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AGENDA

NEWPORT NEWS CITY COUNCIL
REGULAR CITY COUNCIL MEETING

JUNE 28, 2016

City Council Chambers

7:00 p.m.

A. Call to Order

B. Invocation

- Rev. Terry Edwards, St. Augustine's Episcopal Church

C. Pledge of Allegiance to the Flag of the United States of America

D. Presentations

1. Resolution In Memoriam: The Honorable John C. Miller, Virginia State Senator
2. Resolution of Recognition: Newport News Public Schools-Television (NNPS-TV) *Sports Highlights* Program on its 25th Anniversary

E. Public Hearings

1. Ordinance Granting Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club (applicant), for the Operation of a Mini-Storage Warehouse, Single-Entrance, on Property Located at 12445 and 12447 Warwick Boulevard and Zoned C1 Retail Commercial District
2. Ordinance Approving Phase One (1) of Master Development Plan No. O3-16-01 to W.M. Jordan Development, LLC (applicant), and the Commonwealth of Virginia, Department of General Services Jefferson Lab A/P (owner), for a Portion of Property Located at 628 Hofstadter Road and Zoned O3 Office/Research Development District
3. Ordinance Granting Conditional Use Permit No. CU-16-366, to the City of Newport News and YMDEV-10, LLC. (Owners & Applicants), to Allow for the Construction and Operation of a Transit Terminal with

Service/Maintenance Facility (Multi-modal Transportation Center) on Six (6) Parcels in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling, and R4 Single-Family Dwelling Districts

4. Ordinance Granting Conditional Use Permit No. CU-16-367, to Mishorim Gold Newport News LP (owner), and Family Entertainment Center (applicant) for the Operation of an Amusement Arcade on Property Located at 14346 Warwick Boulevard, Suite 402 and Zoned C1 Retail Commercial District
5. Ordinance Granting Conditional Use Permit No. CU-16-368, to TGMC, LLC (Owner & Applicant), for the Operation of a Tattoo Establishment on Property Located at 12567 Warwick Boulevard, Unit 101 and Zoned C2 General Commercial
6. Ordinance Granting Conditional Use Permit No. CU-16-369 with Conditions, to All Generations Church (owner) and Mid-Atlantic Teen Challenge (applicant), to Allow for the Operation of a Group Home on Property Located at 28 Harpersville Road and Zoned C1 Retail Commercial
7. Ordinance Authorizing the Vacation of a Portion of 30th Street Adjacent to Jefferson Avenue (Brooks Crossing Project)
8. Resolution Authorizing the City Manager to Execute a Declaration of Restrictive Covenants for the Purpose of the Atkinson Boulevard Project and Required by the U.S. Army Corps of Engineers

F. Consent Agenda

1. Minutes of the Special Meeting of June 14, 2016
2. Minutes of the Work Session of June 14, 2016
3. Minutes of the Regular Meeting of June 14, 2016
4. Resolution of Recognition: Honoring Mr. Julius Green
5. Resolution of Recognition: Honoring Mr. Michael Motley

G. Other City Council Actions

1. Resolution of Support for a Major Advanced Shipbuilding Project by Huntington Ingalls Incorporated/Newport News Shipbuilding (Joint Manufacturing Assembly Facility)
2. Resolution for Approval of the Modification of a Revenue Bond Previously Issued by the Economic Development Authority of James City County (JCC EDA) for the Benefit of Christopher Newport University Education Foundation, Inc.
3. Ordinance Amending City Code, Chapter 27, Obscenity; Article I, In General; Section 27-10, Indecent Exposure
4. Ordinance Amending City Code, Chapter 32, Police; Article I, In General;

Section 32-4, Charges for Certain Records and Services

5. Ordinance Approving a Transfer of Ownership of PAPCO, Inc., Lessee of Parcel 9 in the Newport News Seafood Industrial Park (SIP)

H. Appropriations

1. Newport News Fire Department - Federal Emergency Agency (FEMA) Department of Homeland Security (DHS): Staffing for Adequate Fire and Emergency Response (SAFER) Grant Amendment - \$299,190

I. Citizen Comments on Matters Germane to the Business of City Council

J. *New Business and Councilmember Comments

1. City Manager
2. City Attorney
3. City Clerk
4. Scott
5. Vick
6. Woodbury
7. Bateman
8. Cherry
9. Coleman
10. Price

K. Adjourn

***THE BUSINESS PORTION OF THE MEETING WILL BE CONCLUDED NO LATER THAN 10:00 P.M. TO ALLOW PERSONS TO ADDRESS CITY COUNCIL UNDER "CITIZEN COMMENTS ON MATTERS GERMANE TO THE BUSINESS OF CITY COUNCIL."**

A. Call to Order

B. Invocation – Rev. Terry Edwards, St. Augustine’s Episcopal Church

C. Pledge of Allegiance to the Flag of the United States of America

D. Presentations

E. Public Hearings

1. Ordinance Granting Conditional Use Permit No. CU-15-353, to Centre Court Racquet Club (applicant), for the Operation of a Mini-Storage Warehouse, Single-Entrance, on Property Located at 12445 and 12447 Warwick Boulevard and Zoned C1 Retail Commercial District

ACTION: A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-15-353, CENTRE COURT RACQUET CLUB (APPLICANT) FOR THE OPERATION OF A MINI-STORAGE WAREHOUSE, SINGLE-ENTRANCE, ON PROPERTY LOCATED AT 12445 AND 12447 WARWICK BOULEVARD AND ZONED C1 RETAIL COMMERCIAL DISTRICT.

This item was continued from May 24, 2016.

BACKGROUND:

- The applicant proposes to adaptively re-use the former indoor tennis facility and add a new addition for a climate controlled mini-storage warehouse facility.
- The request is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and compatible with surrounding uses.
- On May 4, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of this request with conditions.

Vote on Roll Call

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

Against: None

Abstention: None

- The City Manager is not making a recommendation.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re CU-15-353 Centre Court
Staff Report and CPC Minute Excerpts

rag1079 CU-15-353 re Centre Court Racquet Club

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Conditional Use Permit No. CU-15-353, Centre Court Racquet Club

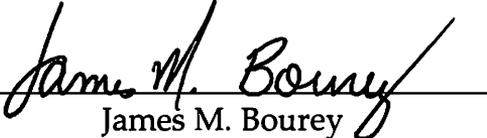
This matter was continued from the May 24, 2016 City Council meeting.

Centre Court Racquet Club requests a conditional use permit to allow for the operation of a mini-storage warehouse, single-entrance interior storage facility on parcels totaling 1.64 acres located at 12445 and 12447 Warwick Boulevard and zoned C1 Retail Commercial.

The new use will adaptively re-use a recently vacated 1970's utilitarian cinder block building that housed indoor tennis courts for over 40 years. An addition will be added to the existing building, as well as new landscaping. The proposed use does not generate the traffic volume of a typical commercial or office use permitted by right.

The request is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and compatible to the surrounding uses.

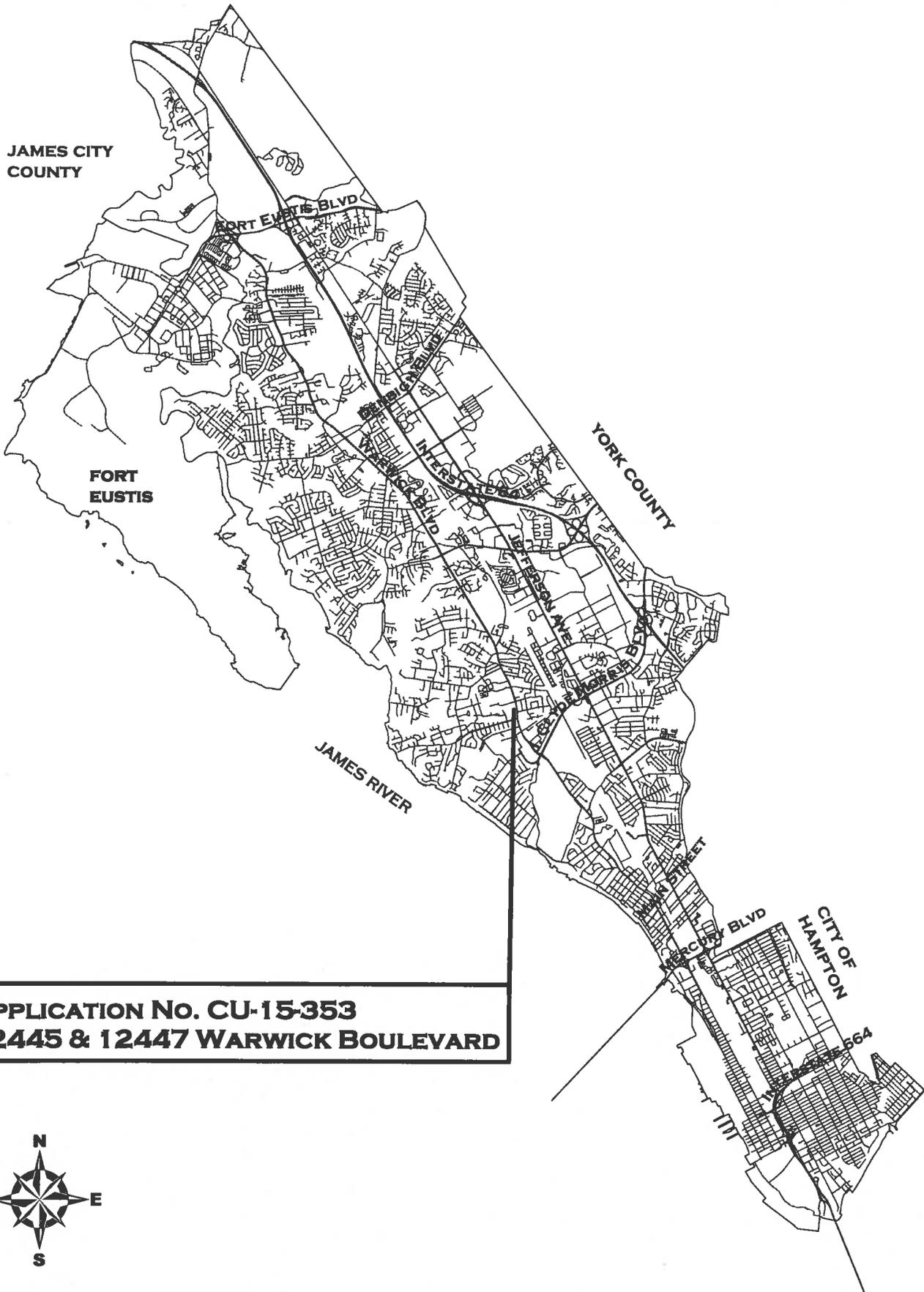
On May 4, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request to City Council with conditions. I am not making a recommendation since I had attempted to keep this property maintained as a Tennis Club and feel my recommendation would be perceived as a conflict of interest.


James M. Bourey

JMB:sgd

**CITY OF NEWPORT NEWS
CITY COUNCIL
MAY 24, 2016**

**CONDITIONAL USE PERMIT
APPLICATION NO. CU-15-353
CENTRE COURT RACQUET CLUB**



CONDITIONAL USE PERMIT NO. CU-15-353

CENTRE COURT RACQUET CLUB

APPLICANT/OWNER	Centre Court Racquet Club	ZONING	C1 Retail Commercial (Appendix A-1)
LOCATION	12445 & 12447 Warwick Boulevard	FRAMEWORK	Neighborhood Commercial and Community Facility(Appendix A-4)
PRESENT USE	Indoor tennis center	ACREAGE	1.64 acres

REQUEST Mini-Storage Warehouse-Single Entrance Interior Storage Facility



BACKGROUND

At the April 6, 2016 meeting the Commission considered the applicant's request for deferral of review of the application to the May 4, 2016 meeting and voted to defer action as requested. (See Appendix A-7.)

FACTS

North Newport News Fire Station No. 10 and Telecommunications Center NNPSTV on properties zoned C1 Retail Commercial

South Hidenwood Shopping Center on property zoned C1 Retail Commercial

East Bojangles restaurant and shopping center on properties zoned C1 Retail Commercial

West Single-family homes on properties zoned R3 Single-Family Dwelling

Zoning History C1 Retail Commercial since the citywide comprehensive rezoning became effective August 1, 1997

Regulatory Review The Zoning Ordinance requires a conditional use permit to operate a mini-storage warehouse-single entrance interior storage facility in the C1 Retail Commercial zoning district. The Zoning Ordinance requires a 30-foot transitional buffer area between commercial and single-family zoning, which occurs on the property's western boundary. The preliminary site plan appropriately identifies the required transitional buffer areas. (See Appendix-A-2.)

The Zoning Ordinance requires 3 parking spaces for every 1,000 square feet of office space plus 1 parking space per employee. Based on the proposed operation, 4 parking spaces are required. The site plan submitted indicates 9 parking spaces will be provided. (See Appendix A-2.)

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 neighborhood commercial and community facility uses for the property. The proposed use is consistent with the commercial designation. (See Appendix A-4.)

The *Framework* also recommends the visual improvement of the city's corridors and encourages the reduction of visual blight on properties to be redeveloped. The proposal re-uses a building that will be vacated in May of this year and adds a building of an appropriate scale which conforms to this recommendation.

ANALYSIS

There is a 1970's utilitarian cinder block building on the property that has housed indoor tennis courts for over 40 years. The building's visibility from the street is limited and obscured by a restaurant building and the fire station that are at either side of the access driveway fronting Warwick Boulevard.

The building is in need of major repairs and the owners have found that the operation of the center is not economically or commercially viable to allow for the upkeep of the structure. Given that efforts to find a buyer that will continue to operate the racquet club have not been successful, the owners have decided that they can no longer continue the operation. Notice of the closure of the center effective May 1, 2016 appeared on the March 25th and March 27th editions of the Newport News Town Square and the Daily Press, respectively. (See Appendix A-6.)

After exhausting all avenues to find a new owner that would maintain the property as an indoor tennis center, the owners started to contemplate offers for other uses and decided that the most benign alternative to a tennis center would be the proposed interior, climate controlled self-storage operation. The applicant proposes to refurbish the existing building to accommodate an office as well as a variety of storage units ranging from 50 to 300 square feet. There will also be a two-story addition that will share a single entrance with

the rehabilitated building. No unit will be accessed directly from outside of the building.

Although the building will retain its utilitarian character, the addition of windows, awnings and other decorative treatments will enhance the look of the building. In addition, new landscaping throughout the site will further enhance the site as it is viewed from Warwick Boulevard. (See Appendix A-3.)

The proposed use does not generate the traffic volume that any of the typical commercial or office uses permitted by right would generate. Moreover, the use will provide a low impact storage facility within proximity to a residential neighborhood and the university. Its location will provide a service that may be sought by students that are only on campus during the academic year within walking distance. Further, in addition to the required buffer along the western boundary where the property abuts single-family residential zoning, the applicant is proposing to retain the existing green area with its mature vegetation assuring that there will be no impacts on the adjacent residential neighbors.

Given the limited frontage of the property directly on Warwick Boulevard and due to side yard setback requirements, freestanding signs cannot be accommodated at the site frontage. Therefore, signage will be limited to a building sign.

Although climate controlled warehouse facilities sometimes may morph into other commercial uses, the limitations of the site, including limited visibility, access and parking precludes it from accommodating most other commercial uses.

CONCLUSION

The proposed development will introduce architectural elements that in conjunction with new extensive landscaping will enhance the appearance of the site's frontage and entryway off of Warwick Boulevard.

The proposed use is consistent with the adopted *Framework for the Future 2030* comprehensive plan land use map and is compatible to the surrounding uses within the immediate vicinity due to its minimal concentration of people, noise and traffic.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-15-353 to allow for the operation of a mini-storage warehouse-single entrance interior storage facility located at 12445 & 12447 Warwick Boulevard with the following conditions:

1. The applicant shall submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering. This site plan shall be in general conformance

with the Conceptual Site Plan prepared by Alfonso & Associates, Inc. dated April 18, 2016, found in Appendix A-2 and shall conform to this conditional use permit, the City's Site Regulations and the Zoning Ordinance.

2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated September 1, 2015 prepared by Michael Henry Architect and found in Appendix A-3 to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.

3. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval. This landscape plan shall be in general conformance to the conceptual plan prepared by Alfonso & Associates dated April 18, 2016, found in Appendix A-2. 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.

4. The applicant shall cause a 30-foot transitional buffer area to be installed and maintained in perpetuity along the property's western boundary. The applicant shall retain and maintain in perpetuity the additional approximately 60-foot open area adjacent to the buffer.

5. The applicant shall provide fire access to the site in accordance with applicable code requirements. The proposed fire access shall be submitted to the City's Fire Marshall's Office for review and approval prior to final site plan approval and shall be consistent with the conceptual plan prepared by Alfonso & Associates dated April 18, 2016, found in Appendix A-2.

6. All new building sign placement, design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.

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

8. No businesses shall be located or operated out of units within the facility. All business and other use of the units shall be for storage use only.

9. 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.

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

11. 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.

12. 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.

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

14. 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.

15. 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.

16. 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.

CPC RECOMMENDATION

On May 4, 2016, the Planning Commission voted unanimously (9:0) to recommend approval of the conditional use permit to the City Council with the following conditions:

1. The applicant shall submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering. This site plan shall be in general conformance with the Conceptual Site Plan prepared by Alfonso & Associates, Inc. dated April 18, 2016, found in Appendix A-2 and shall conform to this conditional use permit, the City's Site Regulations and the Zoning Ordinance.
2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated September 1, 2015 prepared by Michael Henry Architect and found in Appendix A-3 to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.
3. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval. This landscape plan shall be in general conformance to the conceptual plan prepared by Alfonso & Associates dated April 18, 2016, found in Appendix A-2. 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.
4. The applicant shall cause a 30-foot transitional buffer area to be installed and maintained in perpetuity along the property's western boundary. The applicant shall retain and maintain in perpetuity the additional approximately 60-foot open area adjacent to the buffer.
5. The applicant shall provide fire access to the site in accordance with applicable code requirements. The proposed fire access shall be submitted to the City's Fire Marshall's Office for review and approval prior to final site plan approval and shall be consistent with the conceptual plan prepared by Alfonso & Associates dated April 18, 2016, found in Appendix A-2.

6. All new building sign placement, design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.

7. Temporary signs shall be permitted on the Property in accordance with the city's sign ordinance. No portable signs shall be permitted on the Property. Signage placed in or on any window of a building shall be limited to no more than 25 percent of each window.

8. No businesses shall be located or operated out of units within the facility. All business and other use of the units shall be for storage use only.

9. 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.

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

11. 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.

12. 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.

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

14. 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.

15. 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.

16. 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 ELEVATIONS**
- A-4 *FRAMEWORK FOR THE FUTURE 2030 LAND USE MAP***
- A-5 AERIAL MAP**
- A-6 CLOSURE NOTICE**
- A-7 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF APRIL 6, 2016**
- A-8 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MAY 4, 2016**



R3

GAY DR

7-11

SHOPPING CENTER

WARWICK BLVD

O1

CU-15-353

C1

FIRE STATION
No 10

BOJANGLES

FIRESTONE

TELECOMMUNICATIONS CENTER
NNPS TV

HIDDENWOOD SHOPPING CENTER

MINTON DR

VACANT

SINGLE FAMILY

SINGLE FAMILY

BOOTH RD

SINGLE FAMILY

SINGLE FAMILY

SINGLE FAMILY

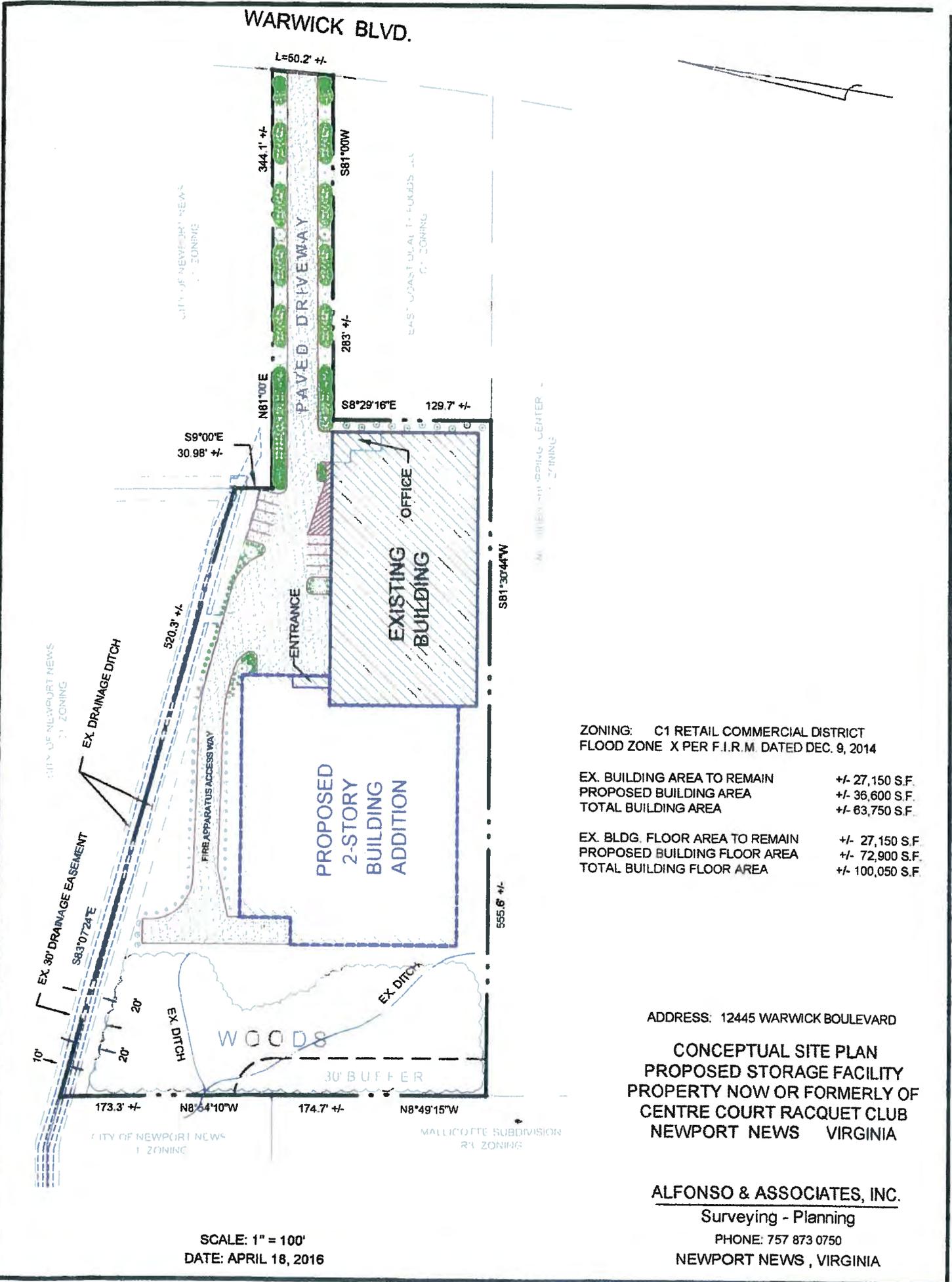
GARLAND DR

P1

SINGLE FAMILY

R3

**CENTRE COURT
RACQUET CLUB**



ZONING: C1 RETAIL COMMERCIAL DISTRICT
 FLOOD ZONE X PER F.I.R.M. DATED DEC. 9, 2014

EX. BUILDING AREA TO REMAIN	+/- 27,150 S.F.
PROPOSED BUILDING AREA	+/- 36,600 S.F.
TOTAL BUILDING AREA	+/- 63,750 S.F.

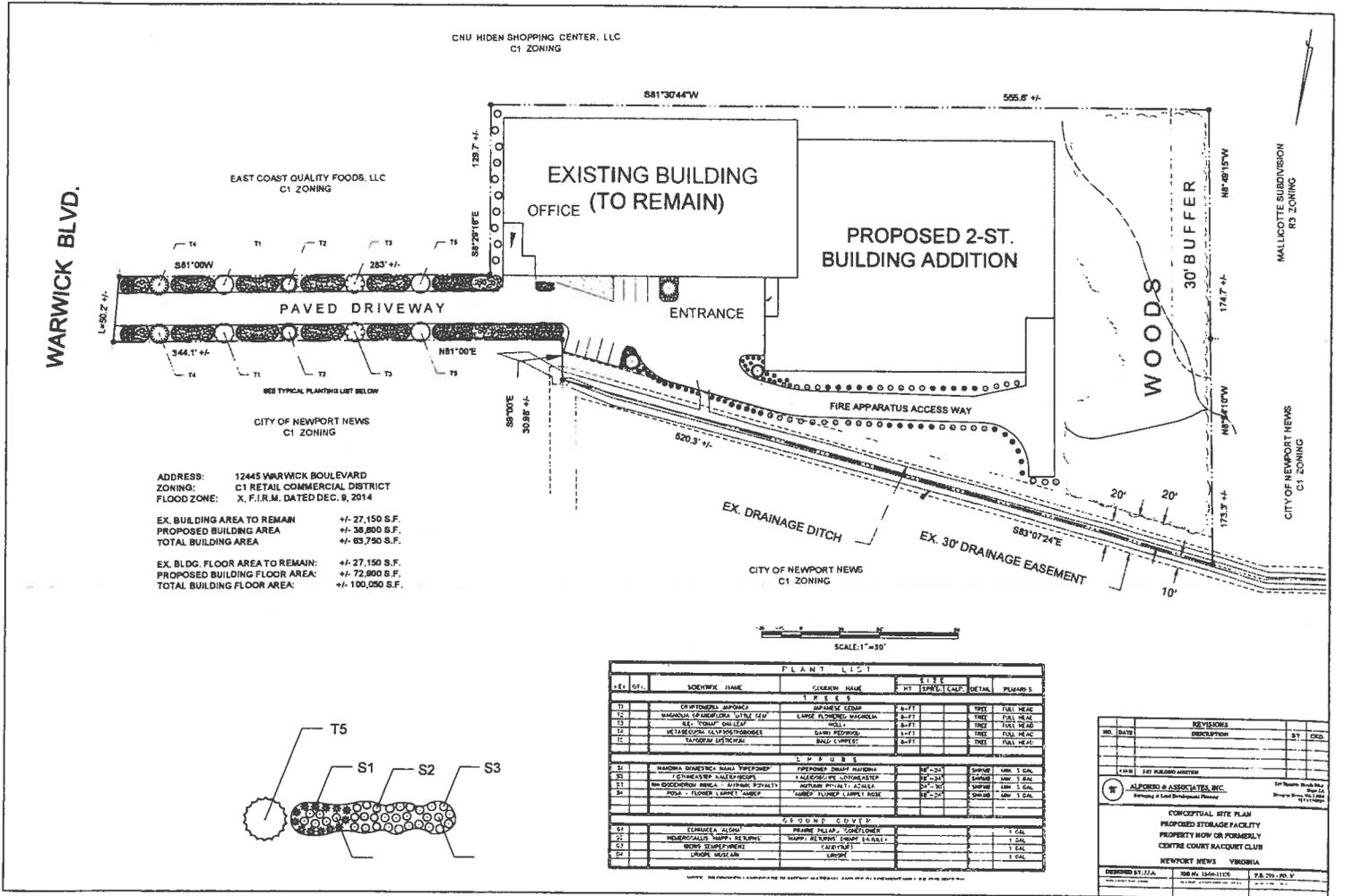
EX. BLDG. FLOOR AREA TO REMAIN	+/- 27,150 S.F.
PROPOSED BUILDING FLOOR AREA	+/- 72,900 S.F.
TOTAL BUILDING FLOOR AREA	+/- 100,050 S.F.

