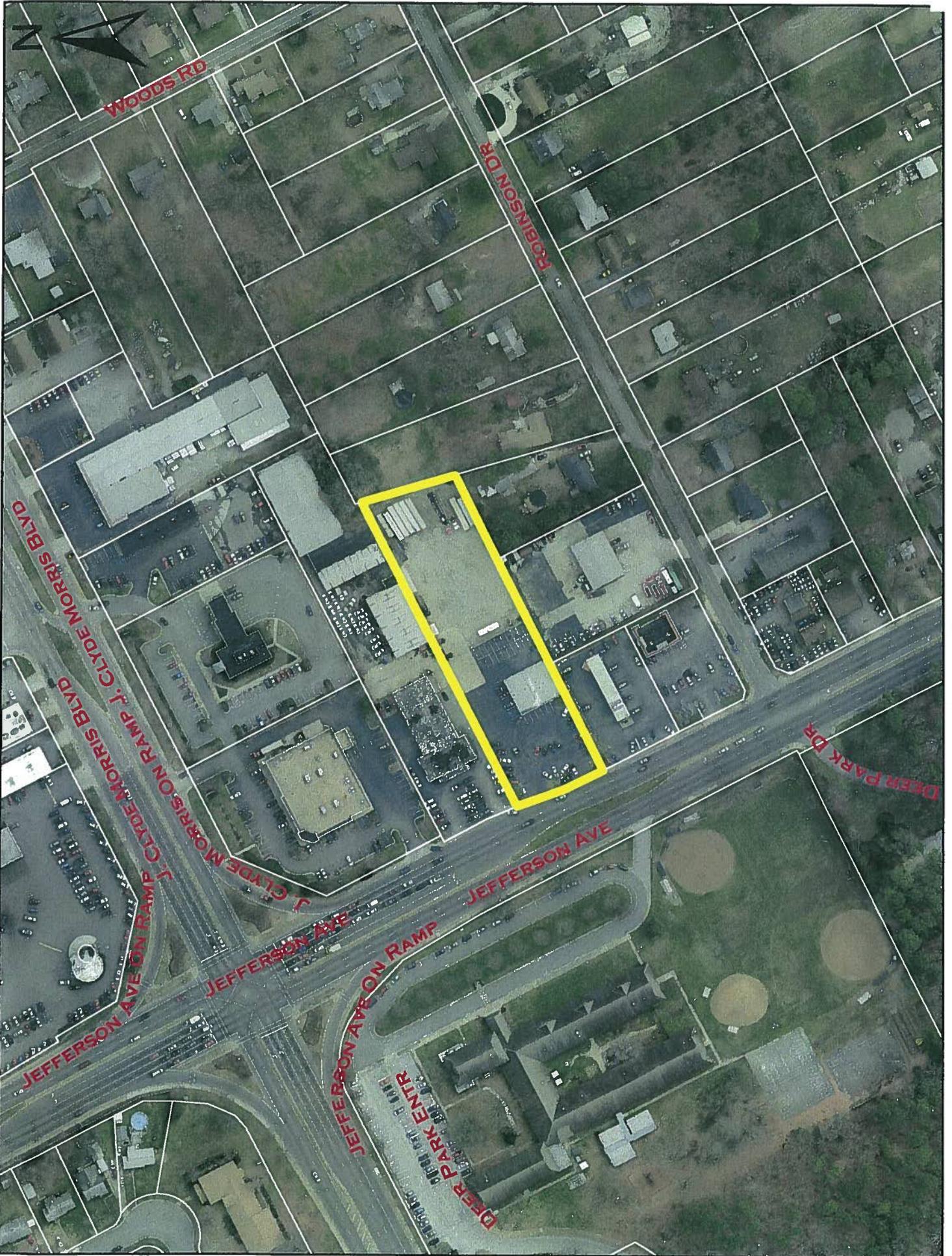
DATE: FEB. 2, 2016

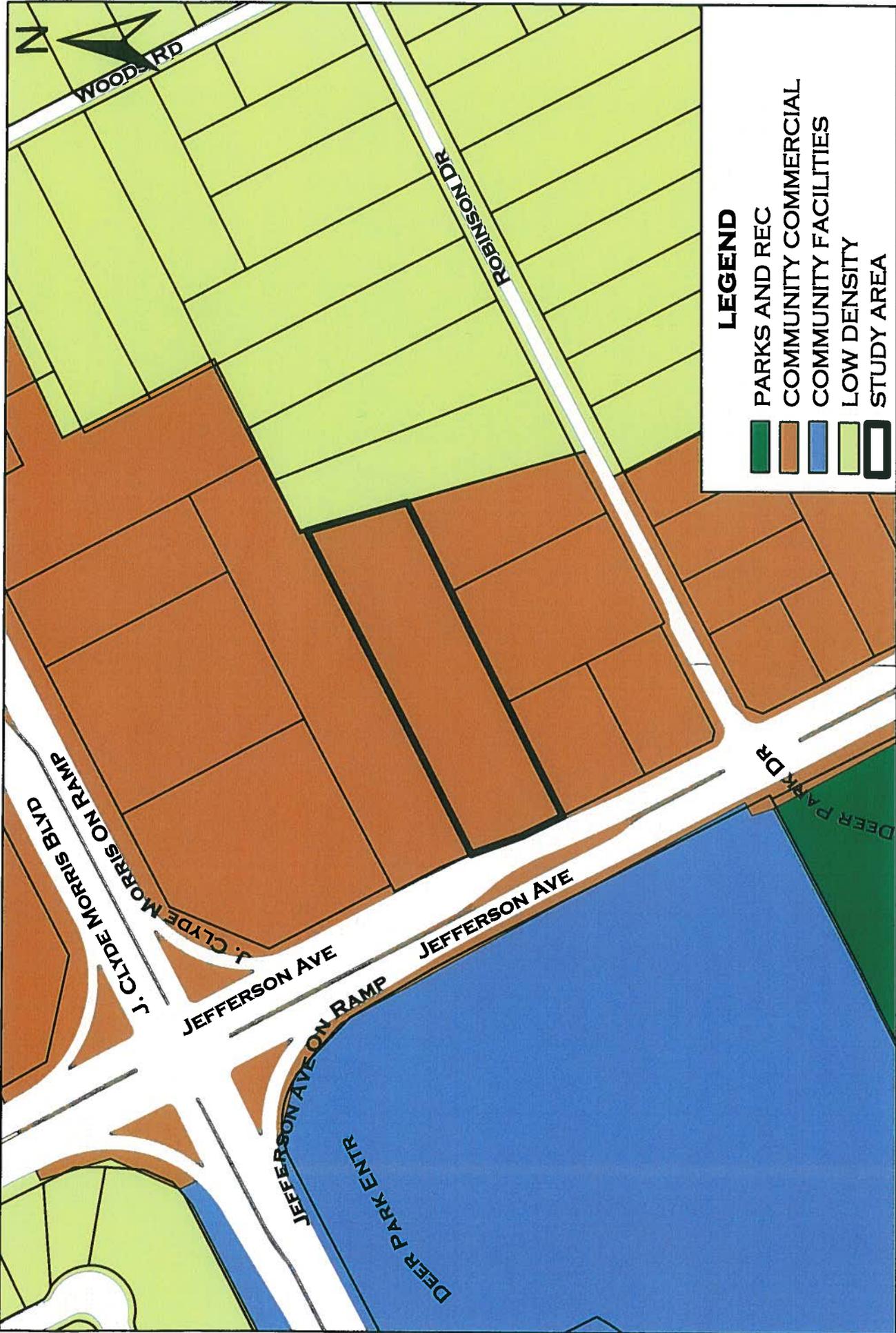
F.B. 296 - PG. 12

PHONE: 757 873 0750

NEWPORT NEWS, VIRGINIA







- LEGEND**
- PARKS AND REC
 - COMMUNITY COMMERCIAL
 - COMMUNITY FACILITIES
 - LOW DENSITY