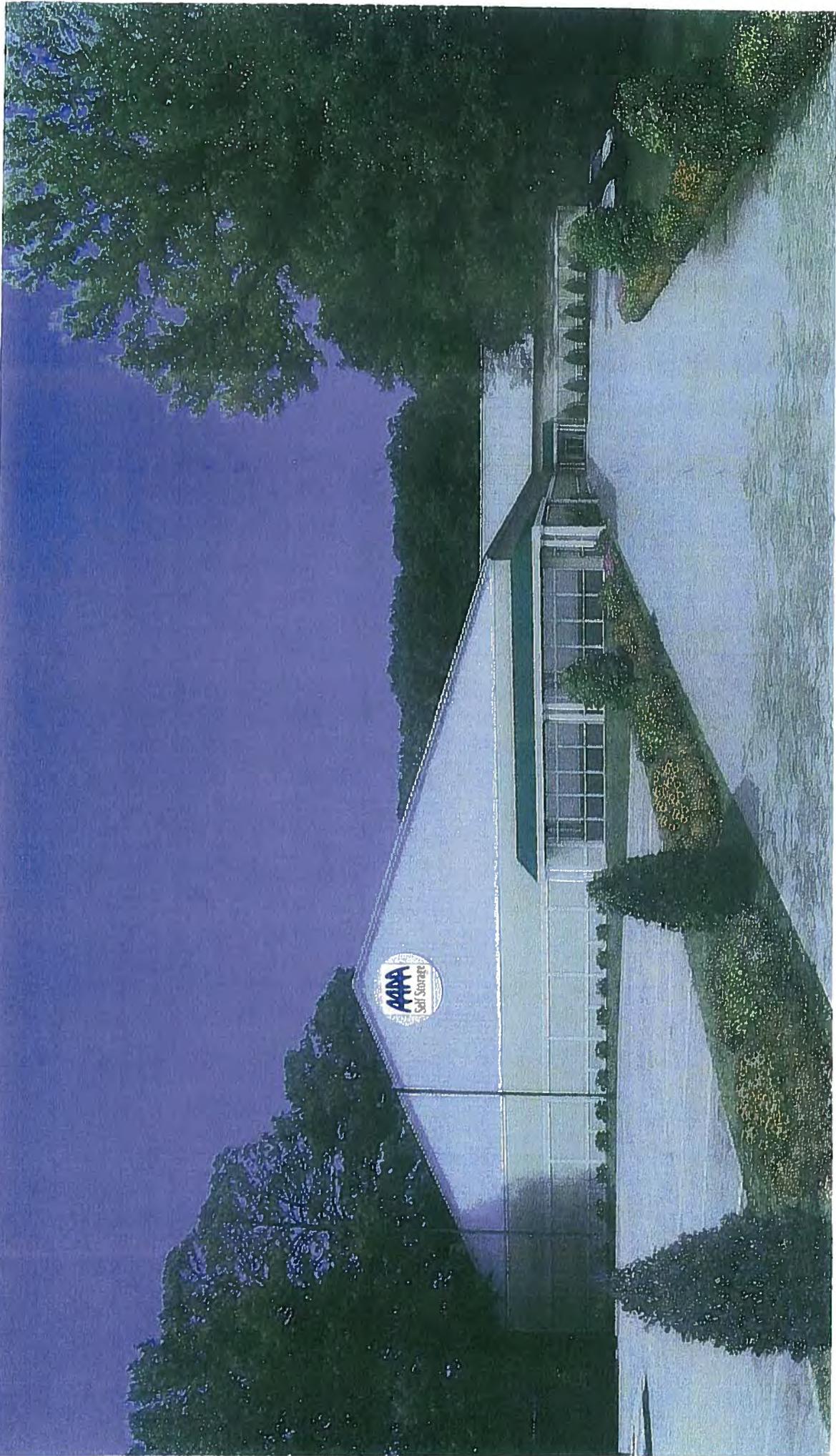
ADDRESS: 12445 WARWICK BOULEVARD

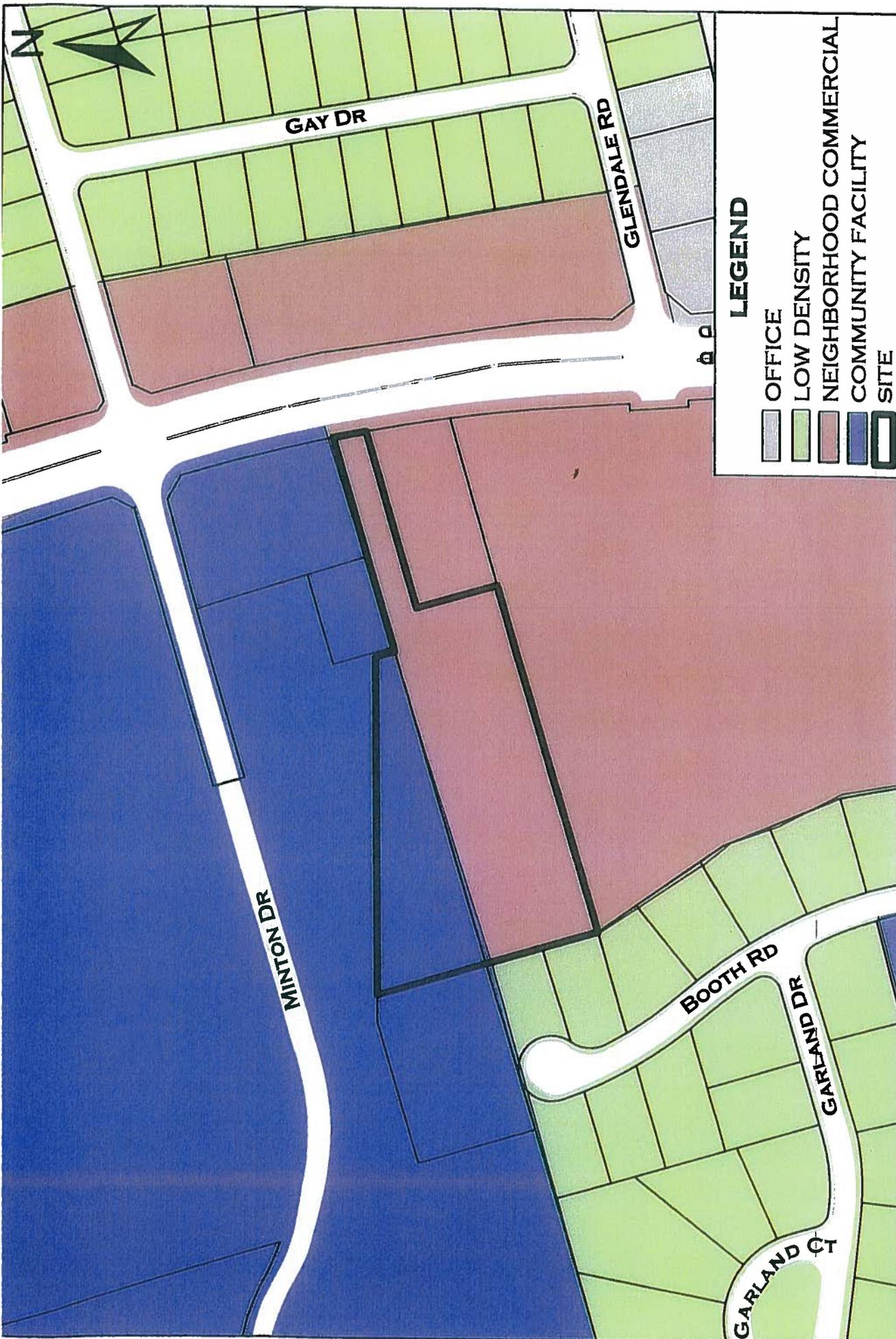
CONCEPTUAL SITE PLAN
 PROPOSED STORAGE FACILITY
 PROPERTY NOW OR FORMERLY OF
 CENTRE COURT RACQUET CLUB
 NEWPORT NEWS VIRGINIA

ALFONSO & ASSOCIATES, INC.
 Surveying - Planning
 PHONE: 757 873 0750
 NEWPORT NEWS , VIRGINIA

SCALE: 1" = 100'
 DATE: APRIL 18, 2016







LEGEND

-  OFFICE
-  LOW DENSITY
-  NEIGHBORHOOD COMMERCIAL
-  COMMUNITY FACILITY
-  SITE

**FRAMEWORK FOR
THE FUTURE 2030**

**CENTRE COURT
RACQUET CLUB**



CENTRE COURT RACQUET CLUB

Closing Effective May 1, 2016

The facility will close and cease operations at the conclusion of the Winter Season on April 30, 2016. The Centre Court Limited Partnership wishes to extend its heartfelt thanks and deep gratitude to all of our patrons for 43 enjoyable years and also to our loyal staff. Alternative indoor tennis facilities in the immediate area are already in the planning for the fall at James River Country Club and also at other sites on the Peninsula. In addition, with existing facilities at Riverside's Wellness Center on Jefferson Ave., year round tennis will continue to thrive in our locality.

Thank you again,
Col. William H. Shivar
General Partner

EXCERPTS FROM PLANNING COMMISSION MINUTES**April 6, 2016**

CU-15-353, Centre Court Racquet Club. Requests a conditional use permit to allow for the operation of a mini-storage warehouse-single entrance interior storage facility on two (2) parcels totaling 3.73 acres located at 12445 & 12447 Warwick Boulevard and zoned C1 Retail Commercial. The Parcel Nos. are 220.00-02-03 & 211.00-01-83.

Mr. Carpenter stated the Planning Commission received a letter from the applicant requesting a deferral.

Ms. Fox made a motion to defer the application to the May 4, 2016 public hearing. Ms. Austin seconded the motion. The Planning Commission voted by acclamation.

EXCERPTS FROM PLANNING COMMISSION MINUTES

May 4, 2016

CU-15-353, Centre Court Racquet Club. (Deferred from Planning Commission meeting of April 6, 2016) Requests a conditional use permit to allow for the operation of a mini-warehouse, single-entrance interior storage facility on two (2) parcels totaling 3.73 acres located at 12445 & 12447 Warwick Boulevard and zoned C1 Retail Commercial. The Parcel Nos. are 220.00-02-03 & 211.00-01-83.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Austin asked if any portion of the storage facility would be climate controlled. Mr. Gleiser stated it is all climate controlled.

Ms. Austin asked if cars or trucks would be able to drive into the facility. Mr. Gleiser stated you cannot drive into the facility. He stated you can only access the facility through the single entrance.

Ms. Austin asked if there would be smoke detectors in the facility. Mr. Gleiser stated the facility will meet all fire code requirements and there will be emergency exits.

Mr. Carpenter opened the public hearing.

Mr. Tim Trant, 11815 Fountain Way, representative for the applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Trant gave a brief presentation of the application.

Mr. Trant stated the applicant is comfortable with all of the conditions in the staff report except for one. He stated Condition No. 7 proposes to prohibit the use of temporary signage on the property. Mr. Trant stated that, given the narrow frontage on Warwick Boulevard, it is too narrow to accommodate both a proper entrance and a freestanding sign per city code. He stated the visibility of the property is limited by the narrow entrance to the facility and proposed enhanced landscaping which will obscure the building. Mr. Trant stated the applicant requests removal of the temporary sign limitation in the proposed conditions. He stated the applicant would like the ability to apply, in accordance with the sign ordinance, for a sign permit to utilize temporary signage during periods of low occupancy.

Ms. Fox asked if Mr. Trant is asking that a portable sign be brought out any time the applicant needs higher occupancy rates. Mr. Trant stated we are not asking for portable signage, but temporary signage, such as flags or balloons that are used to denote a promotion or a particular event that is occurring on that site. He stated you have to apply for a sign permit to be allowed to do that. Mr. Trant stated this kind of signage is temporary in nature and there is a specific duration of time in which you can do it.

Ms. Willis asked if the proposed addition will be set back any farther than the existing building. Mr. Trant stated that is correct. He stated the existing building will be partially demolished to make room for the proposed two-story addition. Mr. Trant stated the proposed two-story addition will not extend or protrude any further back on the property than the existing building. He stated the buffer area, which is mature and substantial, will remain.

Ms. Willis asked if they anticipate exterior lighting for safety. Mr. Trant stated there will be exterior lighting required by code that will include the rear of the property. He stated the lighting ordinance requirements within the city code limit glare and light onto adjacent properties. Mr. Trant stated the existing mature trees and growth that is in the rear of the property will also prohibit light from emanating onto the adjacent residences. He stated the applicant operates a similar facility in Hampton and had a complaint from an adjacent property owner about the lighting. Mr. Trant stated the applicant worked with the adjacent property owner to identify which light was generating a glare and installed a shield on that light to comply with code but still protect the interests of that adjacent property owner. Mr. Trant stated the applicant is committed to offering a similar approach on this project.

Mr. Trant stated that, in regard to Ms. Austin's questions about fire safety, the facility will be fully sprinkled with a fire suppression system throughout the building and there will be emergency access points, per code.

Mr. Mulvaney asked what the sign ordinance allows for temporary signage. Ms. McAllister stated she would not remove the entire condition. She stated the Planning Commission may want to take out the temporary portion of that condition and just add that temporary signage will be approved by the Department of Codes Compliance in accordance with the sign ordinance, which allows for 30-day temporary signs. Mr. Trant stated that the applicant is agreeable to that change. He stated they do not want the entire condition removed because it also contains some limitations on window signage, with which the applicant agrees.

Mr. Mulvaney stated that, with such a small footprint on Warwick Boulevard and where the entrance is, it seems that the signage would be extremely limited anyway. He stated that, with this being the only facility of its kind in the area, how important is the temporary signage for this facility if you are going to become a commodity. Mr. Trant stated the applicant has indicated, from their experience, that you would be amazed at the fairly dramatic impact proportionate to the very limited temporary signage that you get in lease-up and promotional periods. He stated it is very valuable. Mr. Trant stated the temporary signs would be very limited in both duration and its physical appearance given the nature of the entrance.

Mr. Mulvaney asked if the applicant can apply for a temporary sign every 30 days if they want to or is there a blackout period. Ms. McAllister stated the sign ordinance does not speak to that, so you can reapply every 30 days for a new temporary sign.

Ms. Fox asked if there is no permanent fixed sign due to the landscaping and the only signage is the building. Mr. Trant stated the only permanent signage that would be permitted on the property in its current configuration would be the building signage that you see proposed on the gable end.

Ms. Willis asked if there is ever a problem with trash with a facility like this. She asked if there is a dumpster available on the site. Ms. Willis asked when people are moving things in and out and possibly having their storage units emptied out for not paying rent, how is that trash disposed. Mr. Trant stated there is no on-site dumpster. He stated the site will be staffed by on-site management at all times when patrons have access to the building. Mr. Trant stated it is in the lease agreement that they are obligated to remove all rubbish from the property and the front office will be able to monitor that. He stated there is also a security gate beyond the office that would further help them to monitor the flow of traffic in and out, with video surveillance. Mr. Trant stated the applicant does not have rubbish disposal problems at their other facilities.

Mr. Groce asked how many people would be employed at this facility. Mr. Trant stated we anticipate that there will be two people: an on-site manager and an assistant manager. He stated there may be a third person that is on-site from time to time, to help in peak periods of leasing activity or maintenance.

Mr. Richard Vanderzee, 475 Cheshire Court, stated it was his understanding that this building was scheduled for storage or warehousing. Mr. Vanderzee stated he would like to know if a tenant has been identified, and if so, if that name could be divulged. Mr. Carpenter stated the property is proposed to be a self-storage development. He stated the developer is present and leases the building to an operator. Mr. Carpenter stated that, based upon the signage, the facility will be AAAA Self-Storage, which is a local operator based in Norfolk, Virginia.

Mr. Carpenter stated he is involved in the ownership of a piece of property directly across the street, and in a brief discussion with Ms. McAllister, it was determined that he has no conflict of interest, but he felt it was appropriate to disclose that information.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of conditional use permit CU-15-353 to City Council, with Condition No. 7 amended to read "Temporary signs shall be permitted on the property in accordance with the city's sign ordinance." The motion was seconded by Mr. Jones.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend approval of conditional use permit CU-15-353 to City Council, as amended.

ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-15-353 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE CONSTRUCTION AND OPERATION OF A MINI-STORAGE WAREHOUSE - SINGLE ENTRANCE IN A C1 RETAIL COMMERCIAL DISTRICT.

WHEREAS, application number CU-15-353 has been made by **CENTRE COURT RACQUET CLUB, applicant**, for a conditional use permit for the hereinafter described property for the purpose of permitting the construction and operation of a mini-storage warehouse - single entrance in a C1 Retail Commercial District; and

WHEREAS, the application has been referred to the Planning Commission of the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

(a) That conditional use permit number CU-15-353 is hereby granted for the property described in paragraph (b) hereof for the purpose of permitting the construction and operation of a mini-storage warehouse - single entrance in a C1 Retail Commercial District; and

(b) That the property, hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

Parcel I

All that certain lot, piece or parcel of land, situate, lying and being in the City of Newport News, Virginia, known and designated as Parcel "B", containing 114,153 square feet, as shown on that certain plat entitled, "SUBDIVISION OF THE PROPERTY OF JOHN MALLICOTTE, CITY OF NEWPORT NEWS, VIRGINIA", made by C. K. Tudor, Engineers, dated June 22, 1972, and recorded in the Clerk's Office of the Hustings Court for the City of Newport News, Virginia, in Plat Book 8, page 138, to which reference is here made.

Parcel II

All that certain lot, piece or parcel of land, situate, lying and being in the City of Newport News, Virginia, containing 1.1728 acres, more or less, as shown on that certain plat of survey entitled "Plat

of the Property to be Conveyed to Centre Court Racquet Club, 1.1728 Acres, Part of Parcel B, Property of Newport News School Board , Newport News, Virginia” dated June 20, 1991 and prepared by C. K. Tudor Engineers, Inc.

The Property has a common street address of 12445 and 12447 Warwick Boulevard and a Real Estate Assessor’s Tax I.D.’s #220.00-02-03 and 211.00-01-83.

(c) That this conditional use permit is granted subject to the following conditions, each of which shall be implemented upon approval of this ordinance:

1. The applicant shall submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering. This site plan shall be in general conformance with the Conceptual Site Plan prepared by Alfonso & Associates, Inc. dated April 18, 2016, found in Appendix A-2, which is attached hereto and made a part hereof, and shall conform to this conditional use permit, the City’s Site Regulations and the Zoning Ordinance.
2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated September 1, 2015 prepared by Michael Henry Architect and found in Appendix A-3, which is attached hereto and made a part hereof, to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.
3. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval. This landscape plan shall be in general conformance with the conceptual plan prepared by Alfonso & Associates dated April 18, 2016, found in Appendix A-2. 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.
4. The applicant shall cause a 30-foot transitional buffer area to be installed and maintained in perpetuity along the property’s western boundary. The applicant shall retain and maintain in perpetuity the additional approximately 60-foot open area adjacent to the buffer.
5. The applicant shall provide fire access to the site in accordance with applicable code requirements. The proposed fire access shall be submitted

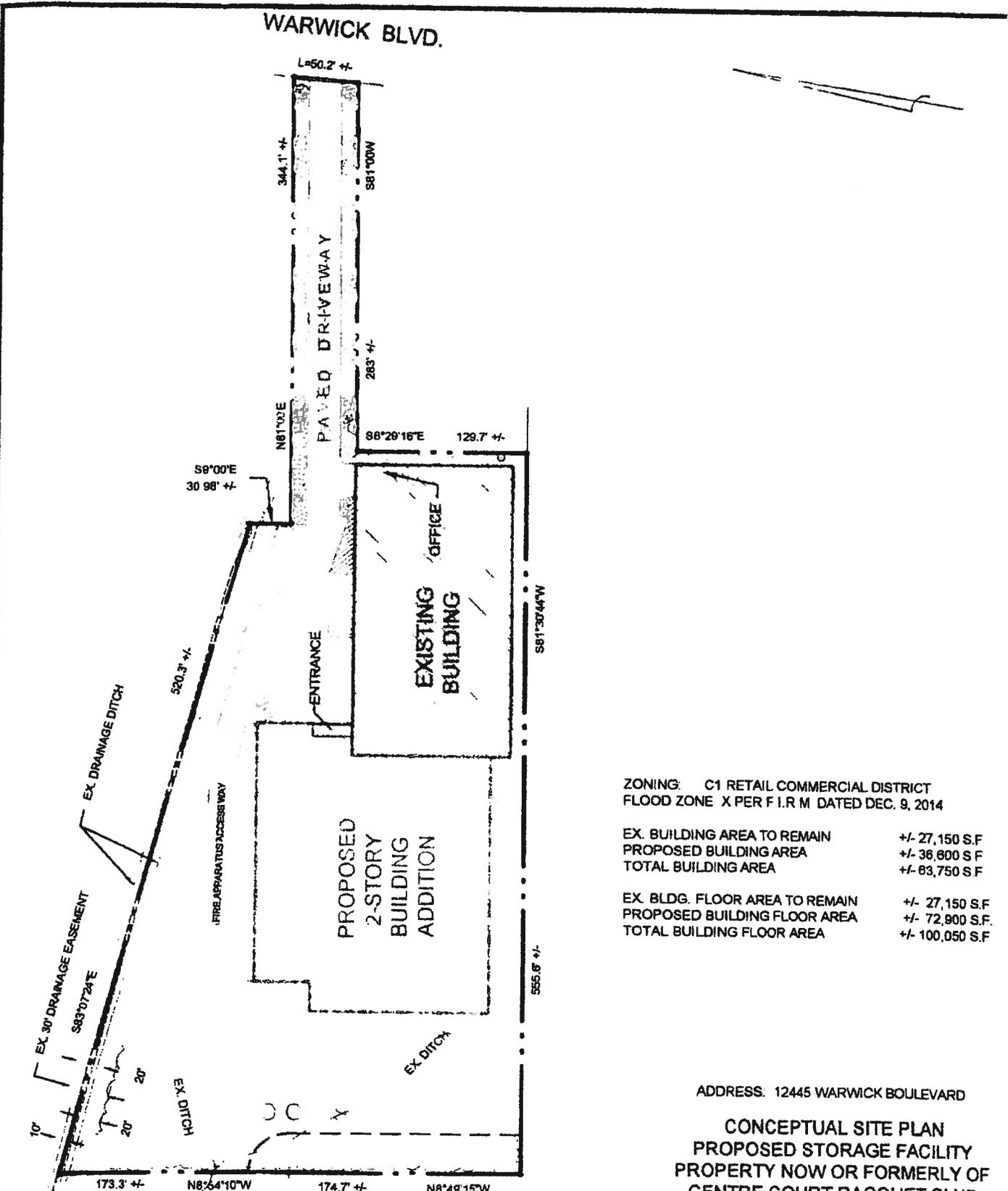
to the City's Fire Marshall Office for review and approval prior to final site plan approval and shall be consistent with the conceptual plan prepared by Alfonso & Associates dated April 19, 2016, found in Appendix A-2.

6. All new building sign placement, design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
7. Temporary signage shall be permitted on the property in accordance with the City's sign ordinance. No portable signs shall be permitted on the Property. Signage placed in or on any window of a building shall be limited to no more than 25 percent of each window.
8. No businesses shall be located or operated out of units within the facility. All business and other use of the units shall be for storage use only.
9. 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 the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. 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.
10. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
11. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.

12. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional 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. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of 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.
14. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
15. 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, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
16. 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 an amendment to the zoning of the property described in Section (b) hereof 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.

(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of June 28, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.



ZONING: C1 RETAIL COMMERCIAL DISTRICT
 FLOOD ZONE X PER F.I.R.M. DATED DEC. 9, 2014

EX. BUILDING AREA TO REMAIN	+/- 27,150 S.F.
PROPOSED BUILDING AREA	+/- 36,600 S.F.
TOTAL BUILDING AREA	+/- 63,750 S.F.

EX. BLDG. FLOOR AREA TO REMAIN	+/- 27,150 S.F.
PROPOSED BUILDING FLOOR AREA	+/- 72,900 S.F.
TOTAL BUILDING FLOOR AREA	+/- 100,050 S.F.

ADDRESS: 12445 WARWICK BOULEVARD

**CONCEPTUAL SITE PLAN
 PROPOSED STORAGE FACILITY
 PROPERTY NOW OR FORMERLY OF
 CENTRE COURT RACQUET CLUB
 NEWPORT NEWS VIRGINIA**

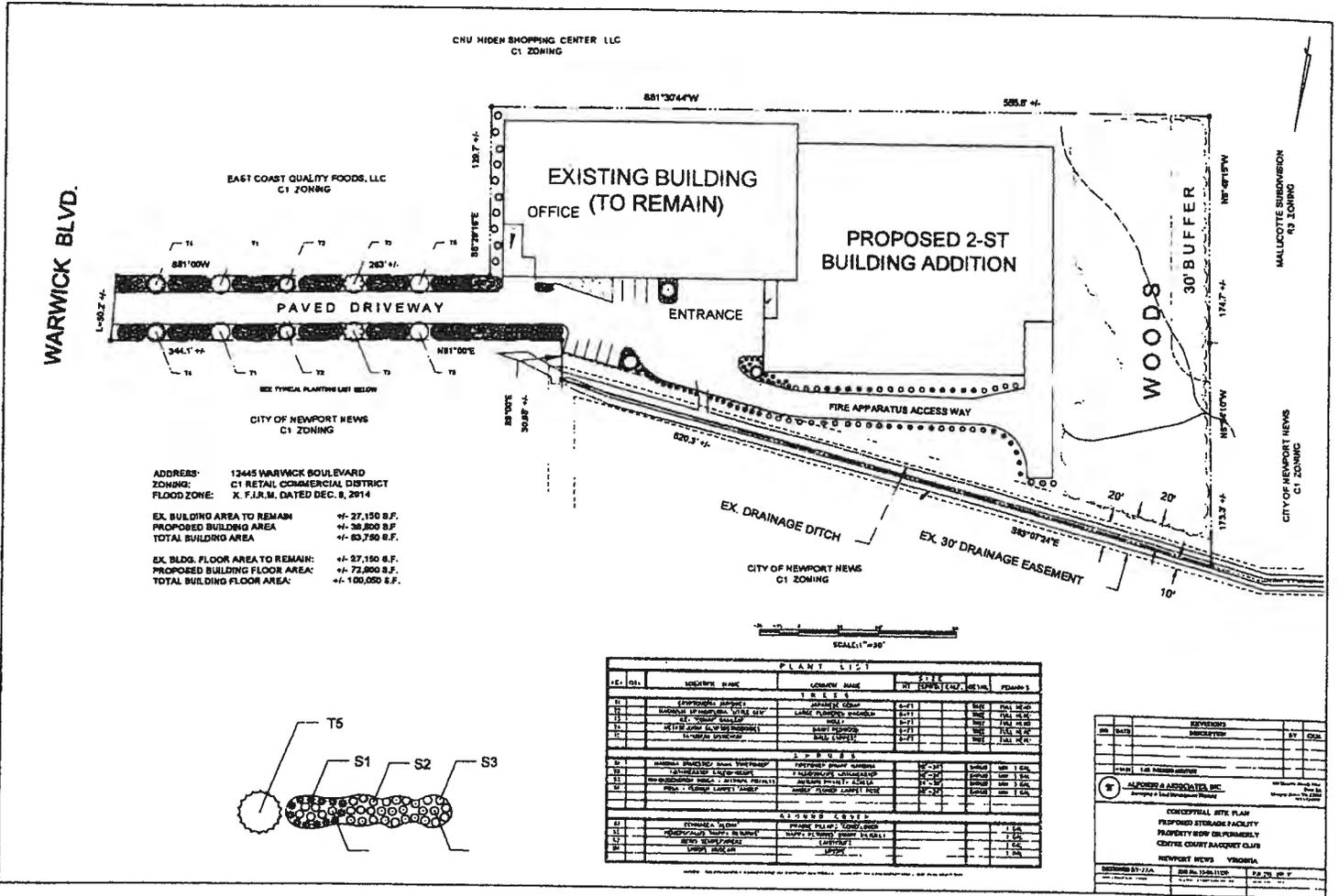
ALFONSO & ASSOCIATES, INC.

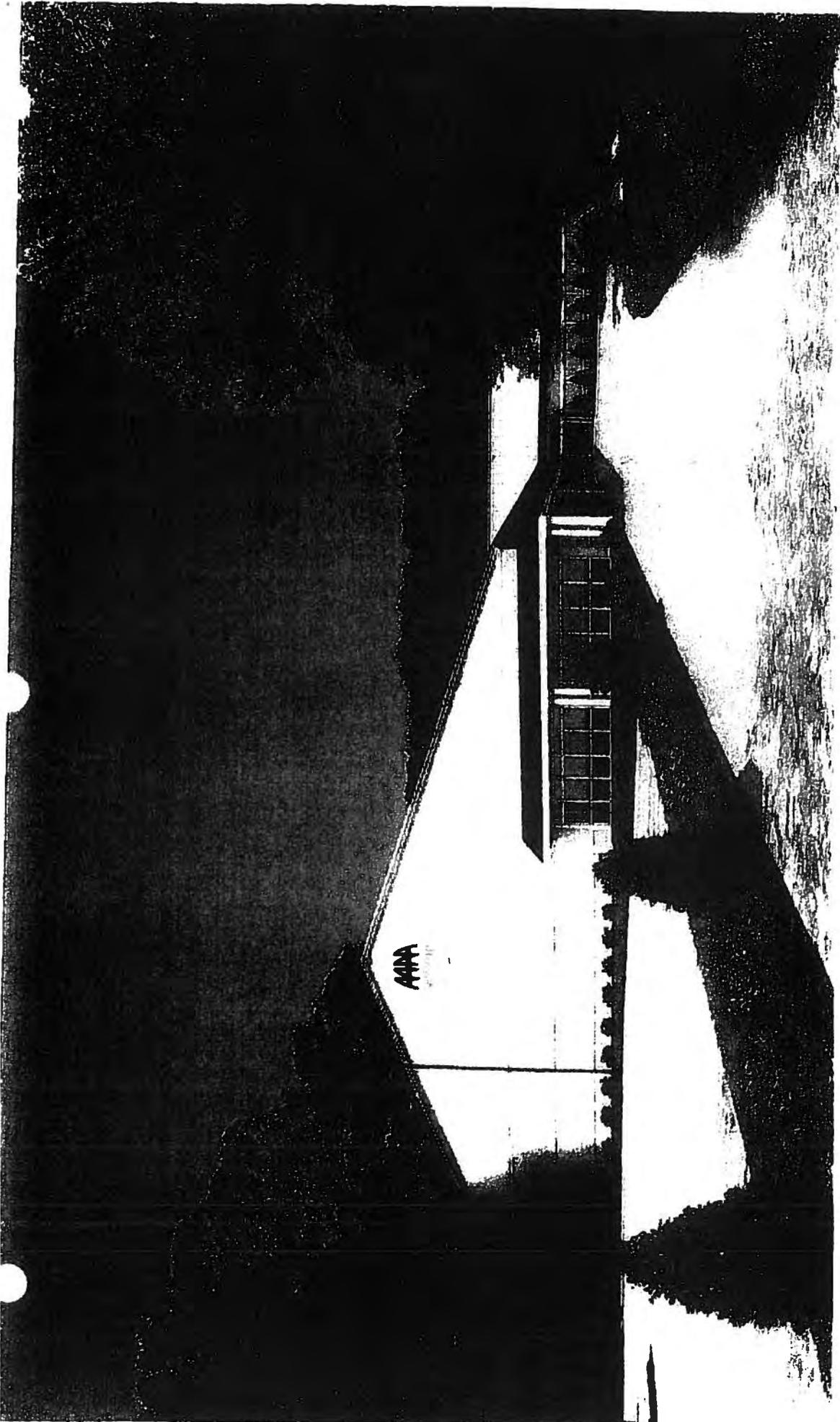
Surveying - Planning

PHONE: 757 873 0750

NEWPORT NEWS, VIRGINIA

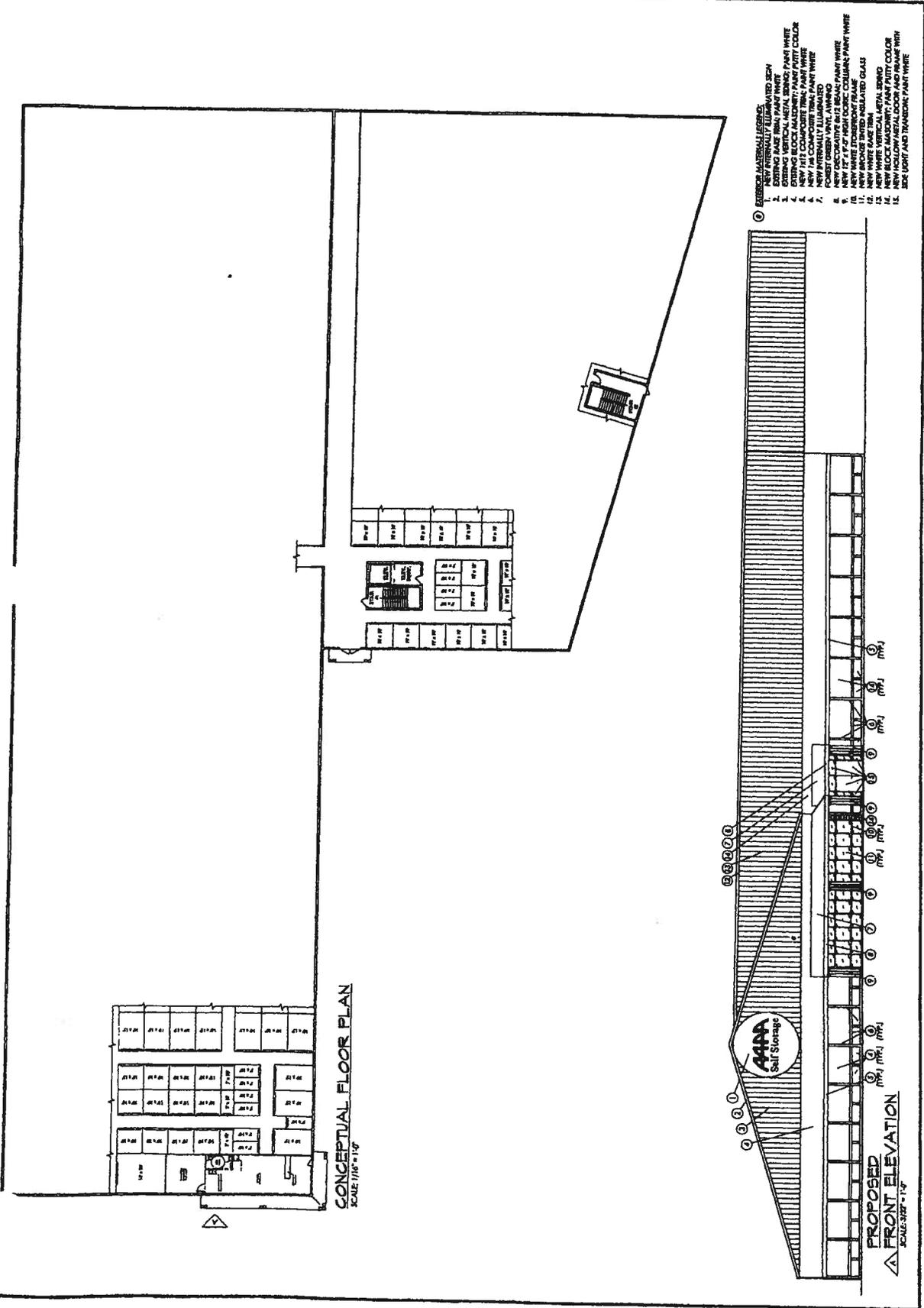
SCALE: 1" = 100'
 DATE: APRIL 18, 2016





ARCHITECT
 PROJECT NO. 2004-001
 1000 N. 10TH ST.
 SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 FAX: 303.733.1112
 WWW: WWW.HOK.COM

NO. OF SHEETS	18
SHEET NO.	18
DATE	08/04
PROJECT NO.	2004-001
PROJECT NAME	CONCEPTUAL FLOOR PLAN
CLIENT	AAA STORAGE
ADDRESS	1000 N. 10TH ST., SUITE 100, DENVER, CO 80202
DATE	08/04
SCALE	1/8" = 1'-0"



- GENERAL MATERIALS LEGEND:
1. NEW EXTERIOR WALLS: 2" BRICK, PAINT WHITE
 2. EXISTING ROOF: 2" BRICK, PAINT WHITE
 3. EXISTING ROOF: 2" BRICK, PAINT WHITE
 4. EXISTING ROOF: 2" BRICK, PAINT WHITE
 5. NEW 1/2" COMPOSITE TRIM, PAINT WHITE
 6. NEW 1/2" COMPOSITE TRIM, PAINT WHITE
 7. POCKET GREEN VINYL AWNING
 8. NEW DECORATIVE 6" X 6" BRICK, PAINT WHITE
 9. NEW BRICK: 2" BRICK, PAINT WHITE
 10. NEW BRICK: 2" BRICK, PAINT WHITE
 11. NEW BRICK: 2" BRICK, PAINT WHITE
 12. NEW BRICK: 2" BRICK, PAINT WHITE
 13. NEW BRICK: 2" BRICK, PAINT WHITE
 14. NEW BRICK: 2" BRICK, PAINT WHITE
 15. NEW BRICK: 2" BRICK, PAINT WHITE
 16. NEW BRICK: 2" BRICK, PAINT WHITE

CONCEPTUAL FLOOR PLAN
 SCALE 1/8" = 1'-0"

PROPOSED FRONT ELEVATION
 SCALE 1/8" = 1'-0"

E. Public Hearings

2. Ordinance Approving Phase One (1) of Master Development Plan No. O3-16-01 to W.M. Jordan Development, LLC (applicant), and the Commonwealth of Virginia, Department of General Services Jefferson Lab A/P (owner), for a Portion of Property Located at 628 Hofstadter Road and Zoned O3 Office/Research Development District

ACTION: A REQUEST TO ADOPT AN ORDINANCE APPROVING PHASE ONE (1) OF MASTER DEVELOPMENT PLAN NO. O3-16-01 TO W.M. JORDAN DEVELOPMENT, LLC (APPLICANT), AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF GENERAL SERVICES JEFFERSON LAP A/P (OWNER), FOR A PORTION OF PROPERTY LOCATED AT 628 HOFSTADTER ROAD, AT THE TECH CENTER AT OYSTER POINT AND ZONED O3 OFFICE/RESEARCH DEVELOPMENT DISTRICT.

- BACKGROUND:**
- Development in the O3 Office/Research and Development district requires an approved master development plan by City Council.
 - The proposed Phase 1 of the Master Development Plan for Tech Center at Oyster Point provides development guidelines for the first building and sets the tone for future development.
 - On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request.

Vote on Roll Call

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

Against: None

Abstention: None

- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re 03-16-01 Phase I, Tech Ctr

Staff Report and CPC Minute Excerpts

sdm14412 Approving Development Plan No. 03-16-01

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Ordinance Approving Phase 1 of Master Development Plan 03-16-01 (628 Hofstadter Road)

W.M. Jordan Development LLC., Contract Purchaser and the Commonwealth of Virginia, Department of General Services Jefferson Lab A/P request approval of Phase 1 of a Master Development Plan for Tech Center at Oyster Point to allow for the construction of Building One on a parcel containing approximately 3.3 acres located on a portion of 628 Hofstadter Road and zoned O3 Office/Research and Development.

The zoning ordinance requires development within the office/research center park to be in accordance with a master development plan. The plan must be approved by the city council based on a planning commission recommendation.

The proposed Phase 1 of the master development plan appropriately addresses issues specified in the zoning ordinance such as building setbacks, placement and orientation as well as signage, lighting, building materials and architecture. Approval of Phase 1 will provide guidelines for the review and approval of the proposed Building One and will set the tone for future development within the center as the master plan is fully developed.

On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request to City Council with conditions.

I concur with the City Planning Commission's recommendation.


James M. Bourey

JMB:sgd

Attachment

**CITY OF NEWPORT NEWS
CITY COUNCIL
JUNE 28, 2016**

**MASTER PLAN
APPLICATION NO. 03-16-01
COMMONWEALTH OF VIRGINIA GSA**

**JAMES CITY
COUNTY**

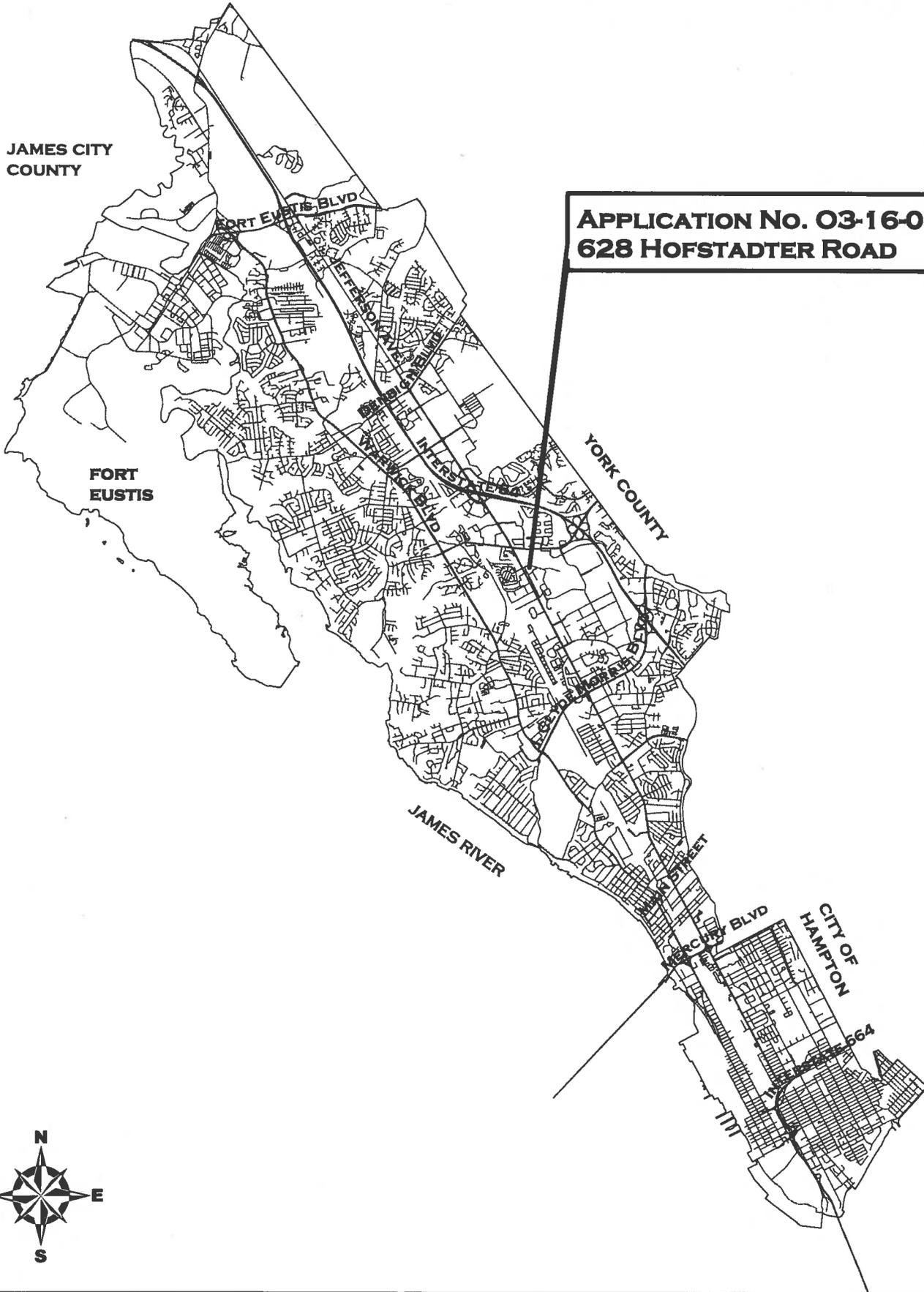
**APPLICATION No. 03-16-01
628 HOFSTADTER ROAD**

**FORT
EUSTIS**

YORK COUNTY

JAMES RIVER

**CITY OF
HAMPTON**



MASTER DEVELOPMENT PLAN NO. 03-16-01 COMMONWEALTH OF VIRGINIA DEPT. OF GENERAL SERVICES JEFFERSON LAB A/P

APPLICANT/OWNER	W.M. Jordan Development LLC. Contract Purchaser/Commonwealth of Virginia Dept. of General Services Jefferson Lab A/P	ZONING	O3 Office/Research and Development (Appendix A-1)
LOCATION	A portion of 628 Hofstadter Road	FRAMEWORK	Research and Development (Appendix A-8)
PRESENT USE	Vacant	ACREAGE	3.3 acres

REQUEST Phase 1 of a Master Development Plan for Tech Center at Oyster Point



FACTS

- North** Venture apartments on property zoned R9 Mixed Use with proffers and vacant property zoned O3 Office/Research and Development
- South** Jefferson Center for Research and Technology on property zoned O3 Office/Research and Development
- East** Newport News Schools Service Center of Operation and Transportation (S.C.O.T) Site on property zoned O3 Office/Research and Development
- West** Virginia Applied Research Center (VARC) and Applied Research Center (ARC) both part of the Jefferson Center for Research and Technology on property zoned O3 Office/Research and Development

Zoning History O3 Office/Research and Development since the citywide comprehensive rezoning became effective August 1, 1997.

On August 13, 2013, City Council approved Conditional Rezoning CZ-13-340, from O3 Office/Research and Development to R9 Mixed Use with proffers for the property on Hogan Drive directly across from the property and currently occupied by the Marketplace at Tech Center and Venture apartments.

Regulatory Review The zoning ordinance regulations, Article XIX. O3 Office/Research and Development district, require development within the office/research center park to be in accordance with a master development plan. The plan must be approved by the city council based on a planning commission recommendation. The master plan shall govern the physical development of the office park including setbacks and lot coverage as well as orientation of structures and landscaping. The plan also should address details such as building materials and architecture.

The zoning ordinance requires a minimum district size of 50 acres and a minimum lot size of 2 acres. When fully developed the proposed Tech Center at Oyster Point will be well beyond the minimum requirement. Phase 1 which is what is being reviewed at this time, includes a 3.3 acre lot. (See Appendix A-2 and A-3.)

The parking requirement within the O3 Office/Research and Development district requires 1 parking space for every 300 square feet of office area. Building One will be approximately 80,000 square feet requiring a minimum of 267 spaces.

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 research and development uses for the property. (See Appendix A-8.)

The *Framework* designates the area as an employment center and expects that development of the area around the Jefferson Center research park will enhance the park and attract more opportunities for research and technology companies.

ANALYSIS

To enable development of any particular lot within the O3 Office/Research and Development district, the ordinance requires that the lot be a part of a master plan for a minimum 50-acre district. Future plans for Tech Center at Oyster Point will encompass approximately 80 acres of property roughly extending from Hogan Drive to Canon Boulevard. (See Appendix A-2.) However, the developer currently has tenants that are looking to occupy Building One within the proposed research and technology office park. In order to start developing the park, the applicant is proposing phase 1 of the master plan.

The proposed Phase 1 development will be located on and accessed from

Hogan Drive as well as from the existing road system within the Jefferson Center for Research and Technology. As the master plan for the Tech Center at Oyster Point develops, Phase 1 will be incorporated into the plan's vehicular and pedestrian roadway systems as well as parking fields, trails, parks and other open spaces.

The Building One placement close to the street provides pedestrian connections with the Venture apartments and the Marketplace as well as starts to develop a system that is expected throughout the development. Its placement also helps screen the parking area which will be located behind the building. (See Appendix A-4.)

The minimum front rear and side setbacks are 15 feet. Entrance canopies and building supports may encroach up to 8 feet within the setback. Building One will sit 15 feet from the edge of the public right-of-way and that area will be landscaped enhancing the pedestrian experience. It also allows for foundation planting that will be a signature design feature of the campus. (See Appendix A-4.)

The proposed architecture will be influenced by existing buildings within the Jefferson Laboratories center including the ARC building as well as the Marketplace and the Venture apartments. The proposed architecture will follow the more contemporary flavor of the surrounding architecture with its simple geometry and a combination of metal and masonry materials with an earth tone palette. Simple details that will accentuate entrances and an appropriate balance of wall and glazed surfaces will lend to the technology centered uses housed in the building.

All mechanical equipment and dumpsters will be appropriately screened from public view using contemporary materials and designs that will complement the building's architecture. (See Appendix A-5.)

Besides providing post lighting in parking areas and vehicular circulations, the master plan calls for the pedestrian walkways, building entrances and outdoor spaces to be well lit. Architectural and accent lighting will be used to enhance the structures and landscaping. (See Appendix A-6.)

A signage system that will help with branding of the center is being proposed. The signage will include a series of freestanding signs varying in height and size depending on location and purpose. Entrance signage will be a maximum of 15 feet tall and will include electronic signage panels and will not exceed an area of 132 square feet per side. Office Building Identification signage will be no taller than 10 feet with a sign area not to exceed 100 square feet. All freestanding signs shall be of a similar design and materials creating a sense of place. Building signs shall be permitted on all sides of the buildings. (See Appendix A-7.)

The City's Economic Development Authority (EDA) shall review and approve all development signage for its compliance with the guidelines provided in the master plan.

CONCLUSION

The proposed Phase 1 of the master development plan appropriately addresses issues specified in Article XIX, of the zoning ordinance such as building setbacks, placement and orientation as well as signage, lighting building materials and architecture that will provide for guidelines for the review and approval of the proposed Building One and will set the tone for future development within the center as the master plan is fully developed.