 - STUDY AREA

FRAMEWORK FOR THE FUTURE 2030

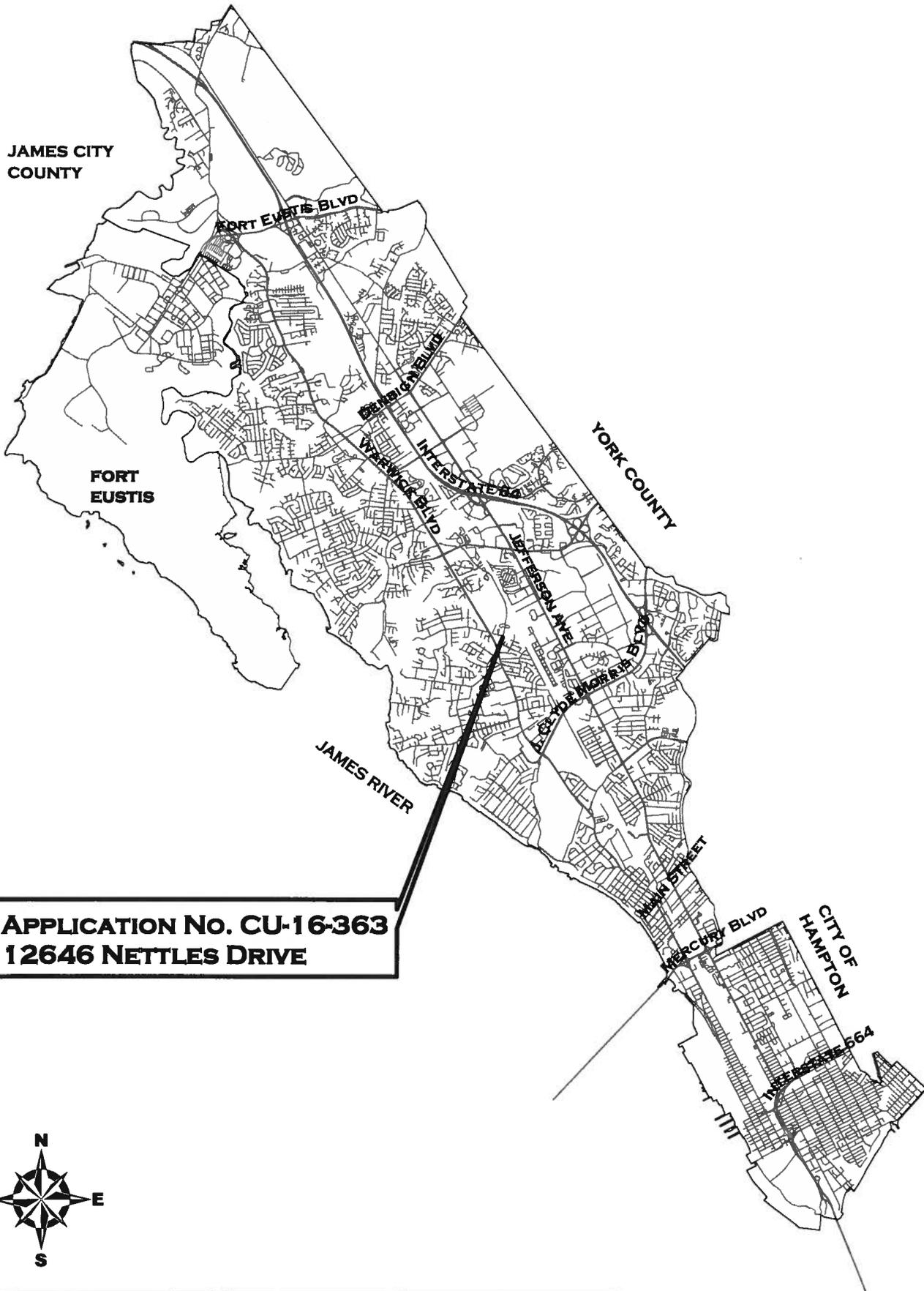
DED LLC

CU-16-363

Adath Jeshurun Synagogue

**CITY OF NEWPORT NEWS
PLANNING COMMISSION
MARCH 2, 2016**

**CONDITIONAL USE PERMIT
APPLICATION NO. CU-16-363
ADATH JESHURUN SYNAGOGUE**



CONDITIONAL USE PERMIT NO. CU-16-363

ADATH JESHURUN SYNAGOGUE

OWNER/APPLICANT	Adath Jeshurun Synagogue	ZONING	C1 Retail Commercial (Appendix A-1)
LOCATION	12646 Nettles Drive	FRAMEWORK	Community Facilities (Appendix A-3)
PRESENT USE	Vacant building	ACREAGE	1.61 acres