STAFF RECOMMENDATION

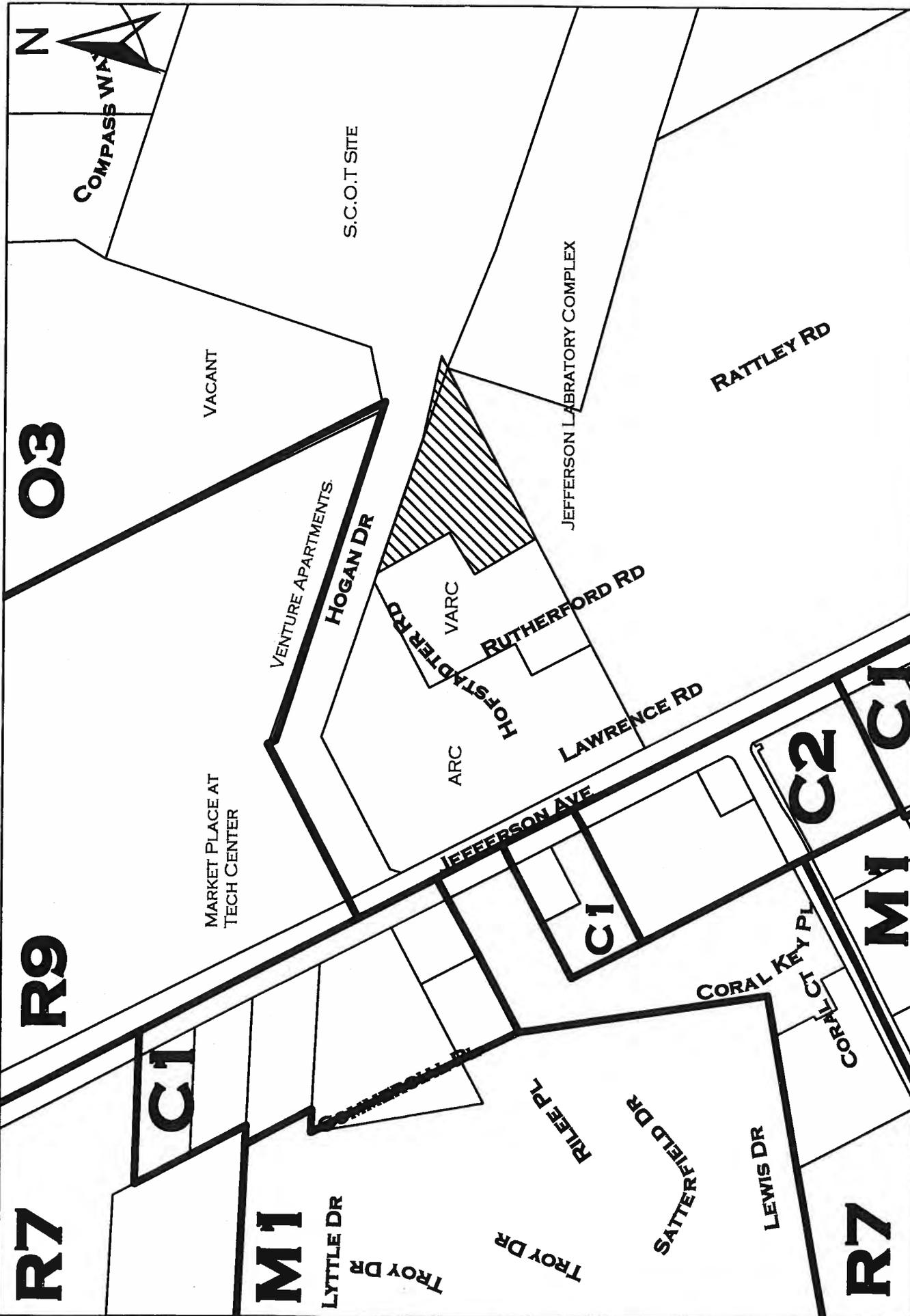
Recommend approval of Phase 1 of a Master Development Plan for Tech Center at Oyster Point, 03-16-01, to allow for the construction of Building One located on a portion of 628 Hofstadter Road.

CPC RECOMMENDATION

On June 1, 2016, the Planning Commission voted unanimously (9:0) to recommend adoption of the master plan to the City Council.

APPENDIX

- A-1 VICINITY/ZONING MAP**
- A-2 CONCEPTUAL MASTER PLAN**
- A-3 PHASE ONE (BUILDING ONE) MASTER PLAN**
- A-4 BUILDING PLACEMENT AND SETBACKS**
- A-5 ARCHITECTURE**
- A-6 LIGHTING**
- A-7 SIGNAGE**
- A-8 *FRAMEWORK FOR THE FUTURE 2030* LAND USE MAP**
- A-9 AERIAL MAP**
- A-10 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF JUNE 1, 2016**



**COMMONWEALTH OF VIRGINIA DEPT. OF
GENERAL SERVICES JEFFERSON LAB A/P**

03-16-01



CONCEPTUAL MASTER PLAN

Tech Center at Oyster Point
 Newport News, VA

Master Plan

MASTER PLAN - BUILDING ONE

The Master Plan establishes the framework and strategy for development of Building One at Tech Center. The street sizes and locations will be set and the plan will control building placement, associated surface parking, service areas, common areas, open space, and stormwater management facilities.

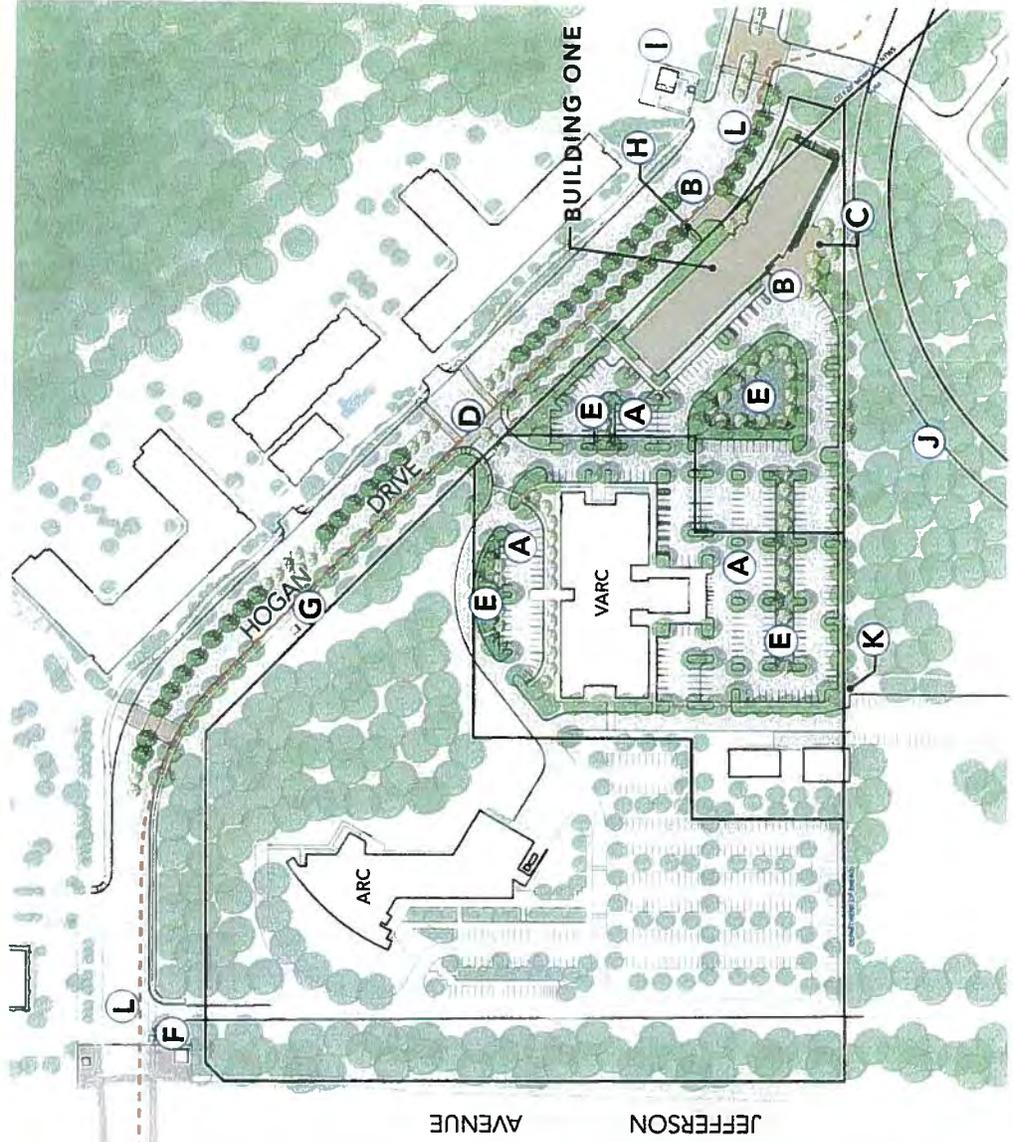
LEGEND

Building	Office (3-Story)	80,000sf +/-
1		

Parking Total	Building One	267 Spaces
	VARC	107 Spaces

Site

- A Surface Parking
- B Main Entries
- C Private Patio
- D Controlled Access (After Hours)
- E Stormwater Management
- F Gateway Sign
- G Directional Sign
- H Building Identification Sign
- I Pump Station
- J Beam Outer Ring
- K Re-Aligned Walk
- L Potential Bus Rapid Transit Route

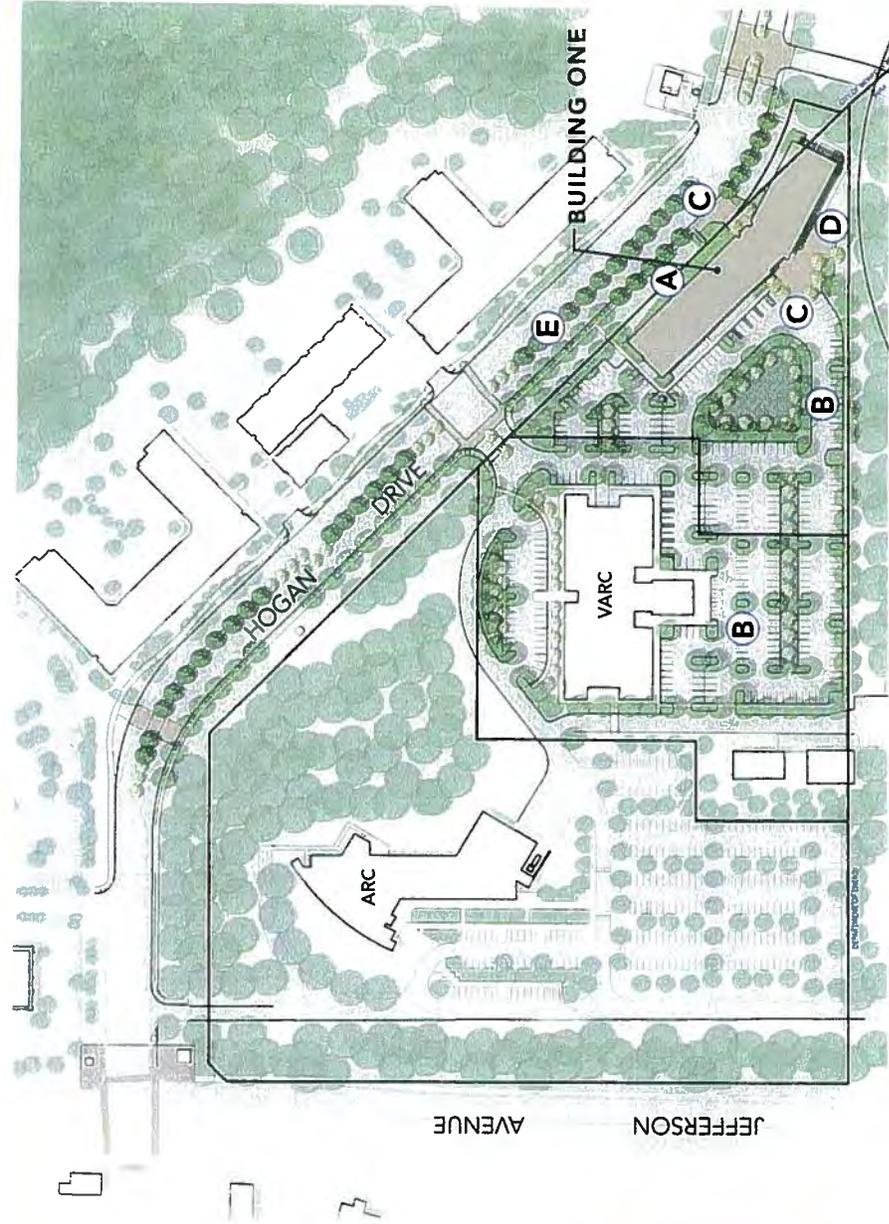


Building Placement

Building One at Tech Center shall be placed close to the street, providing a strong architectural narrative. Parking is located behind the building as much as possible to screen or soften its appearance. The main entries for the building are oriented both towards the street and subsequent parking fields. More intimate building related seating areas are located adjacent to the rear entry. The street itself becomes the circulation link facilitating a connection between the adjacent Marketplace, Venture Apartments, and Jefferson Lab.



ARCHITECTURAL EDGE



LEGEND

- A Buildings Forward
- B Parking in the Rear
- C Main Entries
- D Private Patios
- E Street Linkage

Architectural Character

EXISTING VERNACULAR

Adjacent to Building One at Tech Center are several existing developments which offer a variety of architectural elements which serve as precedents on which to emulate or enhance. The two new developments which are part of the Tech Center mixed-use sustainable community- The Marketplace and Venture Apartments - have a variety of rich building materials, earth-tone colors, and simple geometry which will be carried into the architecture of Building One at Tech Center. Building materials, colors and similar geometry are also expressed in the adjacent ARC, Jefferson Lab, and Bayport Credit Union buildings. The high-tech world of Jefferson Lab will also play a role in developing an architectural expression which denotes a modern, cutting edge environment.



Scale and Massing

Building One at Tech Center shall have a distinct architectural character that is consistent in theme with the adjacent properties. The building shall be designed to provide a clear, unified, and easily identifiable image and appearance. Clean, simple, geometric forms shall be incorporated, and a definite sense of human scale be included relative to building massing and form. Massing shall always respect the architectural context and provide for smooth transition. Emphasis shall be placed on the development of a more slender building, which not only provides for massing connectivity, but places a premium on sun and wind protection while maximizing opportunities for natural daylight and renewable energy. Building height shall have relevancy as well, especially as it frames the street.

Minimum building height: 2 Floors



Parking / Site Lighting

Parking areas include parking spaces, drive aisles, parking aisles, and other associated vehicular areas on site. The parking lot for Building One at Tech Center shall also have continuous circulation around its perimeter while aisle orientation shall minimize pedestrian circulation between parked cars. Dimensional requirements for off-street parking shall conform to the City of Newport News design requirements.

Minimum parking requirement: 1 parking space per 300 square feet of office area

The parking lot shall be subject to the following requirements:

- A minimum 6' wide open space strip shall surround the parking facility perimeter.
- Parking rows shall have a landscaped island at either end, so that a single parking row does not exceed 15 spaces/135' in length.
- Internal landscape islands can be eliminated when parking abuts landscape strips or bioretention systems. Landscape islands shall be a minimum of one parking space in size, exclusive of required curb radii.
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- Landscape islands shall be planted with low growing shrubs, groundcover, or lawn.
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Lighting is intended to create a night time character that reinforces the image of Building One at Tech Center as a welcoming and modern office building. All exterior lighting shall be generally consistent in height, spacing, color, and type/style of fixture. Exterior lighting is to be provided to enhance safety and security motorists, pedestrians, and cyclists. Exterior lighting includes lighting for parking areas, vehicular and pedestrian circulation, building exterior, security, and special effects.

Site lighting shall be designed to be as energy efficient as possible while still maintaining the appropriate light levels as characterized by best engineering practices. The use of shields and refractors shall be used to limit glare and light spillage. All exterior on-site lighting must be shielded and confined within site boundaries.

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Courtyards, gathering, and seating areas shall be lighted to promote pedestrian use and safety. A variety of mounted and ground level lighting may be used to create interest and special effects in coordination with the character and function of the specific area. Energy efficacy shall be maintained.

Accent Lighting

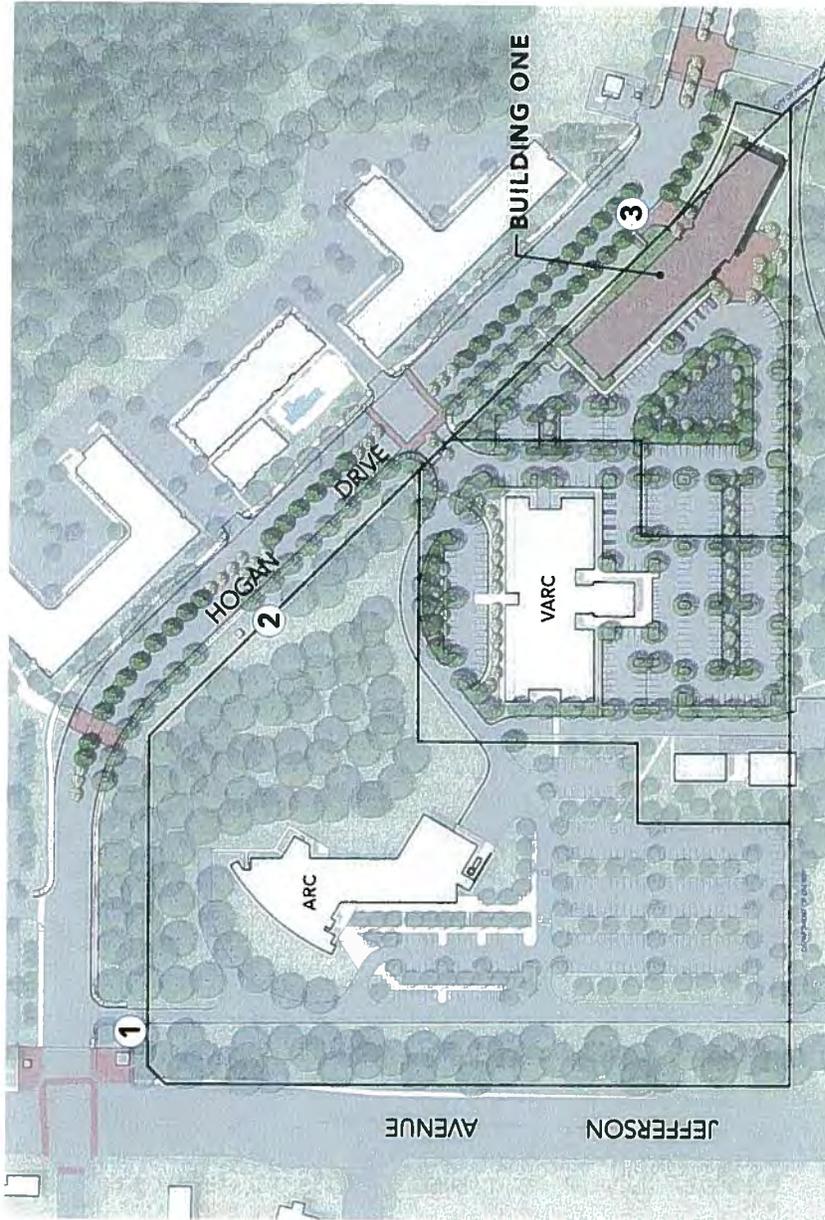
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Architectural Lighting

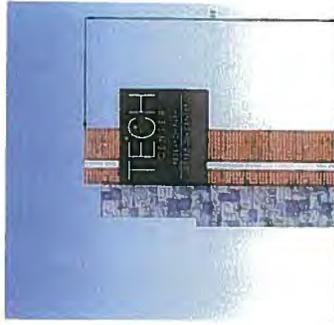
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Signage



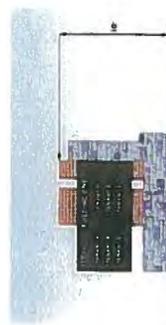
BRAND



1 ENTRANCE SIGNAGE



2 DIRECTIONAL SIGNAGE



3 OFFICE BUILDING IDENTIFICATION SIGNAGE

PHOTOGRAPH BY: [unreadable]

Signage shall identify/ brand the office building, provide direction, and provide identity, address and occupant for the building. A comprehensive package has been developed that is consistent in character, materials, and color and will match signage to be used at both The Marketplace and Venture Apartments

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Freestanding Signs

A. Entrance Signage

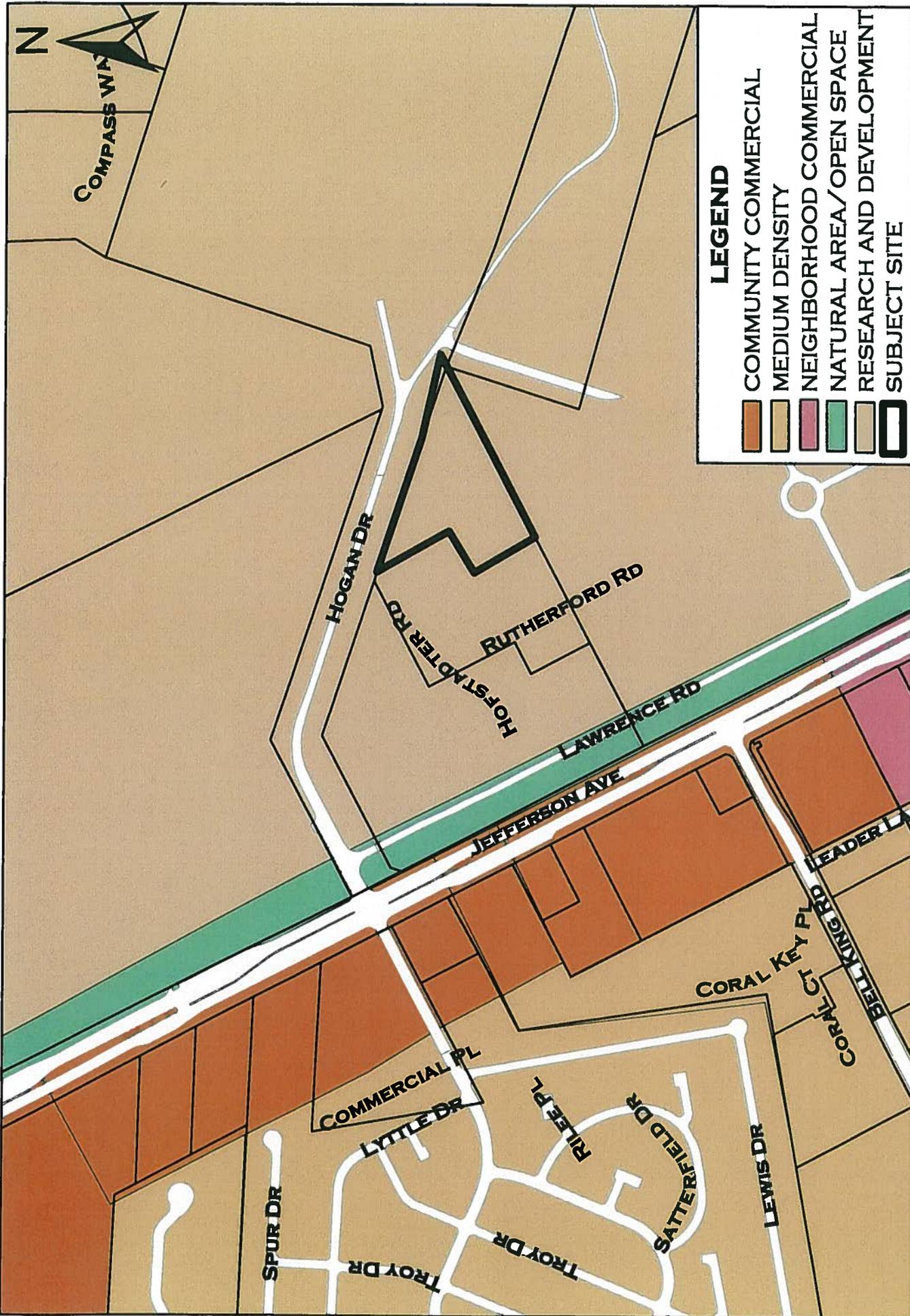
- (1) Entrance signs for the research park (identified as "Entrance Signage" and individually as "Entrance Sign" in this Master Plan) shall be permitted in the City right-of-way in the general location identified in this Master Plan and may identify the research park name, research park logo, Jefferson Lab and any other content approved by the EDA. Entrance Signage located within the public right-of-way shall meet the requirements of the AASHTO Roadside Design Guide.
- (2) Maximum height for Entrance Signage shall be fifteen (15) feet from the highest point of the structure to the top of the curb (excluding ornamental and decorative embellishments).
- (3) The total permitted areas for each Entrance Sign shall not exceed one hundred thirty-two (132) square feet per sign panel (with a maximum of two panels per Entrance Sign). For determining compliance with this regulation, the area of an Entrance Sign is defined as the area of a rectangle, triangle, circle or combinations thereof that will enclose the sign, including background. The area of an Entrance Sign shall include the spaces between all letters of a word and all words of a name, phrase or message. Supports, braces and other structural elements shall not be included in the calculation of square footage. Square footage restrictions set forth herein are per sign panel.
- (4) Electronic display signs shall be permitted as a portion of the total allowable sign area with a maximum of thirty-two (32) square feet per Entrance Sign.

B. Directional Signage

- (1) Directional signs (identified as "Directional Signage" and individually as "Directional Sign" in this Master Plan) shall be permitted in City right-of-way in the general location identified in this Master Plan and may identify the following, but shall not be limited to the research park name, directions to the research park and Jefferson Lab, and directions to individual buildings and/or other locations within the research park. Directional Signage located within the public right-of-way shall meet the requirements of the AASHTO Roadside Design Guide.
- (2) Directional Sign height and size (area) shall be reviewed and approved by the EDA, in consultation with the Department of Engineering, prior to installation.

C. Office Building Identification Signage

- One (1) Office Building Identification Sign shall be permitted for the Building One at Tech Center parcel subject to the following conditions:
- (1) The total permitted area for the Office Building Identification Sign shall not exceed one hundred (100) square feet per sign panel (with a maximum of two panels). For determining compliance with this regulation, the area of an Office Building Identification Sign is defined as the area of a rectangle, triangle, circle or combinations thereof that will enclose the sign, including background. The area of an Office Building Identification Sign shall include the spaces between all letters of a word and all words of a name, phrase or message. Supports, braces and other structural elements shall not be included in the calculation of square footage. Square footage restrictions set forth herein are per sign panel.
 - (2) Every effort shall be made to install the Office Building Identification sign on site. If such signage must be located in the City right-of-way, signs may be erected in the general location shown in this Master Plan and such signage shall meet the requirements of the AASHTO Roadside Design Guide.
 - (3) Maximum freestanding sign height shall be ten (10) feet (inclusive of ornamental and decorative embellishments).
 - (4) Electronic display signs shall be permitted as a portion of the total allowable sign area with a maximum of thirty-two (32) square feet per Office Building Identification Sign.
- D. Building Signage**
- Building signs (identified as "Building Signage" and individually as "Building Sign" in this Master Plan) shall be permitted on Building One at Tech Center subject to the following conditions:
- (1) Building Sign area shall be limited to one (1) square foot of sign area per linear foot of that building facade. Building Signage may be permitted on each side of a building and shall not be restricted to those sides which face a public right-of-way or provide public access into a building. For determining compliance with this regulation, the area of a Building Sign is defined as the area of a rectangle, triangle, circle or combinations thereof that will enclose the written text as well as any logos. The area of a Building Sign shall include the space between the letters of a word or the words of a name, phrase or message. Support braces and other structural elements shall not be included in the calculation of square footage.
 - (2) Sign area permitted for freestanding signs, but not used on such signs, may be added to the permitted building signs.
 - (3) More than one (1) Building Sign on a single building front is permitted subject to the other regulations set forth herein.



**FRAMEWORK FOR
THE FUTURE 2030**

**W.M. JORDAN
DEVELOPMENT LLC**



EXCERPTS FROM PLANNING COMMISSION MINUTES

June 1, 2016

O3-16-01, COMMONWEALTH OF VIRGINIA DEPARTMENT OF GENERAL SERVICES JEFFERSON LAB A/P. Requests approval of Phase One of the Tech Center at Oyster Point Master Plan. Phase One includes a 3.3 acre portion of property including a portion of the city right-of-way located at 628 Hofstadter Road zoned O3 Office/Research and Development. The Parcel No. is 162.00-02-03.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Austin asked if a sidewalk would be on one or both sides of Hogan Drive. Mr. Gleiser stated there would be sidewalks on both sides.

Ms. Austin asked if the land where the sidewalks would be is part of the road right-of-way. Mr. Gleiser stated yes.

Ms. Austin asked if the 15-foot setback is a setback from the right-of-way. Mr. Gleiser stated yes.

Mr. Carpenter stated he is in favor of this building and development and he likes everything he has seen, but he is concerned that we are looking into the future and the road network installed for this development is of sufficient capacity that it helps alleviate some of the traffic off of Oyster Point Road and Jefferson Avenue. He asked if that is being considered. Mr. Gleiser stated there is a Traffic Impact Analysis (TIA) being reviewed by the Department of Engineering. He stated the traffic that is going to be generated by this building does not warrant any changes to the roads. Mr. Gleiser stated the traffic for this building was included in the TIA for the Tech Center. Mr. Carpenter asked if the TIA Mr. Gleiser is referring to only ties into the existing building we are looking at today. Ms. McAllister stated the TIA being reviewed today is for this building, but as the master plan is completely laid out, there will be another TIA that will address the overall master plan.

Mr. Carpenter opened the public hearing.

Ms. Lindsey Carney, 12350 Jefferson Avenue, Attorney for the applicant, spoke in favor of the application. She thanked Planning staff for their assistance. Ms. Carney gave a brief presentation of the application.

Ms. Carney stated a TIA was performed for the Marketplace at Tech Center and an update to that TIA has been submitted to Planning and Engineering. She stated that TIA takes into consideration the traffic at the Marketplace at full build-out, plus Building One. Ms. Carney stated the analysis prepared by the Timmons Group shows the Jefferson Avenue and Hogan Drive intersection will continue to operate at an

acceptable overall Level of Service (LOS). She stated mainline operations along Jefferson Avenue continue to be acceptable and existing auxiliary lanes are sufficient to accommodate the project.

Mr. Mulvaney asked what is the LOS at the intersection of Jefferson Avenue and Hogan Drive, and is it staying at that because it is an LOS A going down to a LOS B. Ms. Carney stated it is staying at its existing level and she believes the intersection is at a LOS C when the initial TIA was done.

Mr. Groce asked how many people might be employed at this facility. Ms. Carney stated Building One is three stories with 80,000 square feet. She stated at this point, it is hard to project the number of people to be employed because we do not know the square footage divisions between the tenants, but we are looking at 80,000 square feet of additional office space for employment.

Mr. Carpenter closed the public hearing.

Mr. Jones made a motion to recommend adoption of master plan O3-16-01 to City Council, as recommended by staff. The motion was seconded by Mr. Simmons.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend adoption of master plan O3-16-01 to City Council.

ORDINANCE NO. _____

AN ORDINANCE APPROVING PHASE 1 OF MASTER DEVELOPMENT PLAN NO. 03-16-01 FOR THE HEREINAFTER DESCRIBED PROPERTY IN AN O3 OFFICE/RESEARCH AND DEVELOPMENT DISTRICT.

WHEREAS, application has been made by **W. M. JORDAN DEVELOPMENT, LLC, applicant, and COMMONWEALTH OF VIRGINIA, DEPARTMENT OF GENERAL SERVICES JEFFERSON LAB A/P, owner,** for the hereinafter described property for the approval of Phase 1 of Master Development Plan No. 03-16-01 in an O3 Office/Research Development District; and

WHEREAS, the application has been referred to the Planning Commission of the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia;

(a) That Phase 1 of Master Development Plan No. 03-16-01 is hereby approved for the property described in paragraph (b) hereof in an O3 Office/Research Development District; and

(b) That the property, hereinafter referred to as the "Property," to which Phase 1 of Master Development Plan No. 03-16-01 applies is particularly described below:

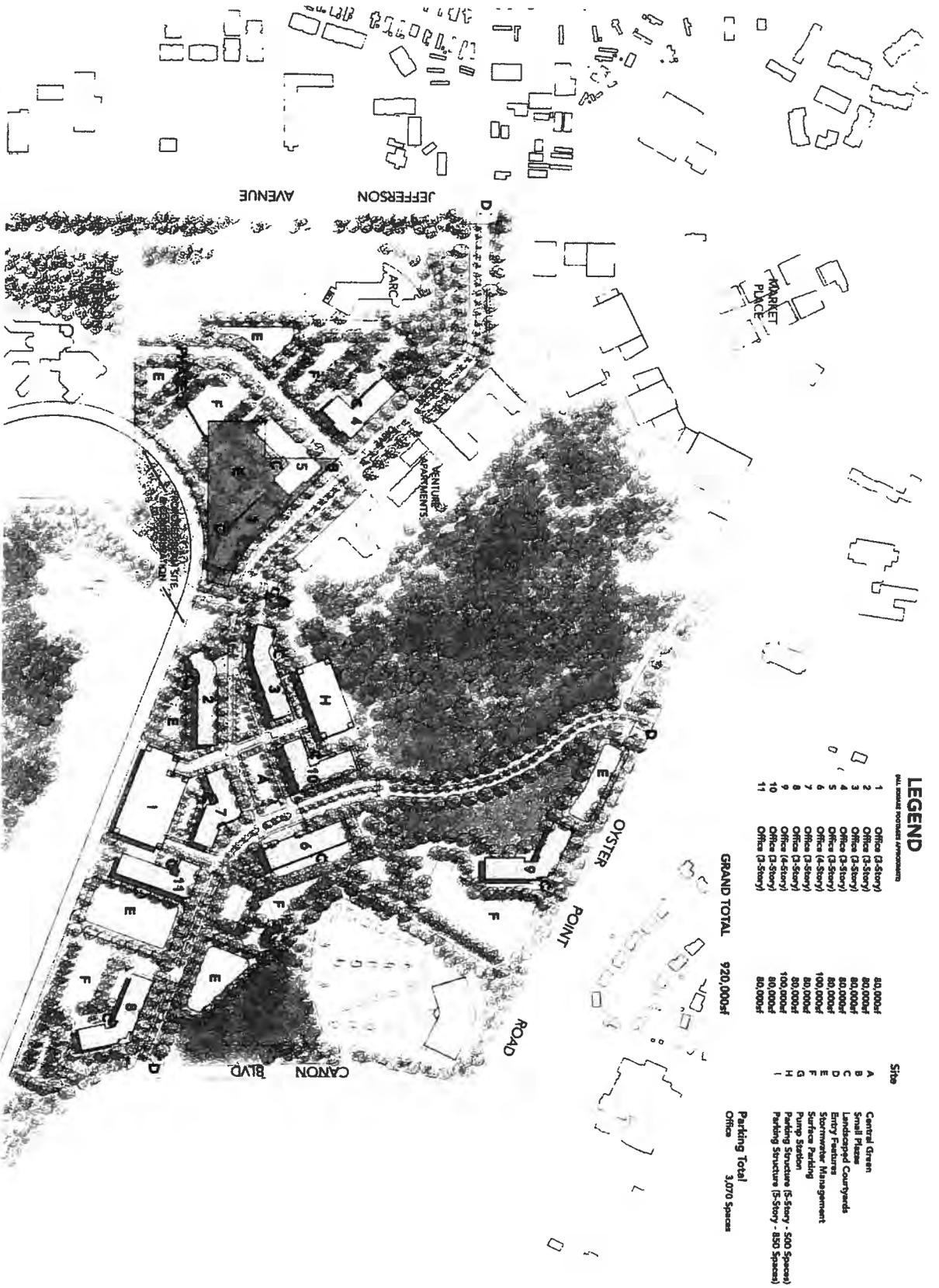
Situated, lying and being a parcel of land located in the City of Newport News, Virginia; said parcel being designated as "Parcel C-3, 3.23 Acres" and being more particularly described as follows:

Beginning at a point on the east right of way line of Jefferson Avenue (State Route 143), said right of way being 140 feet in width, at the intersection of the southern right of way line of Hogan Drive, said right of way being 140 feet in width, thence along said southern right of way line of Hogan Drive in a northeastern direction a distance of 1,075.23 feet to a rod set, said rod Being the True Point and Place of Beginning: thence continuing along said right of way line S 72°32'20" E a distance of 440.78 feet to a point, thence along a curve to the left having a radius of 441.86 feet, an arch length of 188.95 feet, an interior angle of 24°30'04", a chord bearing N 89°35'04" E and a chord distance of 187.51 feet to a rod set, said rod lying at the terminus of Hogan Drive, thence S 13°01'12" E a distance of 66.79 feet to a rod set, thence S 72°32'20" E a distance of 11.50 feet to a pipe found, thence S 11°35'54" W a distance of 3.80 feet to a rod found, thence S 62°24'09" W a distance of 602.47 feet to a rod set, thence N 27°25'43" W a distance of 207.45 feet to

a rod set, thence N 62°34'17" E a distance of 134.00 feet to a rod set, thence N 27°25'43" W a distance of 266.32 feet to a rod set, said rod Being the True Point and Place of Beginning containing 3.323 Acres of land more or less.

The Property has a common street address of 628 Hofstadter Road and a Real Estate Assessor's Tax I.D. #162.00-02-03.

(c) That the aforesaid Property shall be developed in conformance with Phase 1 of Master Development Plan No. 03-16-01, as reflected in Exhibits A-2, A-3, A-4, A-5, A-6, and A-7, which are attached hereto and made a part hereof.



LEGEND
ALL BUILDING FOOTPRINTS APPROXIMATE

Site	Area	Notes
1	Office (3-Story)	80,000sf
2	Office (3-Story)	80,000sf
3	Office (3-Story)	80,000sf
4	Office (3-Story)	80,000sf
5	Office (3-Story)	80,000sf
6	Office (4-Story)	100,000sf
7	Office (3-Story)	80,000sf
8	Office (3-Story)	80,000sf
9	Office (4-Story)	100,000sf
10	Office (3-Story)	80,000sf
11	Office (3-Story)	80,000sf
GRAND TOTAL		920,000sf

Site	Area	Notes
A	Central Green	
B	Small Plaza	
C	Landscaped Courtyards	
D	Entry Features	
E	Stormwater Management	
F	Surface Parking	
G	Pump Station	
H	Parking Structure (3-Story - 500 Spaces)	
I	Parking Structure (3-Story - 850 Spaces)	
Parking Total		3,070 Spaces

CONCEPTUAL MASTER PLAN

Tech Center at Oyster Point
Newport News, VA

APRIL 12, 2016



Master Plan

MASTER PLAN - BUILDING ONE

The Master Plan establishes the framework and strategy for development of Building One at Tech Center. The street sizes and locations will be set and the plan will control building placement, associated surface parking, service areas, common areas, open space, and stormwater management facilities.

LEGEND

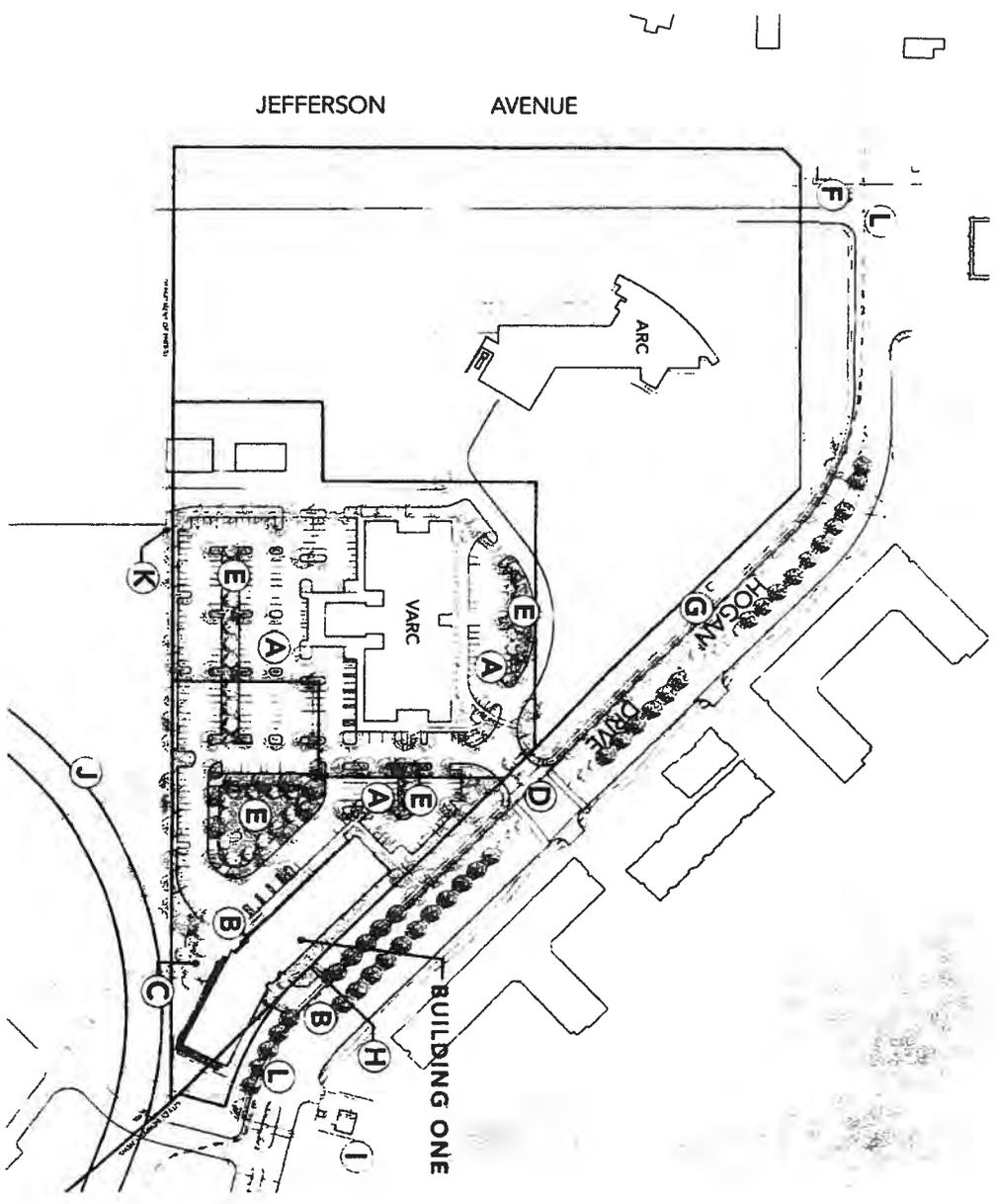
- Building**
- 1 Office (3-Story) 80,000sf +/-

Parking Total

Building One	267 Spaces
VARC	107 Spaces

Site

- A Surface Parking
- B Main Entries
- C Private Patio
- D Controlled Access (After Hours)
- E Stormwater Management
- F Gateway Sign
- G Directional Sign
- H Building Identification Sign
- I Pump Station
- J Beam Outer Ring
- K Re-Aligned Walk
- L Potential Bus Rapid Transit Route



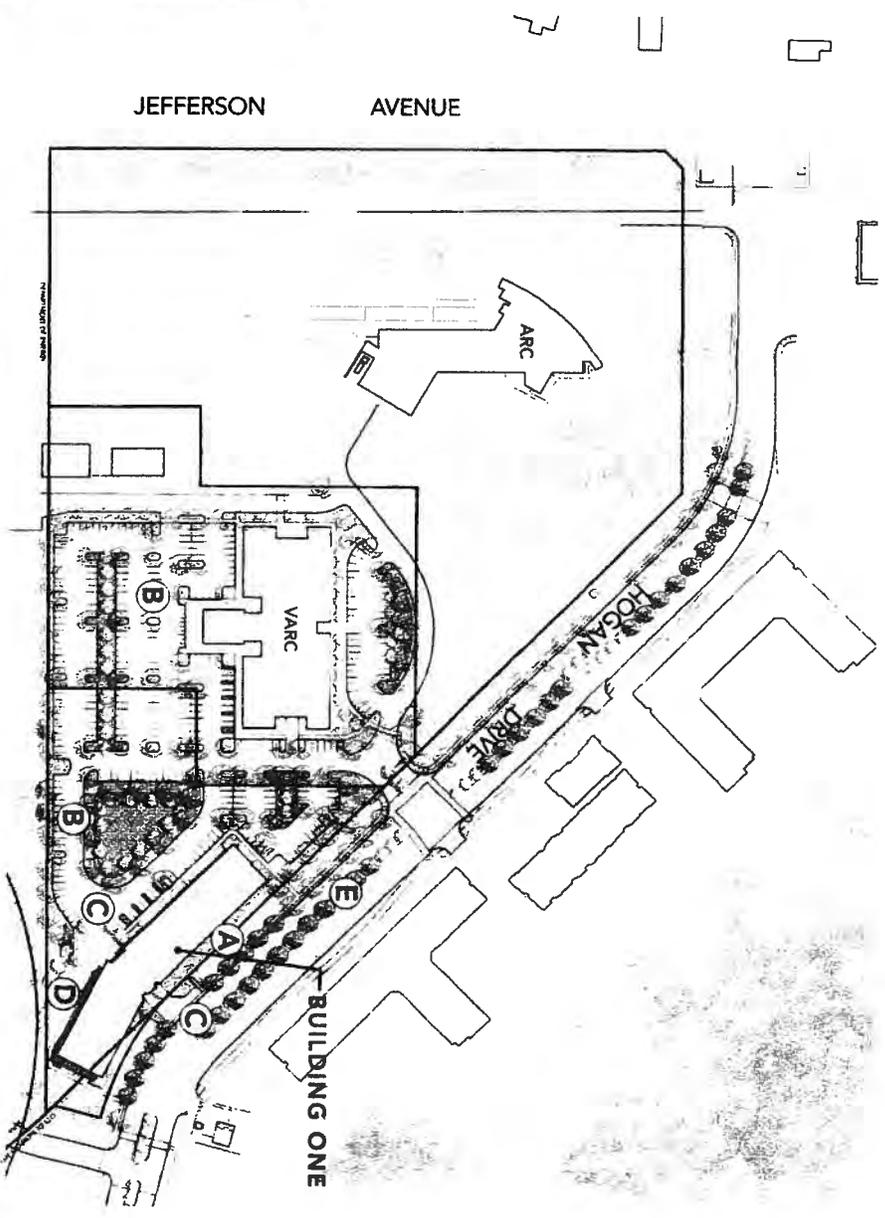
BUILDING ONE AT TECH CENTER DESIGN GUIDELINES 6

Building Placement

Building One at Tech Center shall be placed close to the street, providing a strong architectural narrative. Parking is located behind the building as much as possible to screen or soften its appearance. The main entries for the building are oriented both towards the street and subsequent parking fields. More intimate building related seating areas are located adjacent to the rear entry. The street itself becomes the circulation link facilitating a connection between the adjacent Marketplace, Venture Apartments, and Jefferson Lab.



ARCHITECTURAL EDGE

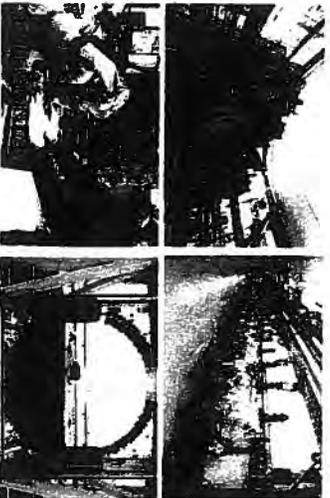


- LEGEND
- A Buildings Forward
 - B Parking in the Rear
 - C Main Entries
 - D Private Patios
 - E Street Linkage

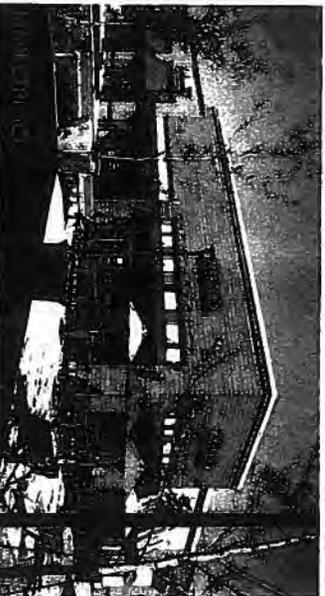
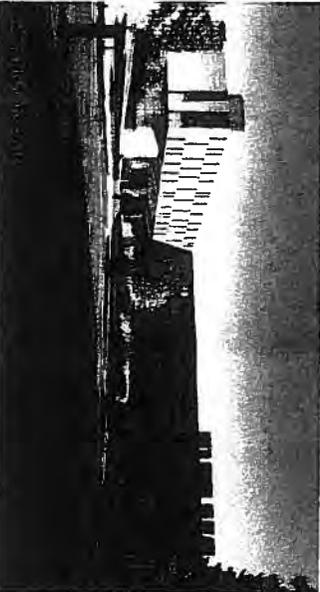
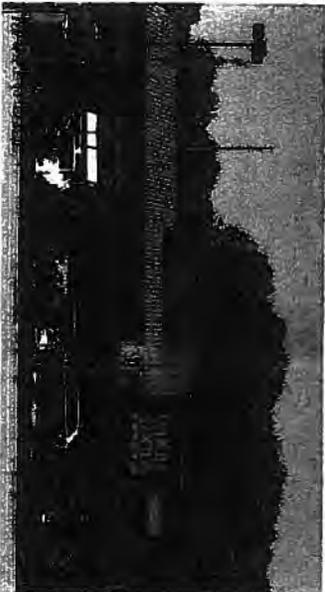
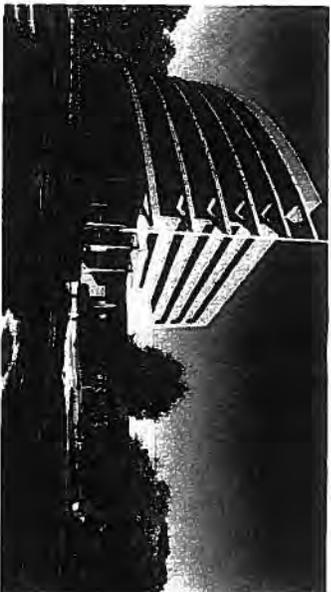
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ARC C U ES