REQUEST Automobile gasoline supply station in conjunction with a convenience store



FACTS

- North** Shorty's Auto Repair is located across City Center Boulevard on property zoned C2 General Commercial.
- South** Winterhaven apartments abut to the south on property zoned R7 Medium Density Multiple-Family Dwelling.
- East** A storm water retention pond abuts to the east on property zoned C1 Retail Commercial.
- West** Vacant parcels are located across Nettles Drive on properties zoned C1 Retail Commercial. (See Appendix A-1 and A-4.)

Zoning History The property has been zoned C1 Retail Commercial since the citywide comprehensive rezoning became effective August 1, 1997.

Regulatory Review The zoning ordinance allows an automobile gasoline supply station in the C1 Retail Commercial District with the approval of a conditional use permit. Commercial uses that abut a multiple-family dwelling district must provide

a twenty (20) foot landscape buffer.

Parking for retail stores is required at a ratio of one (1) space for every 250 square feet of floor area. Parking is limited to a maximum of one (1) space per 200 square feet of floor area. The zoning ordinance allows the Zoning Administrator to approve a request to increase the maximum parking requirement by up to 30%. The proposed building will have 3,250 square feet of floor space which will require a minimum of thirteen (13) spaces and a maximum of seventeen (17) spaces. The applicant will be requesting a 30% increase in the maximum allowed parking to twenty-three (23) spaces and this number is shown on the site plan. (See Appendix A-2.)

A traffic impact analysis (TIA) is required for a development if it is estimated that a new use would generate more than 5,000 trips per day. A Traffic assessment has been prepared and submitted by Bryant B. Goodloe, P.C. (See Appendix A-5.)

The departments of Codes Compliance, Engineering, Public Works, Public Utilities, Fire, Police, Parks, Recreation and Tourism and Development have no objection to the request.

Comprehensive Plan Review The *Framework for the Future 2030* comprehensive plan land use map designates community facilities for the property. (See Appendix A-3.) The proposed automobile gasoline supply facility does not conform to this recommendation. The recommendation for community facilities was made based on the synagogue occupying the property at that time. The synagogue has since ceased operation and the property is vacant. In addition, the site was originally developed prior to the construction of City Center Boulevard which significantly changed the character of the area, making it more conducive to commercial development. It is anticipated that the land use recommendation for the property will be analyzed anew in consideration of these changes during the current comprehensive plan update.

ANALYSIS

The proposed site currently contains a vacant structure that formally housed a synagogue. This structure will be removed as part of the site redevelopment. The new improvements will include a full brick building that will be finished on all sides. Freestanding signs will be limited to a single monument style sign no higher than eight (8) feet and no more than 50 square feet in area. A twenty (20) foot landscape buffer will be required along the southern property line where it abuts residential apartments. A six (6) foot privacy fence will be constructed along the southern and eastern property lines. The dumpster area provided will be enclosed. New landscaping will be installed along City Center Boulevard and Nettles Drive.

The proposed site is a corner property created by the recent construction of City Center Boulevard. No improvements to the existing roadways are recommended in the TIA. (See Appendix A-5.) The site plan identifies two

entrances for the property. The entrance from City Center Boulevard will provide right turn in, right turn out access. This entrance will be partially located on adjacent city property in order to provide maintenance access to the storm water retention pond located on that property. The entrance from Nettles Drive will provide full access, meaning it can be utilized making a left or right turn. The location of the two entrances will facilitate ease of vehicle circulation for patrons and fuel delivery trucks.

Automobile gasoline supply stations seek to locate on properties with high traffic counts and that are easily accessible. This corner location is ideally suited for this use as it will provide service to the surrounding residential areas as well as those who travel this corridor.