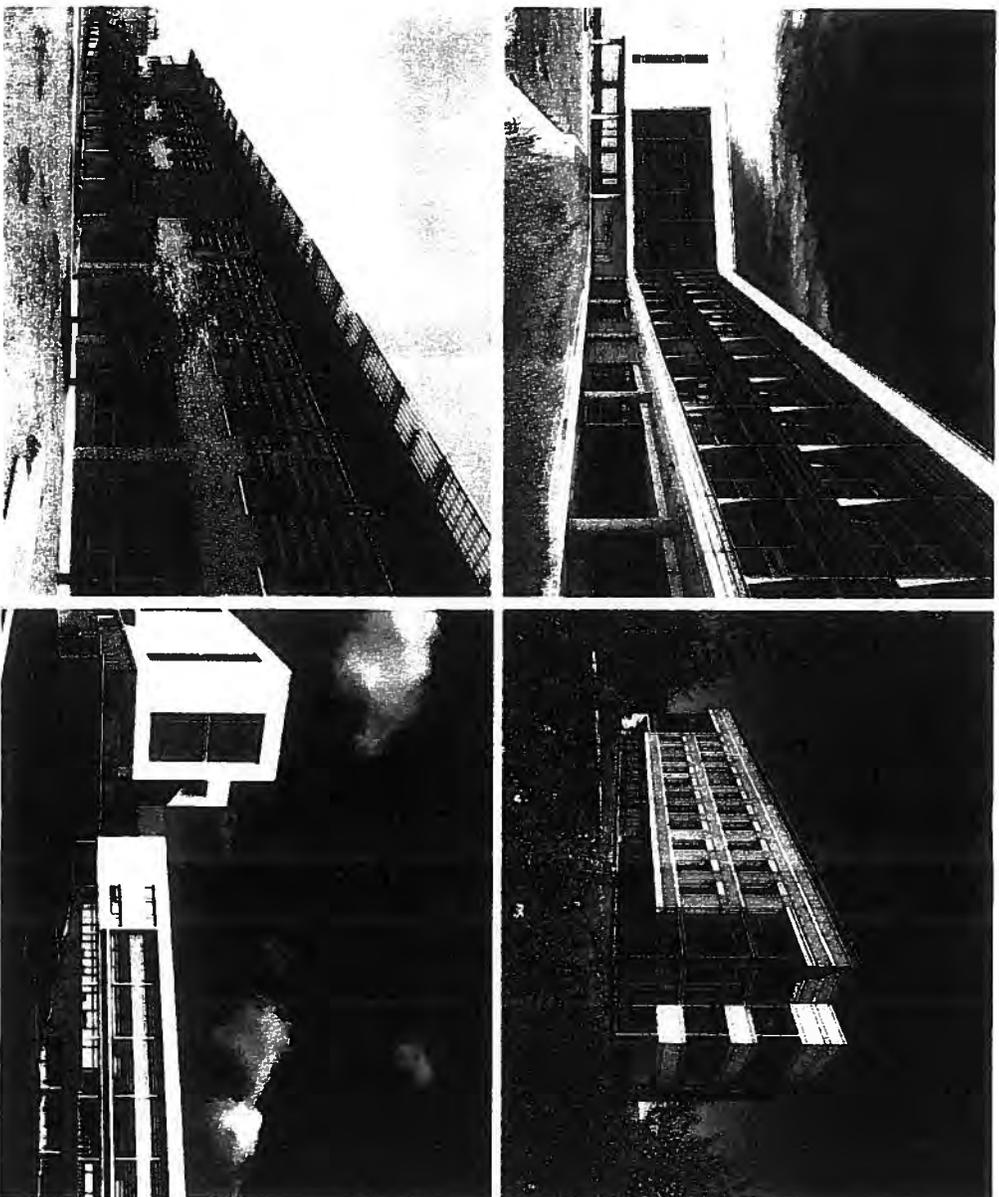
BAYPORT CREDIT UNION

BUILDING ONE AT TECH CENTER DESIGN GUIDELINES 7

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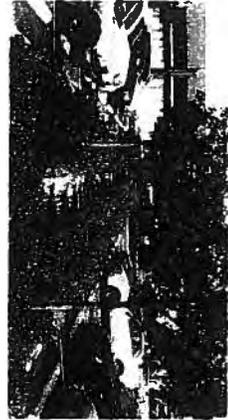
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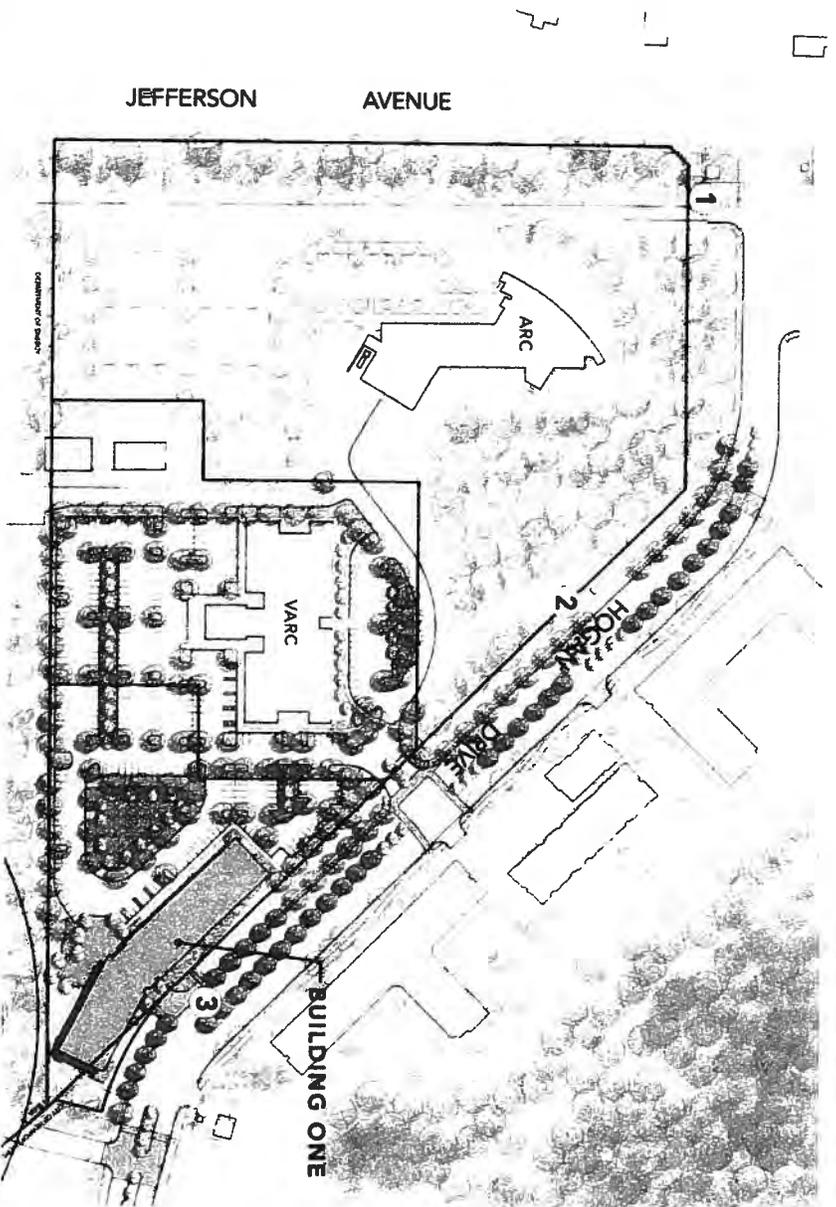
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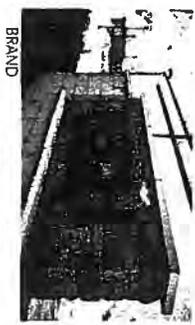
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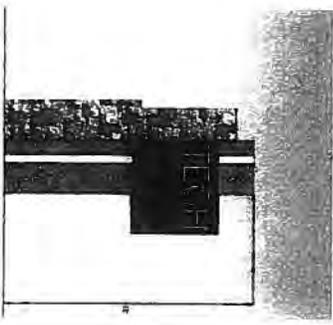
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BRAND



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2 DIRECTIONAL SIGNAGE



3 OFFICE BUILDING IDENTIFICATION SIGNAGE

1/2" = 1' 0" (SEE ARCHITECTURAL DRAWINGS FOR SIGNAGE DETAILS)

Signage

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Freestanding Signs

A. Entrance Signage

- (1) Entrance sign(s) for the research park (identified as "Entrance Signage" and individually as "Entrance Sign" in this Master Plan) shall be permitted in the City right-of-way in the general location identified in this Master Plan and may identify the research park name, research park logo, Jefferson Lab and any other content approved by the EDA. Entrance Signage located within the public right-of-way shall meet the requirements of the AASHTO Roadside Design Guide.
- (2) Maximum height for Entrance Signage shall be fifteen (15) feet from the highest point of the structure to the top of the curb (excluding ornamental and decorative embellishments).
- (3) The total permitted areas for each Entrance Sign shall not exceed one hundred thirty-two (132) square feet per sign panel (with a maximum of two panels per Entrance Sign). For determining compliance with this regulation, the area of an Entrance Sign is defined as the area of a rectangle, triangle, circle or combinations thereof that will enclose the sign, including background. The area of an Entrance Sign shall include the spaces between all letters of a word and all words of a name, phrase or message. Supports, braces and other structural elements shall not be included in the calculation of square footage. Square footage restrictions set forth herein are per sign panel.
- (4) Electronic display signs shall be permitted as a portion of the total allowable sign area with a maximum of thirty-two (32) square feet per Entrance Sign.

B. Directional Signage

- (1) Directional signs (identified as "Directional Signage" and individually as "Directional Sign" in this Master Plan) shall be permitted in City right-of-way in the general location identified in this Master Plan and may identify the following, but shall not be limited to: the research park name, directions to the research park and Jefferson Lab, and directions to individual buildings and/or other locations within the research park. Directional Signage located within the public right-of-way shall meet the requirements of the AASHTO Roadside Design Guide.
- (2) Directional Sign height and size (area) shall be reviewed and approved by the EDA, in consultation with the Department of Engineering, prior to installation.

C. Office Building Identification Signage

Office Building Identification Sign shall be permitted for the Building One at Tech Center parcel subject to the following conditions:

- (1) The total permitted area for the Office Building Identification Sign shall not exceed one hundred (100) square feet per sign panel (with a maximum of two panels). For determining compliance with this regulation, the area of an Office Building Identification Sign is defined as the area of a rectangle, triangle, circle or combinations thereof that will enclose the sign, including background. The area of an Office Building Identification Sign shall include the spaces between all letters of a word and all words of a name, phrase or message. Supports, braces and other structural elements shall not be included in the calculation of square footage. Square footage restrictions set forth herein are per sign panel.
- (2) Every effort shall be made to install the Office Building Identification sign on site. If such signage must be located in the City right-of-way, signs may be erected in the general location shown in this Master Plan, and such signage shall meet the requirements of the AASHTO Roadside Design Guide.
- (3) Maximum freestanding sign height shall be ten (10) feet (inclusive of ornamental and decorative embellishments).
- (4) Electronic display signs shall be permitted as a portion of the total allowable sign area with a maximum of thirty-two (32) square feet per Office Building Identification Sign.

D. Building Signage

Building signs (identified as "Building Signage" and individually as "Building Sign" in this Master Plan) shall be permitted on Building One at Tech Center subject to the following conditions:

- (1) Building Sign area shall be limited to one (1) square foot of sign area per linear foot of that building facade. Building Signage may be permitted on each side of a building and shall not be restricted to those sides which face a public right-of-way or provide public access into a building. For determining compliance with this regulation, the area of a Building Sign is defined as the area of a rectangle, triangle, circle or combinations thereof that will enclose the written text as well as any logos. The area of a Building Sign shall include the space between the letters of a word or the words of a name, phrase or message. Support braces and other structural elements shall not be included in the calculation of square footage.
- (2) Sign area permitted for freestanding signs, but not used on such signs, may be added to the permitted building signs.
- (3) More than one (1) Building Sign on a single building front is permitted subject to the other regulations set forth herein.

E. Public Hearings

3. Ordinance Granting Conditional Use Permit No. CU-16-366, to the City of Newport News and YMDEV-10, LLC. (Owners & Applicants), to Allow for the Construction and Operation of a Transit Terminal with Service/Maintenance Facility (Multi-modal Transportation Center) on Six (6) Parcels in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling, and R4 Single-Family Dwelling Districts

ACTION: A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-16-366 TO THE CITY OF NEWPORT NEWS AND YMDEV-10, LLC. (OWNERS & APPLICANTS), FOR THE CONSTRUCTION AND OPERATION OF A TRANIST TERMINAL WITH SERVICE/MAINTENANCE FACILITY (MULTI-MODAL TRANSPORTATION CENTER) ON A PORTION OF 490 AND 550 YOUNG'S MILL LANE, 13020 MITCHELL POINT ROAD, 199 & 201 MOTOKA DRIVE AND 500 B BLAND BOULEVARD AND ZONED R7 MEDIUM DENSITY MULTIPLE-FAMILY DWELLING, R8 HIGH DENSITY MULTIPLE-FAMILY DWELLING, R4 SINGLE-FAMILY DWELLING DISTRICTS, AND P1 PARK.

BACKGROUND:

- The proposed Newport News Transportation Center will include a new signature train station at Bland Boulevard and a supporting service and maintenance facility approximately one mile southeast on vacant property off of Young's Mill Road and Mitchell Point Road.
- The proposed transportation center accomplishes a major transportation objective for the city and region by providing a hub for transportation modes to connect.
- The proposed location is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map.
- On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions.

Vote on Roll Call

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

Against: None
Abstention: None

- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re CU-16-366 City & YMDEVC-10

Staff Report and CPC Minute Excerpts

sdm14404 CU-16-366

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Conditional Use Permit No. CU-16-366, The City of Newport News and YMDEVCO-10, LLC.

The City of Newport News and YMDEVCO-10, LLC., request a conditional use permit to allow for the operation of a transit terminal with service/maintenance facility (Newport News Transportation Center) on parcels containing approximately 40 acres located at 500 B Bland Boulevard and portions of 199 and 201 Motoka Drive, 490 and 550 Young's Mill Lane and 13020 Mitchell Point Road and zoned P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling and R4 Single-Family Dwelling.

The project consists of two sites that sit approximately a mile apart and connected by rail. The larger site located at 500 B Bland Boulevard will house the transportation center. An approximately 5-acre site a mile southeast from the transportation center will house the service and maintenance facility.

The proposed multimodal transportation center will provide a much needed service not only to the city but the region. The center will be accessible to pedestrians and cyclists as well as those making use of mass transit or their own vehicles.

The proposed location is consistent with the adopted *Framework for the Future 2030* Comprehensive Plan land use map and transportation strategies.

On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request to City Council with conditions.

I concur with the City Planning Commission's recommendation.


James M. Bourey

JMB:sgd

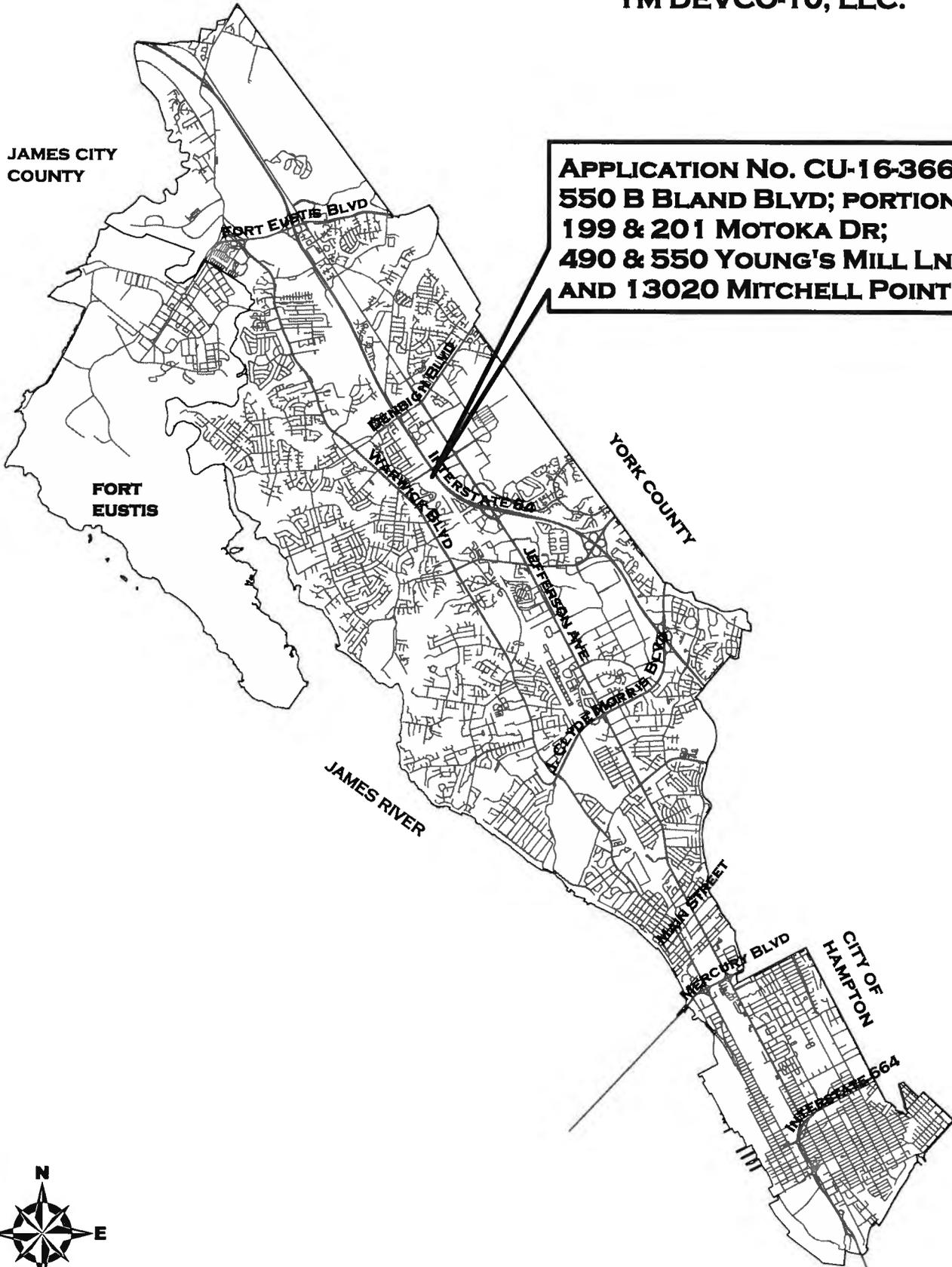
Attachment

**CITY OF NEWPORT NEWS
CITY COUNCIL
JUNE 28, 2016**

**CONDITIONAL USE PERMIT
APPLICATION NO. CU-16-366
CITY OF NEWPORT NEWS &
YM DEVCO-10, LLC.**

**JAMES CITY
COUNTY**

**APPLICATION No. CU-16-366
550 B BLAND BLVD; PORTIONS OF
199 & 201 MOTOKA DR;
490 & 550 YOUNG'S MILL LN;
AND 13020 MITCHELL POINT RD**



**FORT
EUSTIS**

YORK COUNTY

JAMES RIVER

**CITY OF
HAMPTON**



CONDITIONAL USE PERMIT NO. CU-16-366

THE CITY OF NEWPORT NEWS & YMDEVCO-10, LLC.

APPLICANT/OWNER The City of Newport News & YMDEVCO-10, LLC.

ZONING P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling and R4 Single-Family Dwelling (Appendix A-1)

LOCATION 500 B Bland Boulevard and portions of 199 and 201 Motoka Drive, 490 and 550 Young's Mill Lane and 13020 Mitchell Point Road

FRAMEWORK Transportation, Natural Area/Open Space and Medium Density Residential (Appendix A-5)

PRESENT USE Vacant

ACREAGE Approximately 40 acres

REQUEST Transit Terminal with Service/Maintenance Facility (Multimodal Transportation Center)



BACKGROUND

At the May 4, 2016 meeting, the Planning Commission requested a work session. Planning Commission voted to defer action to the June 1, 2016 public hearing and scheduled a work session for May 18, 2016 to get additional information to answer questions raised during the meeting. (See Appendix A-9.)

As a result of the Commission's comments as well as the value engineering process for the project, the site plan to the multimodal transportation center site was revised. The changes include the relocation of the bus drop off area and the reduction of the main entrance road. In addition, overflow parking will accommodate an additional 32 spaces for a total of 162 spaces. (See Appendix A-2.)

Further, the Department of Engineering noted that all sidewalks into and around the project will be 8-foot sidewalks that accommodate bikeways. The Department also informed the Commission that improvements to Campbell Road both north and south are being funded and scheduled to take place in 2018-20. (See Appendix A-10.) Also as a result of the public comments, the Department held a third public information meeting for the project on Monday, May 23, 2016.

FACTS

- North** A vacant lot and single-family homes (Warwick Lawns) on properties zoned R4 Single-Family Dwelling and Heritage Trace apartments on property zoned R8 High Density Multiple-Family Dwelling. Young's Mill apartments on property zoned R7 Medium Density Multiple-Family Dwelling.
- South** Single-family homes on properties zoned R4 Single-Family Dwelling. Vacant parcels zoned R7 Medium Density Multiple-Family Dwelling.
- East** Interstate I-64, Jefferson Commons shopping center, Walmart shopping center on properties zoned C1 Retail Commercial. Chesapeake Village Mobile Home Park on property zoned C1 Retail Commercial and Patrick Henry Place on property zoned R7 Medium Density Multiple-Family Dwelling with proffers.
- West** Windy Knolls condominiums on property zoned R7 Medium Density Multiple-Family Dwelling. Youngs Mill apartments and a vacant property zoned R7 Medium Density Multiple-Family Dwelling.

Zoning History The properties have been zoned P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling and R4 Single-Family Dwelling since the citywide comprehensive rezoning became effective August 1, 1997.

Regulatory Review The zoning ordinance allows a transit terminal by conditional use permit in all multi-family zoned districts as well as in the P1 Park district. The service/maintenance facility is considered a major component of the transit facility. The project consists of two sites that sit approximately a mile apart and connected by rail. The larger site located at 500 B Bland Boulevard will house the transportation center. An approximately 5-acre site a mile southeast from the transportation center will house the service and

maintenance facility for daily servicing and light maintenance of the trains.

The zoning ordinance does not specify off-street parking requirements for the proposed use. However, based upon Amtrak station guidelines and projected demand, it was determined that a minimum of 125 parking spaces would be needed to adequately service the transportation center. The proposal specifies 162 spaces for the station, including a 32-space overflow lot. For the service facility, which will be accessed by a proposed access road off of Warwick Springs Drive, the site plan shows 30 parking spaces which will be sufficient to accommodate all workers as well as managers and other supervisors. (See Appendix-A-2.)

Although no buffer is required between the property and the surrounding residentially zoned properties, in order to provide some screening and protection to the adjacent existing and any future residential development, the applicant is proposing a 20-foot vegetative buffer that will be planted in accordance to the zoning ordinance stipulations for a transitional buffer of that size. (See Appendix-A-2.)

A Traffic Impact Study was prepared by Parsons Brinckerhoff which has been reviewed and accepted with revisions per recommendations by the Department of Engineering. The study revealed negligible impacts on adjacent roadways as a result of trip generation from the proposed transportation center. No improvements to the public right-of-way were deemed to be necessary for the proposed transportation center. However, it was noted that if any development beyond the station is to occur on the site, a new traffic impact report will be required. (See Appendix A-7 & A-8.)

As required by the Federal Highway Administration (FHWA) regulations, an environmental assessment report was prepared by the firm of WSP/Parsons Brinckerhoff on behalf of the Virginia Department of Transportation and the City of Newport News. This document was approved by FHWA on April 7, 2016. The assessment analyzes the potential social, economic, and environmental effects associated with the development of the proposed multimodal transportation center. In addressing Environmental Justice (EJ) issues the study acknowledges that the increase in traffic related to the location of the service and maintenance facility will disproportionately affect minority populations and low-income populations as it will introduce various types of vehicular traffic in a residential neighborhood. However, the study claims that the mix of traffic will be consistent with existing traffic as 90 percent of the new daily traffic trips would be employee vehicles and pickup trucks. According to the study, another mitigating factor is that employee traffic will be during non-peak hours and any non-employee vehicles trips will be limited to no more than six per day. The chosen alternative will not require the displacement of any residents.

Prior to the hearings for the conditional use permit, the city sponsored two community information meetings. The first one took place on April 11, 2013, at the First Baptist Church of Denbigh. The second one on December 10, 2014 at the Denbigh Community Center and was attended by approximately 50 people. At these meetings, representatives of Parsons Brinckerhoff made

a presentation explaining the different alternatives and answered questions. A majority of the attendees expressed support for the project. As a result of the public comments heard during the May 4, 2016 Planning Commission meeting, the Department of Engineering decided to hold a third informational meeting on May 23, 2016.

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 the area where the transportation center will be located as transportation, and is also surrounded by a designation of natural area/open space. The proposed use is consistent with both designations. The area where the service and maintenance facility will be located is designated medium density residential; this area is adjacent to the railroad which is appropriately designated for transportation land uses. (See Appendix A-5.)

The *Framework for the Future 2030* comprehensive plan and the Hampton Roads Transportation Improvement Plan among other long range documents include a new multimodal station and identify and recommend the Bland Boulevard site for its location. The *Framework* specifically mentions a commuter rail station as well as a multimodal station as part of the transportation policy strategies and states that one of the multimodal terminals should be located near the airport.

ANALYSIS

The city of Newport News in collaboration with the Virginia Department of Rail and Public Transportation and the Virginia Department of Transportation are proposing to construct a multimodal transportation center that will allow Newport News to link with good public transit connections throughout the Hampton Roads region and beyond. The center will provide for a new Amtrak facility that is integrated with the city's and the region's vision for other transportation modes including light rail/bus rapid transit, commuter rail from Williamsburg, local and thruway bus as well as user friendly bike and pedestrian access. The proposed location allows for easy access to the Newport News Williamsburg International Airport.

The proposed center will be located off of Bland Boulevard and south of Interstate I-64, adjacent to the CSX Transportation right-of-way. The new location will allow for a larger station building and parking facilities capable of accommodating future ridership increases. The new facility will be accessible by bus and an 8-foot multi-use path that will allow for bicycle and pedestrian access. A service facility for daily servicing and light maintenance of trains will be located on a 5 acre vacant parcel, approximately a mile to the southeast of the station and will be accessed from a proposed access road off of Warwick Springs Drive.

The existing station is served by Amtrak's Northeast Regional service with two departing northbound trains daily and two arriving southbound trains

daily. A third southbound arriving train is provided on Fridays. Amtrak service utilizes the rail facilities of CSX. The existing station at 9302 Warwick Boulevard is located at the west end of the CSX maintenance yard and was opened for service in 1981. The existing station is deficient in a number of measures including parking, waiting room capacity, platform size and canopy, baggage handling and ticketing as well as operational issues with maintenance and turning of Amtrak trains.