CONCLUSION

The proposed automobile gasoline supply station with a convenience store provides an opportunity to redevelop a property containing a vacated and obsolete use. The new building and landscaping will be a significant improvement to a highly visible property located on City Center Boulevard. The proposed development is compatible with the surrounding uses in the area.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-16-363 to allow for the operation of an automobile gasoline supply station at 12646 Nettles Drive with the following conditions:

1. A class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering. This site plan shall be in general conformance with the Concept Plan prepared by Blakeway Corp. as revised January 4, 2015, identified as Appendix A-2 and shall conform to this conditional use permit, the City's Site Regulations and the zoning ordinance.
2. Building elevations and exterior building materials for the Property shall be consistent with the drawings prepared by K2M Architecture, submission date January 13, 2016 "7-Eleven Site No. 1038561" and identified as Appendix A-6. Full bricks shall be used to construct all facades. Final drawings shall be reviewed and approved by the Director of Planning prior to the issuance of a building permit.
3. The applicant shall cause a 20-foot transitional buffer area to be installed and maintained in perpetuity along the property's southern boundary.
4. A six (6) foot high privacy fence shall be installed along the full length of the southern and eastern property lines. The fence shall be maintained in good condition for the duration of the use authorized by this permit. The

materials, color and style of the fence shall be reviewed and approved by the Director of Planning.

5. A landscape plan in conformance with the requirements of the Site Regulations and Conditional Use Permit shall be submitted to and approved by the Director of Planning prior to site plan approval. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.

6. The applicant shall implement the site improvements as recommended in the September 24, 2015 Traffic Impact Assessment (TIA) prepared by Bryan B. Goodloe PC.

7. Only one (1) freestanding sign shall be permitted on the Property. The sign shall be a monument style sign no taller than eight (8) feet measured from the highest point of the sign structure to the top of the curb. The sign shall be no more than 50 square feet. All sign design and materials shall be reviewed and approved by the Director of Planning.

8. All signs, including directional signs, location, design and materials shall be reviewed and approved by the Director of Planning.

9. No temporary or portable signs shall be permitted on the Property. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.

10. There shall be no signage on the fueling stations other than that required by law for safety.

11. Signage on the canopy shall be limited to the placement of a logo.

12. All outdoor storage and displays of saleable items shall be prohibited excluding those items located in vending machines or enclosed areas.

13. All vacuum and air supply equipment shall be screened from public rights-of-way. Screening materials shall be approved by the Director of Planning prior to site plan approval.

14. All dumpsters and HVAC systems shall be screened from adjacent properties and rights-of-way with materials and design to match the building and shall be approved by the Director of Planning prior to site plan approval, and shall be maintained in such condition in perpetuity.

15. All lighting on the Property shall be consistent with those standards recommended by the Illumination Engineering Society of North America (IESNA.) A photometric lighting plan indicating the number and type of lighting shall be submitted for review and approval by the Director of Engineering. Lighting shall be installed and operated as shown on the

approved plan. Lighting shall be directed inward and downward on the Property so that such lighting does not spillover onto adjacent properties.

16. The playing of music on any outdoor speakers shall be prohibited.

17. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide surveillance coverage encompassing both the front, side and rear exteriors of the business. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty days.

18. The applicant shall provide written notice to the Director of Planning in the event of the cessation of fuel dispensing activity at the automobile gasoline supply station. Such notice shall be provided no later than seven days after such fuel dispensing activity ceases.

19. In the event a fuel dispensing activity ceases at the automobile gasoline supply station for a period in excess of 12 months:

- a) The tanks, fueling equipment (including the gas pumps and fueling islands) shall be removed;
- b) The canopy shall be removed; and
- c) The real property in or which the improvements listed in subsection (a) and (b) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for the site has been approved by the city.

20. Prior to operating the use permitted by this conditional use permit, a bond in an amount deemed appropriate by the Director of Planning and in a form deemed appropriate by the City Attorney shall be posted by the applicant with the City and maintained for one year after the conditional use permit expires to ensure that the applicant will restore the real property as required in condition 19 a, b, and c.

21. If approved, the ordinance approving this conditional use permit shall

be prominently displayed within the establishment at all times until the use is abandoned.