Amtrak service to Newport News is anticipated to expand pending completion of improvements to the High Speed Rail corridor from Washington, D.C. to Richmond, Virginia. Ridership is anticipated to double from its current level, making it even more pressing for a station that can adequately handle existing and forecasted demand.

The transportation center will include a station building, passenger platform and bus passenger drop-off area. The proposed building and platform canopy designed by Niles Bolton and Associates are of a contemporary design, with an architecturally interesting use of low maintenance materials such as precast concrete and aluminum. The canopy mimics the lines of the building. The site design elements include water features and allows for the placement of civic art pieces uniting the different areas and creating a sense of place that provides the city with a landmark space. (See Appendix A-3.)

A modern train station like the one proposed requires a service facility where trains can layup to be serviced, including interior clean up, provision replenishment, emptying of toilettes and refueling of locomotives. Light duty repairs that include brake changes, air conditioning repairs and other mechanical repairs will also take place at this facility. Although rare, the need to bring in a crane for some repairs may be necessary. This is a 24-hour operation with two shifts that will only serve Amtrak trains. It is anticipated that the facility will employ about 30 people. It is anticipated that a tractor trailer will make deliveries to the site every 3 to 4 weeks. Otherwise, maintenance pickup trucks are expected to come into the site 4 to 6 times a day.

The service facility should preferably be adjacent to the station, however given the topography of the proposed center's site this was not a feasible alternative. After looking at different alternatives, it was evident that the closest level area in proximity to the center is at the proposed location off of Warwick Springs Drive. It does not require demolitions or displacement of any residents, and reduce existing or potential conflicts with CSX operations. There are safety and operational hazards associated with passenger train maintenance and turn-around on existing CSX facilities, where the Amtrak trains need to turn around today, as well as the service facility that is accessed from 72nd Street off of Jefferson Avenue. The current service facility does not provide optimal access to the trains and is too far from the proposed transportation center to continue to be used. Being only a mile from the station, this location will enable Amtrak to service the trains efficiently and have them promptly back at the station on schedule.

Understanding that the proposal calls for a 24-hour operation within an area

that is zoned for residential development, the applicant is proposing some mitigating features. The site plan shows a 20-foot transitional buffer area that will be complemented by the installation of additional vegetation and sound walls that will provide additional screening and minimize the visual impact of the operation on the adjacent residential properties as well as further contain the noise from reaching the residential buildings. (See Appendix A-4.)

The site includes a utilitarian building that will provide office space as well as storage space for equipment and supplies that will be screened by the proposed landscape and noise walls. (See Appendix A-3.)

CONCLUSION

The proposed multimodal transportation center will provide a much needed service not only to the city but the region. It will complement the services provided by the Newport News/Williamsburg International Airport, and in the future will be a station for mass transit. The center will be accessible to pedestrians and cyclists as well as those making use of mass transit or their own vehicles.

The proposed development will provide a landmark space that will feature architecturally interesting structures and well-designed landscapes and hardscapes that provide space for the display of civic art improving the visual character of the area and this gateway to the city.

The proposed location is consistent with the adopted *Framework for the Future 2030* comprehensive plan land use map and transportation strategies.

Proposed features such as landscaped buffers and sound and screening walls will help mitigate any potential negative impacts that the service facility may have on adjacent residential properties.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-16-366 to allow for the operation of a Transit Terminal with Service/Maintenance Facility (Multimodal Transportation Center) at 500 B Bland Boulevard and portions of 199 and 201 Motoka Drive, 490 and 550 Young's Mill Lane and 13020 Mitchell Point Road with the following conditions:

1. The applicant shall submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering; this site plan shall be in general conformance with the plans prepared by Parsons Brinckerhoff, dated November and December, 2015 and March, 2016, found in Appendix A-2 and shall conform to this conditional use permit, the city's Site Regulations and the Zoning Ordinance.
2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation

drawings dated December 23, 2015 prepared by Niles Bolton Associates and found in Appendix A-3 to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.

3. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval. This landscape plan shall be in general conformance to the plans prepared by Parsons Brinckerhoff, dated November and December, 2015 and March, 2016, found in Appendix A-2. 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.

4. The applicant shall cause a 20-foot transitional buffer area to be installed and maintained in perpetuity along the north, west and south sides of the service and maintenance facility property as shown on the plans prepared by Parsons Brinckerhoff dated November, 2015, found in Appendix A-2.

5. A combination noise and screening wall will be installed along the transitional buffer area. The location will be in general conformance with Figure 2: Proposed Noise Wall and Screening Wall Locations of the Newport News Transportation Center (NNTC) Service Area noise wall analysis prepared by Parsons Brinckerhoff dated April, 2016 and found in Appendix A-4. The walls' design and materials shall be reviewed and approved by the Director of Planning.

6. Freestanding signs shall be monument style not to exceed eight (8) feet in height, including the base. The design of the freestanding signs and all building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.

7. The applicant shall submit the proposed elevations and exterior surface materials for a masonry dumpster enclosure to the Department of Planning to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The applicant shall construct the dumpster enclosure in substantial conformance with the approved elevations and materials. The container within the enclosure shall be a closed container.

8. The applicant shall screen all heating, ventilation, and air conditioning equipment from view from the public rights-of-way and adjacent properties in a manner reviewed and approved by the Director of Planning.

9. 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.

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

11. 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.

12. 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.

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

14. 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.

15. 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.

16. 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.

CPC RECOMMENDATION

On June 1, 2016, the Planning Commission voted unanimously (9:0) to recommend approval of the conditional use permit to the City Council with the following conditions:

1. The applicant shall submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering; this site plan shall be in general conformance with the plans prepared by Parsons Brinckerhoff, dated November and December, 2015 and March, 2016, found in Appendix A-2 and shall conform to this conditional use permit, the city's Site Regulations and the Zoning Ordinance.

2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated December 23, 2015 prepared by Niles Bolton Associates and found in Appendix A-3 to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.

3. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval. This landscape plan shall be in general conformance to the plans prepared by Parsons Brinckerhoff, dated November and December, 2015 and March, 2016, found in Appendix A-2. 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.

4. The applicant shall cause a 20-foot transitional buffer area to be installed and maintained in perpetuity along the north, west and south sides of the service and maintenance facility property as shown on the plans prepared by Parsons Brinckerhoff dated November, 2015, found in Appendix A-2.

5. A combination noise and screening wall will be installed along the transitional buffer area. The location will be in general conformance with Figure 2: Proposed Noise Wall and Screening Wall Locations of the Newport News Transportation Center (NNTC) Service Area noise wall analysis prepared by Parsons Brinckerhoff dated April, 2016 and found in Appendix A-4. The walls' design and materials shall be reviewed and approved by the Director of Planning.

6. Freestanding signs shall be monument style not to exceed eight (8) feet in height, including the base. The design of the freestanding signs and all building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.

7. The applicant shall submit the proposed elevations and exterior surface materials for a masonry dumpster enclosure to the Department of Planning to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The applicant shall construct the dumpster enclosure in substantial conformance with the approved elevations and materials. The container within the enclosure shall be a closed container.

8. The applicant shall screen all heating, ventilation, and air conditioning equipment from view from the public rights-of-way and adjacent properties in a manner reviewed and approved by the Director of Planning.

9. 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.

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

11. 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.

12. 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.

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

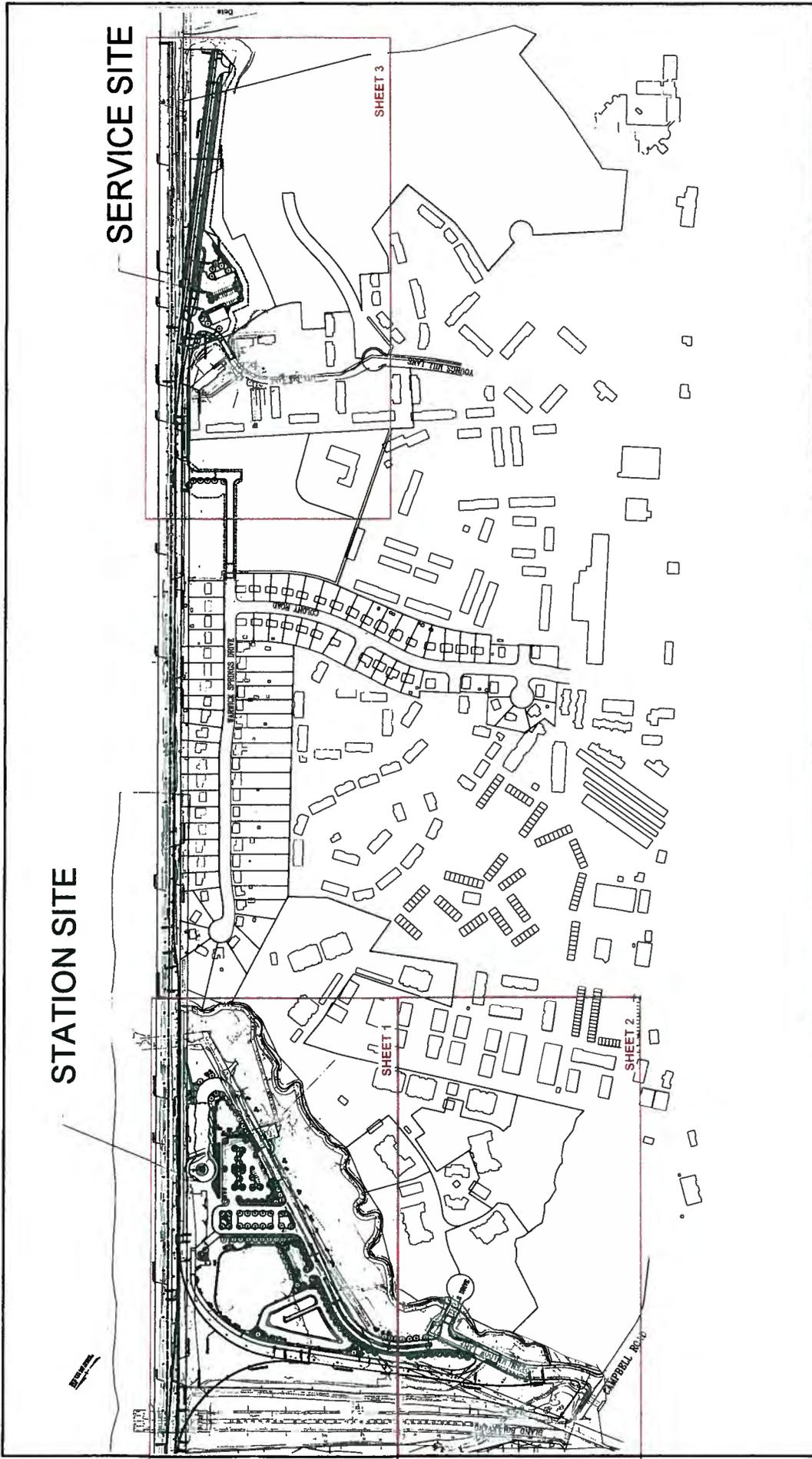
14. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall 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.

15. 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.

16. 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.

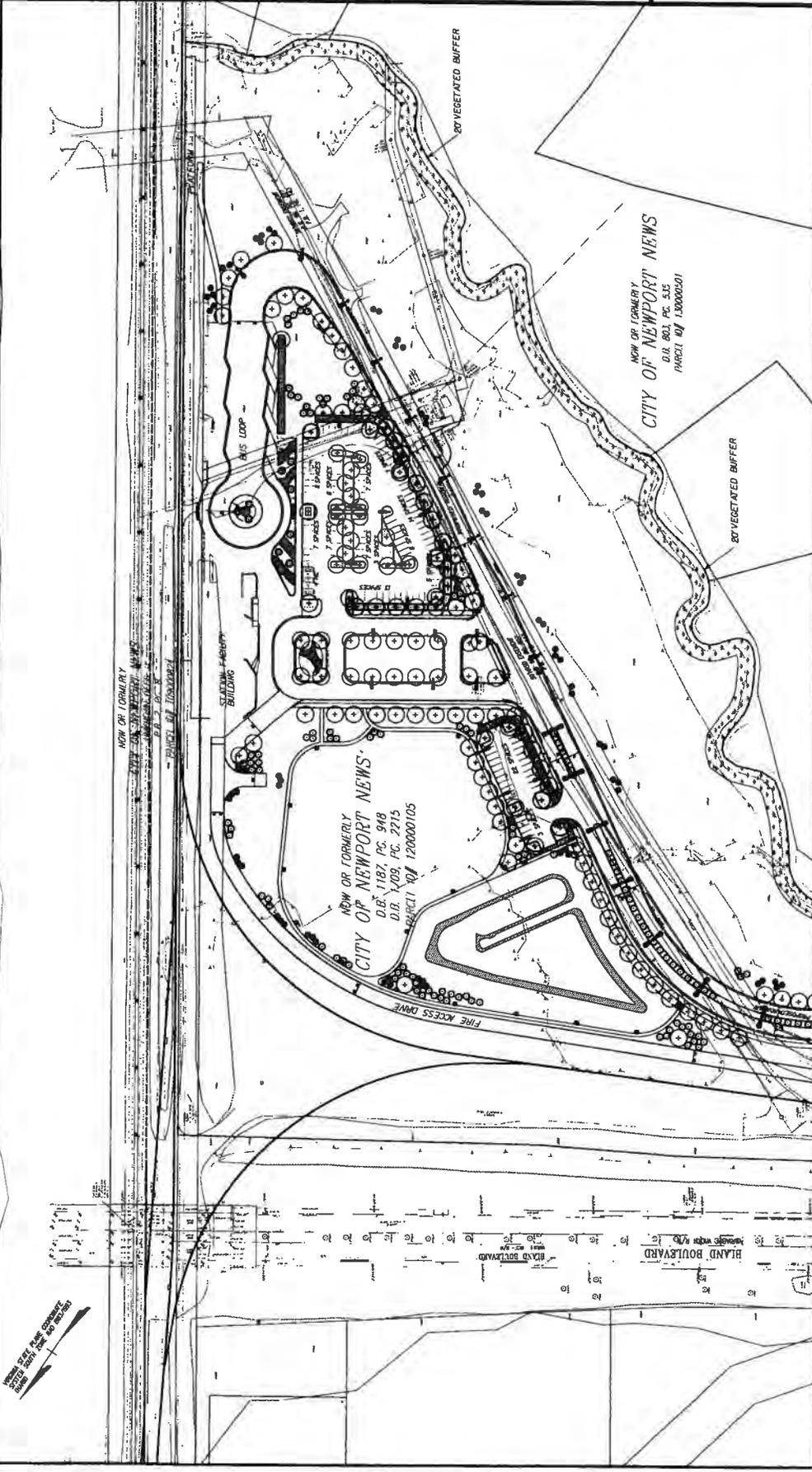
APPENDIX

- A-1 VICINITY/ZONING MAP**
- A-2 SITE PLANS**
- A-3 ELEVATIONS**
- A-4 NNTC NOISE WALL ANALYSIS FIGURE 2**
- A-5 *FRAMEWORK FOR THE FUTURE 2030 LAND USE MAP***
- A-6 AERIAL MAP**
- A-7 TRAFFIC IMPACT STUDY CONCLUSIONS**
- A-8 DEPARTMENT OF ENGINEERING COMMENTS**
- A-9 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MAY 4, 2016**
- A-10 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF MAY 18, 2016**
- A-11 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF JUNE 1, 2016**



NEWPORT NEWS TRANSPORTATION CENTER	CITY OF NEWPORT NEWS DEPARTMENT OF ENGINEERING 2400 WASHINGTON AVE. 7th FLOOR NEWPORT NEWS, VA. PHONE: 926-8611		DESIGNED DRAWN BY CHECKED APPROVED DATE	REVISIONS DAY	PROJECT NO. DATE: March, 2019 SCALE
	NOTE: CONTACT MISS UTILITY OF VIRGINIA AT LEAST 48 HOURS BEFORE GROUND PENETRATION OR EXCAVATION AT ALL.		PARSONS BRINCKERHOFF 877. 0001 (ROAD SITE) 300 VIRGINIA BEACH, VA 23462		

	DESIGNED XXXX XXXX XXXX	DATE XXXX XXXX XXXX	APPROVED XXXX XXXX XXXX	DIRECTOR OF ENGINEERING
	CITY OF NEWPORT NEWS DEPARTMENT OF ENGINEERING NEWPORT NEWS, VA PHONE: 926-8511 7TH FLOOR WASHINGTON AVE.	NEWPORT NEWS TRANSPORTATION CENTER	NO. _____ DATE: November, 2015 SCALE:	SHEET 1



MATCHLINE -- SEE SHEET 2

LEGEND

	Single Tree 20' Diameter		Deciduous Shrub
	Evergreen Tree 15' Diameter		Evergreen Shrub
	Evergreen Tree 10' Diameter		Native Grasses
	Ground Cover		Aquatic Beach Plantings
	Area to be Developed		Existing Wetlands
	Light Fixture		

NEWPORT NEWS
TRANSPORTATION CENTER

CITY OF NEWPORT NEWS
DEPARTMENT OF ENGINEERING

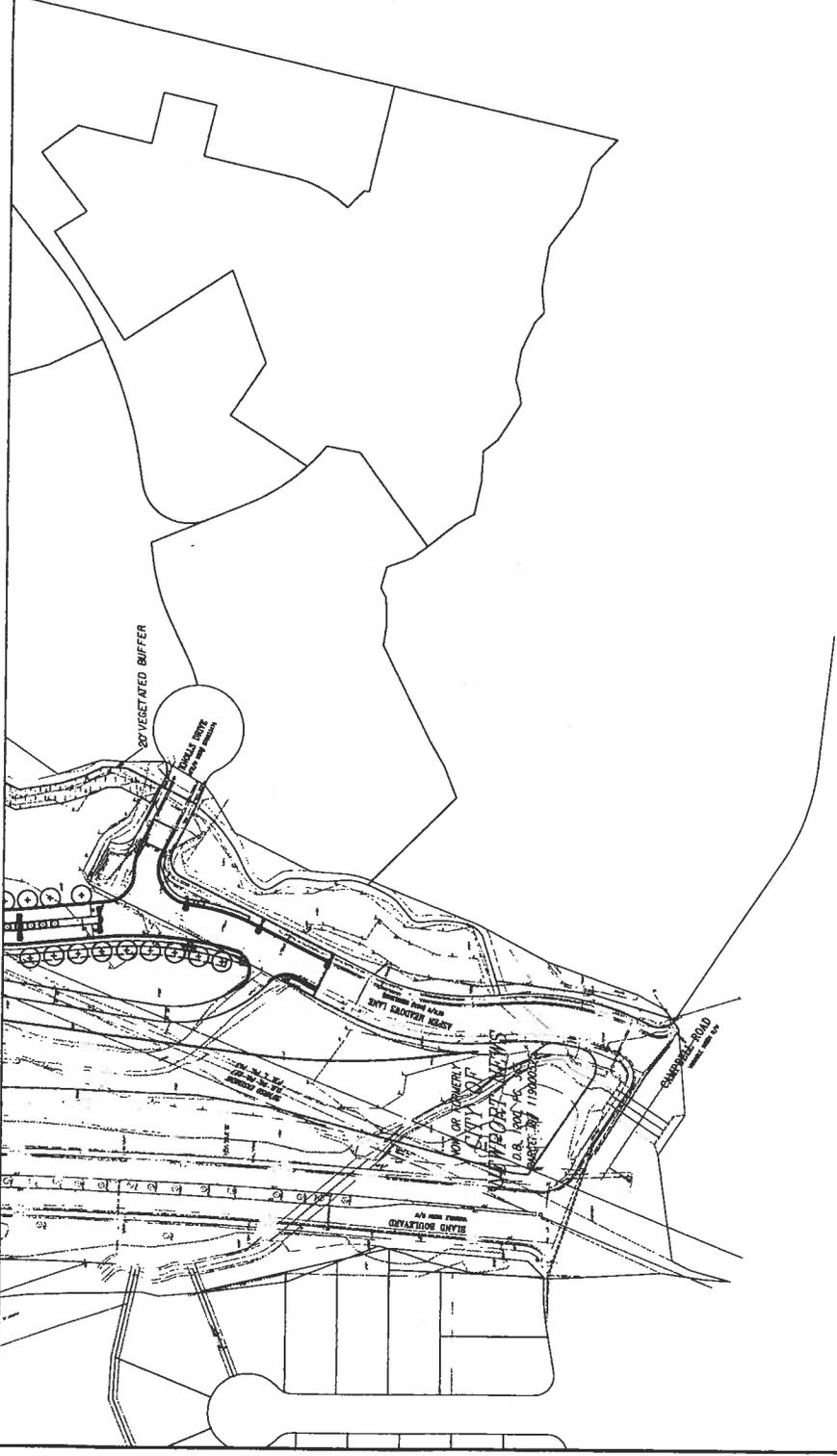
2400 WASHINGTON AVE.
NEWPORT NEWS, VA
PHONE: 926-8611

DESIGNED	XXXX XXXX XXXX
DRAWN BY	XXXX XXXX XXXX
CHECKED	XXXX XXXX XXXX
APPROVED	DIRECTOR OF ENGINEERING
Date	



FILE NO.	
DATE	March, 2018
SCALE	

MATCHLINE - SEE SHEET 1



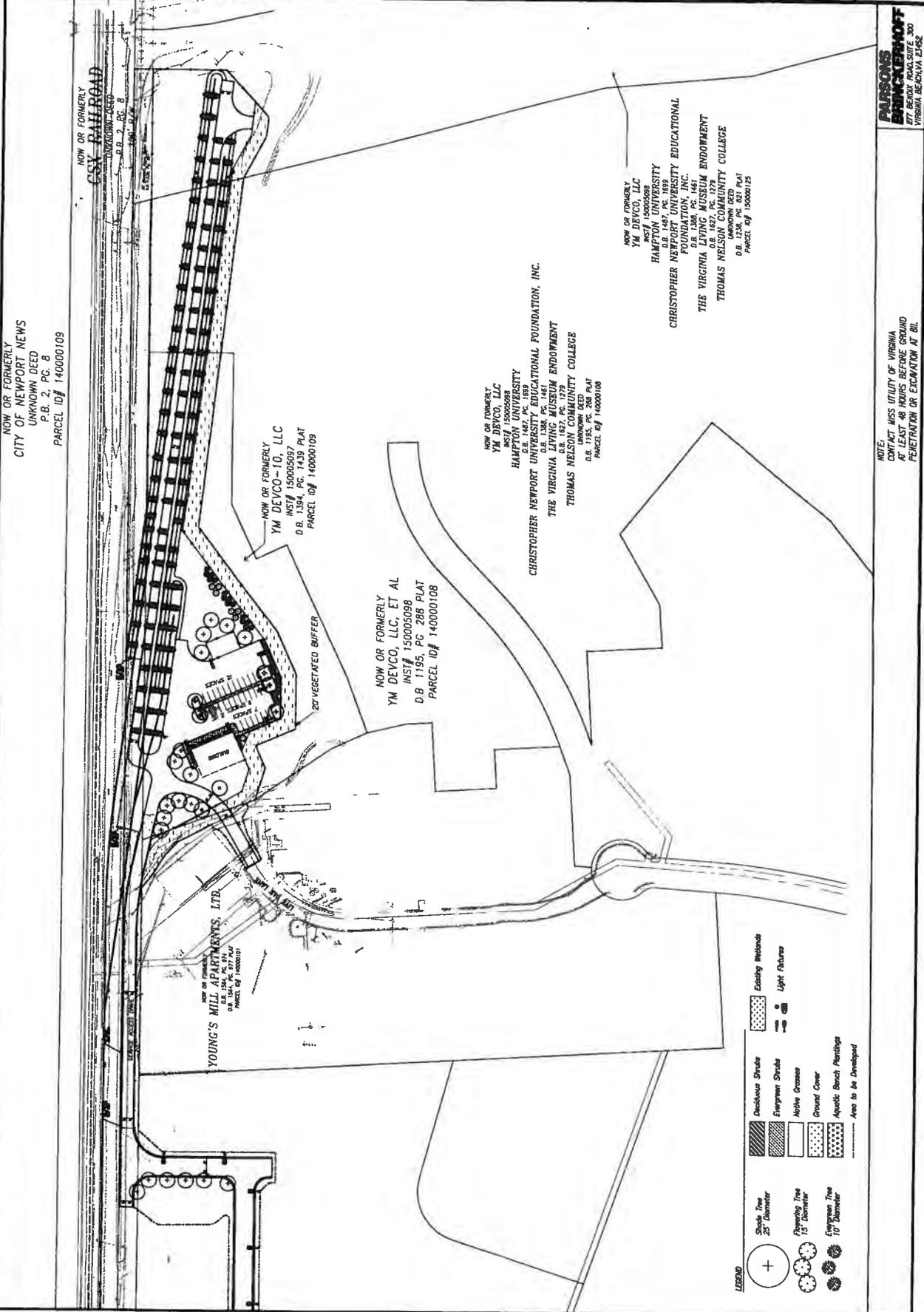
LEGEND

	Shade Tree 20' Diameter		Existing Wetlands
	Flowering Tree 15' Diameter		Light Fixture
	Evergreen Tree 10' Diameter		Deciduous Shrub
	Evergreen Shrub		Native Grasses
	Ground Cover		Aquatic Branch Plantings
	Area to be Developed		

NOTE: CONTACT MISS UTILITY OF VIRGINIA AT LEAST 48 HOURS BEFORE GROUND PENETRATION OR EXCAVATION AT ALL.