22. There shall be maintained on the property an auxiliary generator or generators sufficient in size and capacity to operate all fueling stations during electrical outages or the facility shall be pre-wired for and provided with mobile generator(s) by contract or by transfer of generator(s) owned by the applicant to the site. The mobile generator(s) and the facility shall be operable within twelve (12) hours of the National Weather Service posting a warning for the City of Newport News of a named tropical storm or named hurricane or within twelve (12) hours of the occurrence of a winter storm which disrupts power to the Property.

23. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the zoning ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.

24. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.

25. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.

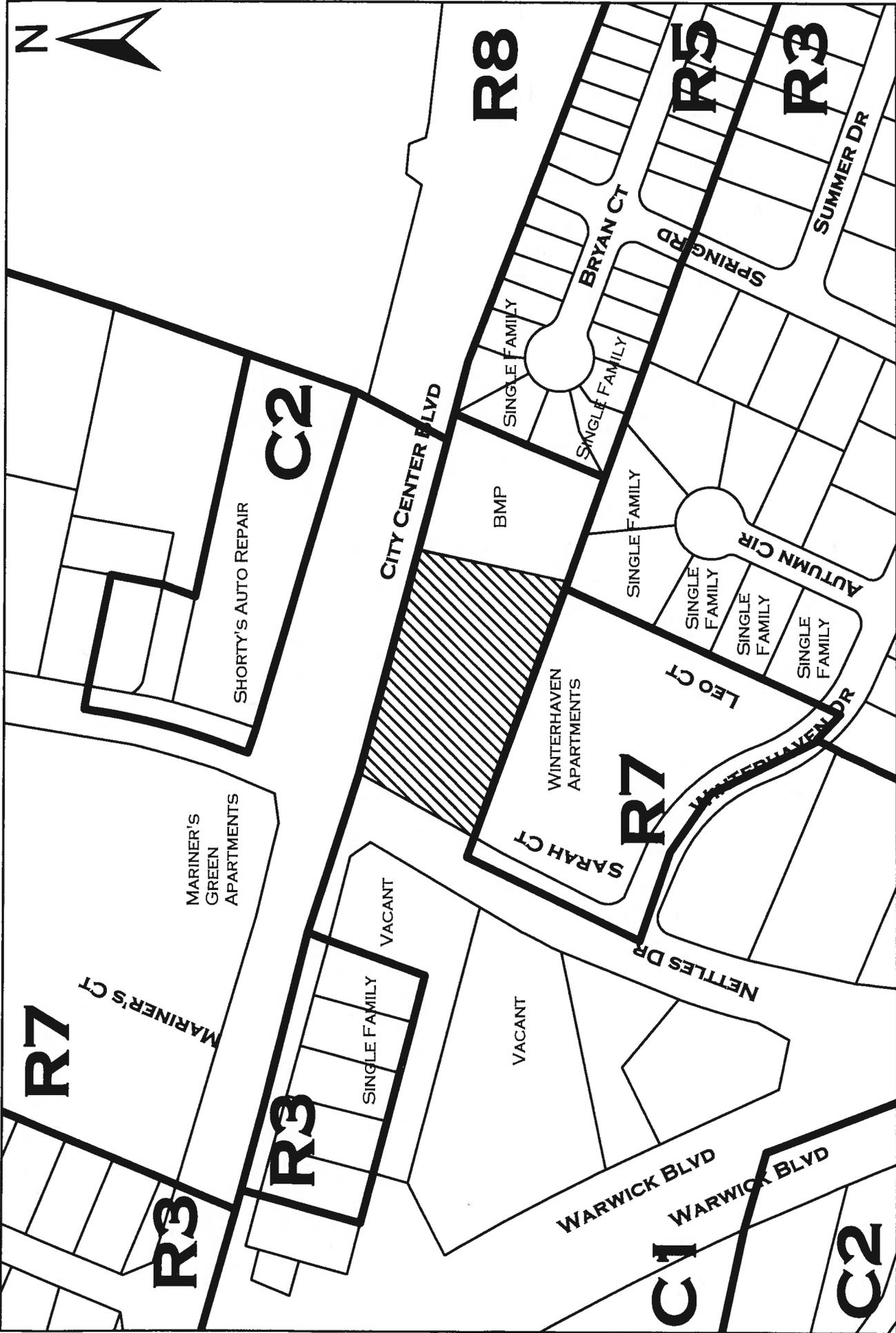
26. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, of part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional or otherwise unenforceable, then the use permitted by this conditional use permit shall be void and the use permitted by this conditional use permit shall be invalid. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.

27. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event of an amendment to the zoning of the property is produced by a comprehensive implementation of a new or substantially revised zoning ordinance, the conditions imposed

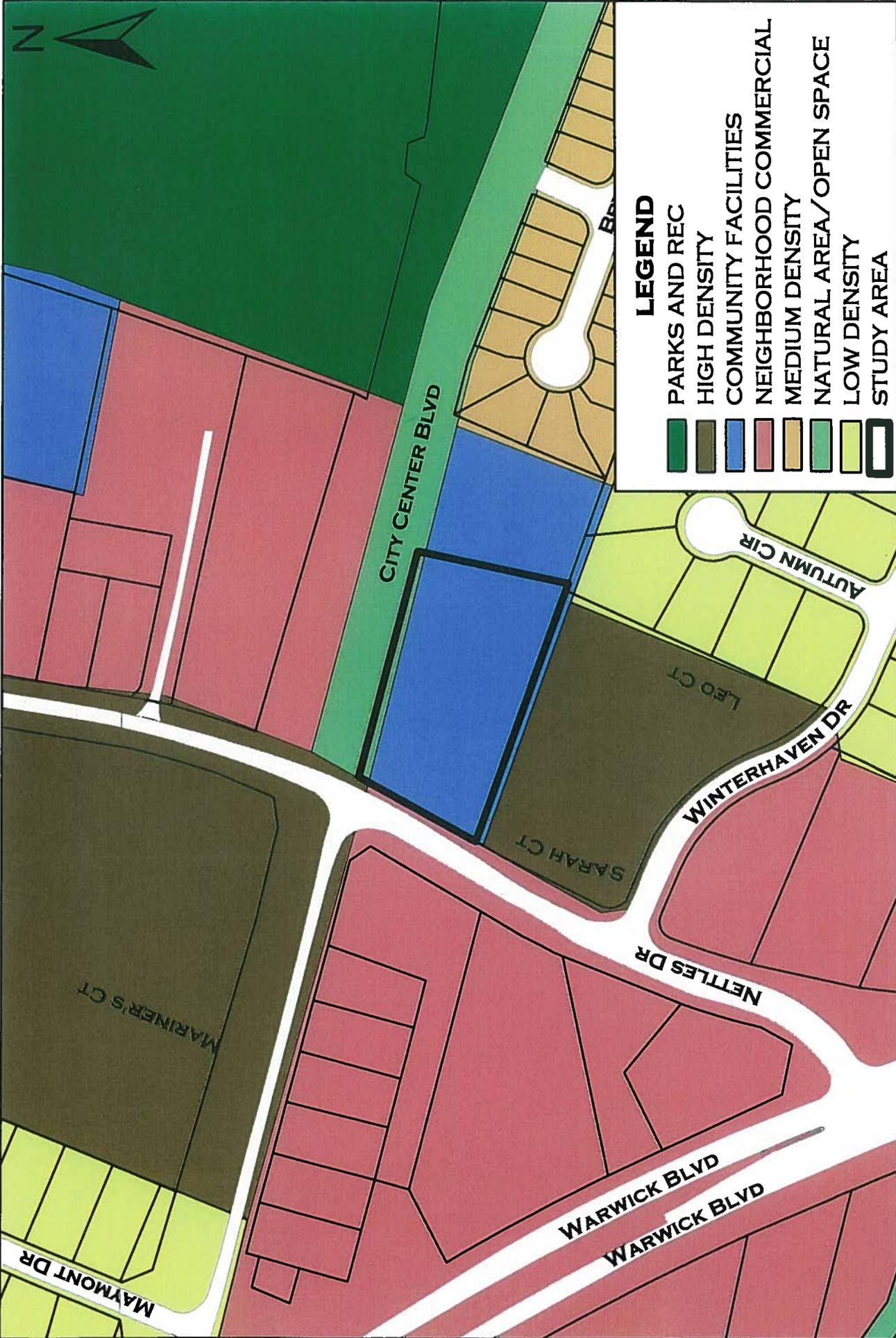
by the conditional use permit shall continue in effect.

APPENDIX

- A-1 VICINITY/ZONING MAP**
- A-2 SITE PLAN**
- A-3 *FRAMEWORK FOR THE FUTURE 2030* LAND USE MAP**
- A-4 AERIAL MAP**
- A-5 TRAFFIC IMPACT ANALYSIS EXECUTIVE SUMMARY**
- A-6 BUILDING ELEVATIONS**



ADATH JESHURUN SYNAGOGUE CU-16-363



LEGEND

- PARKS AND REC
- HIGH DENSITY
- COMMUNITY FACILITIES
- NEIGHBORHOOD COMMERCIAL
- MEDIUM DENSITY
- NATURAL AREA/OPEN SPACE
- LOW DENSITY
- STUDY AREA

**ADATH JESHURUN
SYNAGOGUE**

**FRAMEWORK FOR
THE FUTURE 2030**



Traffic Impact Assessment at 12646 Nettles Drive

EXECUTIVE SUMMARY

Presently, this site is a vacant synagogue zoned C-1, which will allow a convenience store without fuel sales. This project will be a new 7-Eleven convenience store with 3,250 square feet and 12 fueling positions and will require a conditional use permit (CUP) for the fuel sales. There is currently one full entrance on Nettles Drive near City Center Boulevard. The new facility proposes one (1) full entrance on Nettles Drive located further away from City Center Boulevard and one (1) right-in/right-out entrance on City Center Boulevard on the east side near the property line.

The intersection at City Center Boulevard and Nettles Drive is a signalized coordinated intersection. There are crosswalks, handicapped ramps, pedestrian heads and push buttons on all sides of the intersection. This signal is a part of a coordinated system on City Center Boulevard.

The proposed 7-Eleven has apartments immediately to the south followed by commercial uses. On the west side of Nettles Drive, there is a vacant commercial lot with residential single family homes west of the vacant lot. On the northwest corner of this intersection, there are apartments. On the northeast corner of the intersection, the property is zoned commercial. To the east of this site, there is a retention pond owned by the City and east and south of the pond there are single family residential developments. The east entrance onto City Center Boulevard will require VDOT approval.

Scope of Services

Mr. Jason Fowler with VDOT was contacted about this entrance and was sent the concept plan. He has the authority to approve this entrance without Commonwealth Transportation Board approval. Mr. Randy Cooper with the City of Newport News Traffic Engineering was also contacted about this project. He wants the a.m. and p.m. peak hour analyses for the signalized intersection and the two proposed entrances. He indicated that the City had received complaints from the public about the southbound Nettles Drive left turn movement not having adequate timing and their desire for a separate phase at the traffic signal. He wants this to be reviewed with the new 7-Eleven project. He furnished the City's Synchro models and 2015 turning movement counts at this intersection.

Improvements - Year 2016 Build Conditions –The following improvements are to be provided:

1. **Intersection of Nettles Drive and the 7-Eleven West Entrance** – This entrance shall be a new stop controlled standard full access entrance on Nettles Drive that will replace the existing full access entrance. It shall be moved to the back of the site and away from the signalized intersection with City Center Boulevard. This entrance shall have 2-exiting lanes (1-left & 1-right) and 1-entering lane. The right turn into the site is already in the right turn lane for City Center Boulevard. Due to the queuing on Nettles Drive during the p.m. peak hour, a modified R10-7 sign (DO NOT BLOCK DRIVEWAY) should be installed on the right side of the street.
2. **Intersection of City Center Boulevard & the 7-Eleven East Entrance** – This intersection shall be a new stop controlled right-in/right-out entrance. The right turn volumes on City Center Boulevard are well below the threshold for a right turn lane per VDOT warrants. It is our understanding that this entrance will require VDOT approval. See the right turn lane calculations in Appendix "E" for VDOT.
3. **Intersection of City Center Boulevard & Nettles Drive** – This new signalized intersection is ADA compliant on all four legs of this intersections. No improvements are recommended.
4. **Site Layout-** The proposed fuel truck route is very good. The existing sidewalk along these two streets shall be maintained with handicap ramps included at the proposed entrances.

This project will not adversely impact the traffic levels of service in this area.