PARSONS BRINCKERHOFF
307 BEYOND ROAD, SUITE 300
VIRGINIA BEACH, VA 23462

	DESIGNED: XXXX XXXX XXXX DRAWN BY: XXXX XXXX XXXX CHECKED: XXXX XXXX XXXX APPROVED: _____ DIRECTOR OF ENGINEERING	DATE: _____ REVISIONS: _____ DATE: _____ REVISIONS: _____	CITY OF NEWPORT NEWS DEPARTMENT OF ENGINEERING 2400 WASHINGTON AVE. NEWPORT NEWS, VA PHONE: 926-8511
JOB TITLE: NEWPORT NEWS TRANSPORTATION CENTER		FILE NO.: _____ DATE: March, 2018 SCALE: _____	



NOW OR FORMERLY
 CITY OF NEWPORT NEWS
 UNKNOWN DEED
 P.B. 2, PG. 8
 PARCEL ID# 140000109

NOW OR FORMERLY
 CSX FAHLE ROAD
 UNKNOWN DEED
 P.B. 2, PG. 8
 PARCEL ID# 140000109

NOW OR FORMERLY
 YM DEVCO-10, LLC
 INST# 150005097
 D.B. 1394, PG. 1439 PLAT
 PARCEL ID# 140000109

NOW OR FORMERLY
 YM DEVCO, LLC, ET AL
 INST# 150005098
 D.B. 1195, PG. 288 PLAT
 PARCEL ID# 140000108

NOW OR FORMERLY
 YOUNG'S MILL APARTMENTS, LTD.
 INST# 150005097
 D.B. 1394, PG. 1439 PLAT
 PARCEL ID# 140000109

NOW OR FORMERLY
 YM DEVCO, LLC
 INST# 150005098
 HAMPSON UNIVERSITY
 CHRISTOPHER NEWPORT UNIVERSITY EDUCATIONAL FOUNDATION, INC.
 THE VIRGINIA LIVING MUSEUM ENDOWMENT
 THOMAS NELSON COMMUNITY COLLEGE
 UNKNOWN DEED
 D.B. 1195, PG. 288 PLAT
 PARCEL ID# 140000108

NOW OR FORMERLY
 YM DEVCO, LLC
 INST# 150005098
 HAMPSON UNIVERSITY
 CHRISTOPHER NEWPORT UNIVERSITY EDUCATIONAL FOUNDATION, INC.
 THE VIRGINIA LIVING MUSEUM ENDOWMENT
 THOMAS NELSON COMMUNITY COLLEGE
 UNKNOWN DEED
 D.B. 1195, PG. 288 PLAT
 PARCEL ID# 140000108

LEGEND

	Shade Tree 24' Diameter		Deciduous Shrub
	Flowering Tree 15' Diameter		Evergreen Shrub
	Evergreen Tree 10' Diameter		Native Grasses
	Ground Cover		Aquatic Branch Plantings
	Area to be Developed		Existing Wetlands
	Light Fixture		

PARSONS BRINCKERHOFF
 877 BEAVER ROAD, SUITE 300
 VIRGINIA BEACH, VA 23462

SHEET
 3

NOTES:
 1. THE UTILITY OF VIRGINIA
 POWER AND LIGHTING COMPANY
 PENETRATION OR EXCAVATION AT 80'









DATE: 12/23/2015
 APPROVED: _____
 CHECKED BY: LI
 DRAWN BY: AJM
 PROJECT #: 113009
 ARCHITECTURAL DESIGN

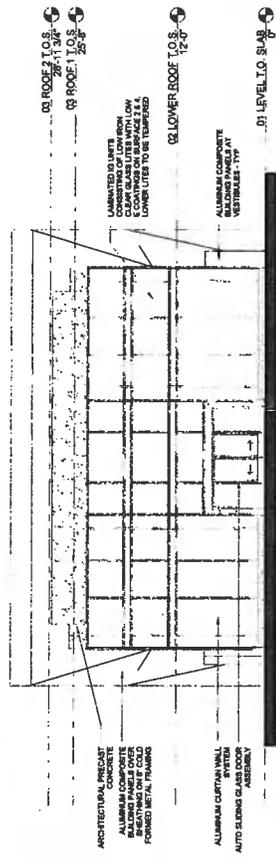
CITY OF NEWPORT NEWS
 DEPARTMENT OF ENGINEERING
 2400 WASHINGTON AVE.
 NEWPORT NEWS, VA
 PHONE: 804-681-1111

NEWPORT NEWS
 TRANSPORTATION CENTER
 STATION ELEVATIONS

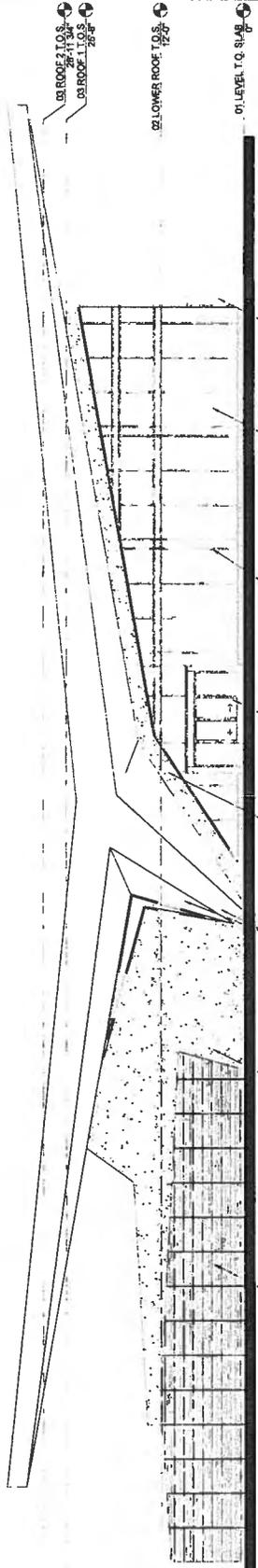
SCHEMATIC DESIGN
 12/23/2015
 SHEET
 A3.00

NILES BOLTON ASSOCIATES
 2000 Peachtree Rd., N.W.
 Suite 600
 Atlanta, GA 30305
 T: 404 365 7600 F: 404 365 7610
 www.nilesbolton.com

PARSONS BRINCKERHOFF
 NILES BOLTON ASSOCIATES
 ATLANTA, GA
 ARCHITECT



ELEV. 1/8" = 1'-0" (A3.0)
 1 BUILDING ELEVATION - SOUTH



ELEV. 1/8" = 1'-0" (A3.0)
 2 BUILDING ELEVATION - WEST

SHEET
A7.00

SCHEMATIC DESIGN
12/21/2015

NEWPORT NEWS
TRANSPORTATION CENTER
SERVICE FACILITY

CITY OF NEWPORT NEWS
DEPARTMENT OF ENGINEERING
2400 WASHINGTON AVE.
NEWPORT NEWS, VA
PHONE: 828-8811
7th FLOOR

PROJECT # : 113009
DRAWN BY: XR
CHECKED BY: TL
DATE: 12/23/2015



NILES BOLTON ASSOCIATES
300 PARKWAY
SUITE 200
ALPHARETTA, GA 30306
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www.nilesbolton.com

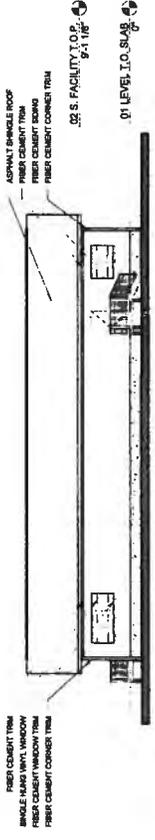
PARSONS BRINCKERHOFF
277 BENDOR ROAD, SUITE 300
VIRGINIA BEACH, VA 23462

NILES BOLTON ASSOCIATES
ATLANTA, GA
ARCHITECT

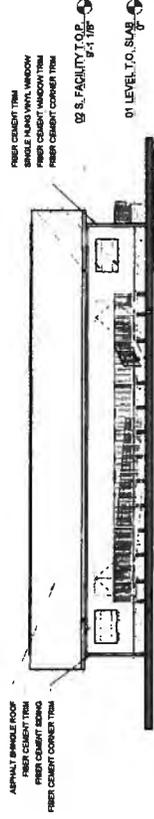


ELEV. 2 SERVICE FACILITY - SOUTH
200'-11/8\"/>

ELEV. 4 SERVICE FACILITY - WEST
200'-11/8\"/>



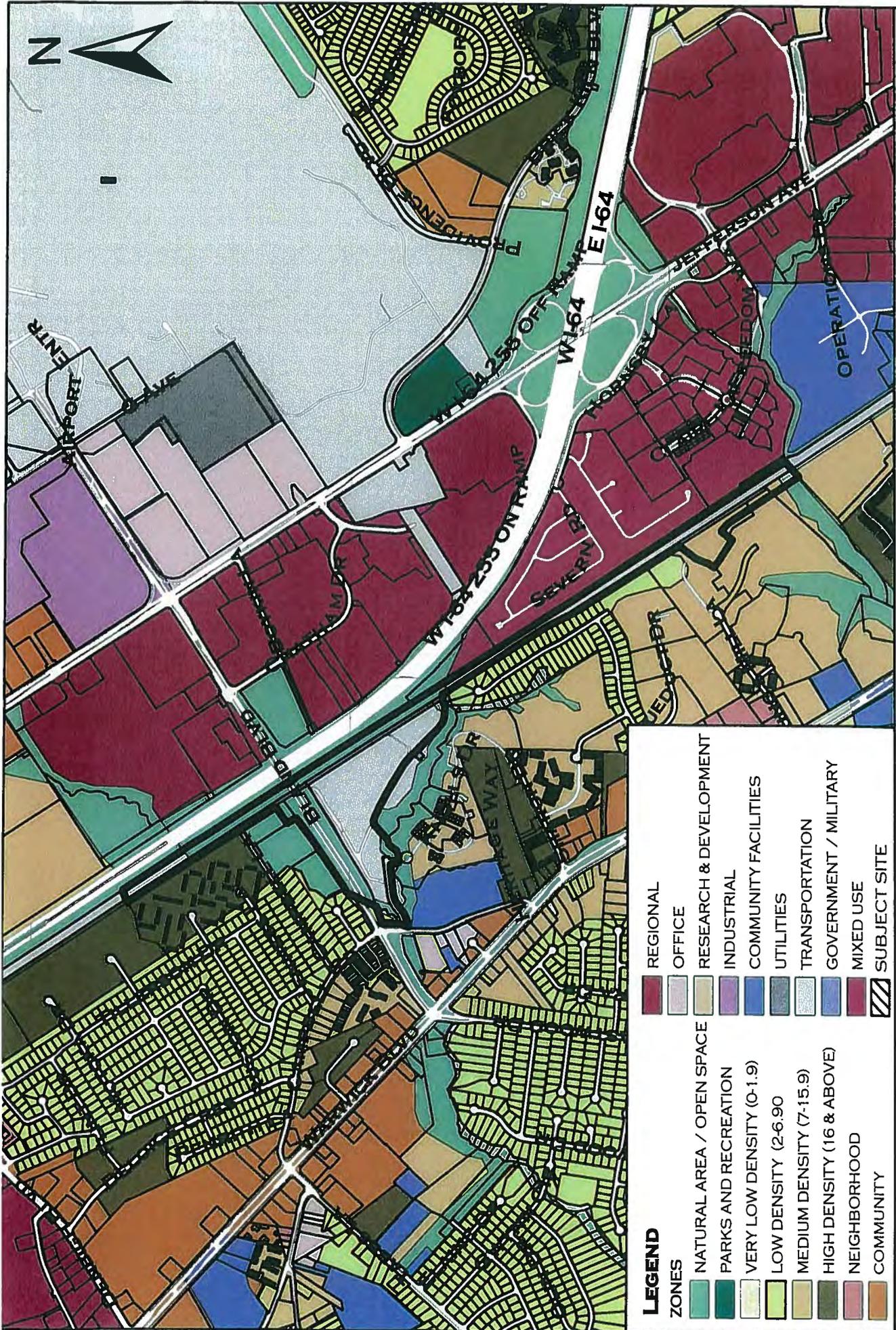
ELEV. 3 SERVICE FACILITY - EAST
200'-11/8\"/>



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Figure 2: Proposed Noise Wall and Screening Wall Locations





LEGEND

	NATURAL AREA / OPEN SPACE		REGIONAL
	PARKS AND RECREATION		OFFICE
	VERY LOW DENSITY (0-1.9)		RESEARCH & DEVELOPMENT
	LOW DENSITY (2-6.90)		INDUSTRIAL
	MEDIUM DENSITY (7-15.9)		COMMUNITY FACILITIES
	HIGH DENSITY (16 & ABOVE)		UTILITIES
	NEIGHBORHOOD		TRANSPORTATION
	COMMUNITY		GOVERNMENT / MILITARY
			MIXED USE
			SUBJECT SITE

CITY OF NEWPORT NEWS & FRAMEWORK FOR THE FUTURE 2030

YM DEVCO-10, LLC

Newport News Transportation Center Traffic Report

6.0 Conclusions and Recommendations

The analysis results show that Concept B (Station Only) will have the least development generated traffic and will have the lowest impact on surrounding roadways. Concept F (Full Site Development in 2040) on the other hand, will generate the largest amount of traffic in the peak hours and has the greatest impact on the surrounding roadways. Although Concept F impacts the level of service and delay the most, the change from the No Build 2040 scenario and the Build 2040 scenario for level of service and delay is fairly minor overall.

It is assumed that the initial site work (opening year) can only include the transportation center, as presented in Concept B. However, the station and site will be set up to allow for future development of Concept F as the full build out in 2040. If Concept F is developed in phases, some improvements in the Build scenario may need to be made to accommodate the growth in traffic from the specific site development. It is also noted that Bland Boulevard and Warwick Boulevard will need capacity improvements regardless of the development of the station site. Although there are many potential improvements that can be considered, the most viable option is providing additional capacity northbound right turns from Campbell Road onto Bland Boulevard in the form of a second right turn lane. This will improve the level of service and queuing along Campbell Road and allows traffic to more easily turn right out of Aspen Meadow Lane, reducing delay. The addition of a right turn lane can also be utilized in the other improvement scenarios.

None of these improvements have the significant improvement that was intended due to LOS issues evident in background and no-build conditions, improvements #1 (Provide additional capacity for northbound right turns from Campbell Road onto Bland Boulevard in the form of a second right turn lane) and #3 Signalize Aspen Meadow Lane (coordinated to Bland Blvd and Campbell Rd signal) and provide additional capacity for northbound right turn lanes from Campbell Road onto Bland Boulevard) have the best potential impact and should be considered as the conceptual planning of the site continues into the design phase.

City of Newport News

Department of Engineering

January 13, 2016

To: Chief of Civil Design, V. Urbano
From: Chief of Transportation, J. Kassel
Subject: Traffic Impact Study – Multimodal Station

Transportation Engineering has completed its review of the December 2015 Revised Traffic Report submittal for the Multimodal Center in the City of Newport News, Virginia. The proposed rezoning would convert the existing fallow land to a transportation hub with additional yet indeterminate development. The transportation hub (station only) is proposed to generate 350 vehicle trips daily of which 204 will be AM peak hour of the generator and 146 will be PM peak hour of the generator.

Improvements to the public right-of-way, based on the demands contributed to site development, are divided into three (3) distinguishing categories; those that are essential to development access, those secondary improvements that are critical to intersection operations in close proximity to the site and those major improvements that are considered being beyond the scope of a single development. Development of this site at the trip generation potential proposed must satisfy concerns related to both essential improvements and secondary improvements to offset extended backs of queues and excessive motorist delays.

Category I: Improvements Essential to Development Access

These are improvements that directly contact the development site at the entrances or frontage streets. Category I improvements are funded by the developer and are included in the study analysis.

- None Identified

Category II: Secondary Improvements

These are improvements that are critical to intersection operations in close proximity to the site. Category II improvements are funded by the developer study analysis.

- None Identified.

Category III: Major Improvements Beyond the Scope of a Single Development

These are major roadway improvements and additions that are too costly and too large to be supported by a single development. Category III improvements are not to be included in the analysis portion of the study.

- None Identified

Your cooperation in developing a traffic impact study to support the redevelopment of this site is appreciated. It shall be noted that, as identified in this report at the time of any additional development beyond the initial station occurs on this site a new, not revised, traffic impact report will be required that looks at volumes, generation rates and distributions patterns based on the road network at the time of the proposed expansion. Should you have any questions or require additional information, please do not hesitate to contact me at (757) 926-8666 or David Wilkinson of Transportation Division staff at (757) 926-8690.



For Jacqueline M. Kassel, P.E.

JMK/DTW

pc: Director of Engineering, E. Skipper
Asst. Director of Engineering, J. Kaoudis
Asst. Chief of Transportation Engineering, D. Wilkinson
Parsons Brinkerhoff, Inc.

EXCERPTS FROM PLANNING COMMISSION MINUTES

May 4, 2016

CU-16-366, City of Newport News & YM Devco-10, LLC. Requests a conditional use permit to allow for the construction of a multi-modal transportation center and service/maintenance facility located on a portion of 550 Youngs Mill Lane, 490 Youngs Mill Lane, 13020 Mitchell Point Road, 199 & 201 Motoka Drive and 500 B Bland Boulevard on six (6) parcels totaling 38.85 acres and zoned R7 Medium Density Multiple-Family, R8 High Density Multiple-Family, R4 Single-Family and P1 Park. The Parcel Nos. are 140.00-01-04 & 08 & 09, 150.00-01-25, 109.00-08-24, and 120.00-01-05.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Willis asked for clarification where the train turnaround would be located on the map. Mr. Gleiser deferred to the applicant's representative, Derek J. Piper, Engineer for the project. Mr. Piper pointed to the location of the train turnaround on the map, between Bland Boulevard and the train station.

Ms. Austin stated a photo of the existing Amtrak train station provided in the staff report designated 70 parking spaces, and overflow parking occurs on the roadway going into the parking area and the train station. She stated she has seen the entryway lined up on both sides and overflow parking in the office building adjacent to the train station on the left. Ms. Austin stated there are 22 illegal parking spaces and, on a busy day, approximately 20 people parking in the office building next door, which totals 113 parking spaces, which is 17 parking spaces less than the 130 parking spaces proposed for a facility that may double in use. She stated that is not going to be enough parking. Ms. Austin asked what is the long-term plan. Mr. Gleiser stated there is enough space on the property to expand parking. Ms. Austin asked Mr. Gleiser to show her the area where parking could be expanded on the map. Mr. Gleiser showed Ms. Austin the location on the map.

Ms. Austin asked if people will be allowed to park their vehicles overnight. Mr. Gleiser stated yes, they will. Ms. Austin asked if there is a designated area for overnight parking. Mr. Gleiser stated he is not sure. Ms. Austin asked if there will be overnight security for parked vehicles. Mr. Gleiser stated it will be the city patrolling the city property. Ms. Austin asked if there will be security cameras covering the parking areas. Mr. Gleiser stated yes. He stated it is a requirement of site plan review that the parking area is appropriately lighted so you have lights on all of the parking areas.

Ms. Austin asked if there is a designated area for taxis. Mr. Piper stated there will be spaces designated in front of the facility for taxi parking spaces. Ms. Austin asked Mr. Piper to show her the location of the taxi parking spaces on the map. Mr. Piper showed Ms. Austin the location on the map. Mr. Piper stated the plan is that taxis will be able to drop off and pick up passengers from the taxi parking storage, which will be in

designated spaces. Ms. Austin asked if the taxis would be lined up or come up as parking spaces open. Mr. Piper stated they would come up as taxi parking spaces open.

Ms. Austin asked where pedestrians would be able to access the train station from the sidewalks. Mr. Piper stated there will be sidewalks coming in on the entire entrance road and coming up the front access to the building. Ms. Austin asked if there will be a bikeway as part of the sidewalk or the roadway. Mr. Piper stated they plan to use widened lanes on the roadway for shared use. Ms. Austin asked if there would be a separate painted lane with bicycle symbols. Mr. Piper stated we were not planning on doing that. He stated they were just going to put up shared use signs and the 16-foot roadway would be sufficient width with low speeds of travel of 25 miles per hour or less. Ms. Austin stated that, as a person who rides a bicycle, she likes it when there are signs painted on the road so it is clear to the people in a motorized vehicle to leave space for bicyclists. Mr. Piper stated the main access road is a city street, so that can be permitted by the city street ordinance.

Ms. Austin asked if people would be able to go back and forth between the train station and the airport and if train station passengers would be able to access the airport's rental car stock. Mr. Piper stated we have had discussions with airport management of possibly extending their shuttle service. He stated there are some legal issues that would have to be worked through, because when they are on-site they are not commercial vehicles so there would be additional costs to be incurred by the airport. Mr. Piper stated the shuttle service at the parking lots at the airport cannot go from the parking lot to the train station parking lot. He stated this will be a multi-modal facility in proximity to the airport and people will probably not likely come in on a flight and leave on a train in the same trip. Ms. Austin stated you could arrive at the train station and wish you had a rental car. Mr. Piper stated yes, and we have thought about having kiosks on-site where passengers could access the rental car companies at the airport, who would deliver a car to the train station. He stated we would not have to put in additional parking for rental cars and use the facilities that already have multiple rental car vendors at the airport facility.

Ms. Austin asked if there will be a place that bicycles can be locked. Mr. Piper stated yes, we will have a bicycle storage facility.

Mr. Piper stated that in talking with Amtrak representatives, they recognize that on holiday weekends that the existing facility is parked full. He stated we have come to the conclusion that 130 parking spaces would be sufficient for opening day. Mr. Piper stated that, long-term, there are other portions of this property that could be utilized for parking. He stated we can do a master plan, and there is also potential where the existing parking lot could become a parking deck which could more than double the parking, but that is also based on long-term growth and passenger ridership, which is not an exact science. Mr. Piper stated the current plan for bicycle access is shared lane use, but if the city has requirements that the city street needs a designation, that is fine.

Ms. Austin asked if you are approaching the station, on the left in the area that could become a future parking area, what will it look like after the station is built. Mr. Piper stated it will be a planted landscaped area, with potential passenger recreation and a walking trail.

Mr. Carpenter asked if, when this project was initially begun, this location was or is still in the running for a complete interchange with Interstate 64. Mr. Piper stated there is no interchange planned for Bland Boulevard, and it is not in anyone's planning. Mr. Carpenter stated it was requested years ago but maybe turned down. He asked if it would be more likely that we get an interchange here now because it becomes a more significant location for transportation or are we less likely to get it because the train station is here. Mr. Piper stated it would be less likely because the CSX mainline is right there next to the interchange and it would be difficult building ramps because of the containments and how they would tie into Bland Boulevard. He stated most of the interchange would probably occur on the Jefferson Avenue side because of what you would have to do to get over the ramps on the CSX mainline.

Mr. Mulvaney asked if the existing Amtrak station would be abandoned. Mr. Gleiser stated yes.

Mr. Mulvaney asked if a traffic impact analysis has been done. Mr. Gleiser stated there was a traffic impact study and it was determined that the levels of service on the roads around the train station would not change and there are no necessary improvements to the roads. Mr. Mulvaney asked what the levels of service are currently in that area. Ms. Jackie Kassel, Chief of Transportation Engineering, stated the Bland Boulevard interchange was cancelled by the Federal Highway Administration (FHWA) in the 1990s and there is no funding in our plans for that interchange. She stated we have requested that the Denbigh Boulevard bridge project which goes over the interstate be designed to accommodate a future interchange. Ms. Kassel stated that, while there are no plans for one there, we are making accommodations in the bridge project. She stated the current level of service at the busiest intersection nearby is the Warwick Boulevard and Bland Boulevard intersection and in the PM peak today that intersection is a level of service F, which is the worst grade, but if you look at the numbers in detail, the number of seconds of delay, what it is today and what it will be the day the train station opens, it will be about the same. Ms. Kassel stated the amount of traffic coming into that intersection will not impact the level of operation and the experience at Warwick Boulevard and Bland Boulevard. She stated the intersection of Bland Boulevard and Campbell Road operates with a level of service C today, and will remain a C with the train station. Ms. Kassel stated the amount of traffic does not have a great impact with just the train station opening up. Mr. Mulvaney asked if we looked at Bland Boulevard and Jefferson Avenue because that is the most likely place for commuters to travel. Ms. Kassel stated the traffic study did not go to Jefferson Avenue, but did show that about 80% of traffic would go that way, but the overall amount of traffic coming throughout the day to the train station would be approximately 350 vehicles and that impact is absorbed into the other traffic. Mr. Mulvaney stated he is concerned that the whole corridor could potentially become very crowded in the next year. Ms. Kassel stated it is very crowded today.

Mr. Carpenter opened the public hearing.

Mr. Derek J. Piper, 277 Bendix Road, Virginia Beach, applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Piper gave a brief presentation of the application.

Mr. Jones asked if there would be food and drinks for sale at the multi-modal station. Mr. Piper stated right now we plan to have two staff members at the facility. He stated we have considered restaurants and retail space, but right now, there are only two trains a day running several hours apart and three trains on Fridays. Mr. Piper stated that, as the frequency of trains increases there could be more amenities there, but right now the plan for offering food and drinks would be vending machine services.

Mr. Jones asked what type of security would be at the station. Mr. Piper stated we will have the required site security cameras. He stated that although Amtrak is a lease holder, this will be a city operated and maintained facility, similar to the Denbigh Community Center. Mr. Piper stated as a city facility, we will rely more on policing from the city Police staff. He stated we will have a conversation with the Police Department as we get closer to opening. Mr. Piper stated we will have cameras in the interior and exterior of the building.

Ms. Fox stated there are 350 vehicle trips daily for the traffic forecasted. She asked if that is with the current train traffic at the existing train station. Mr. Piper stated no, 350 vehicles a day is a requirement based on a 20 year projection looking at future ridership. He stated the arrival and departure of trains is not year-round peak hours. Mr. Piper stated the peak of the facility is not aligning with the peak of the surrounding roadway, but a couple of hours before or after that peak. He stated a lot of the traffic concerns are really the traffic problems in those peak AM and peak PM hours, which is not when the trains will be arriving and departing.

Ms. Fox asked what is the traffic count for the existing railroad station. Mr. Piper stated he does not know that. He stated that, in talking with the Amtrak representative earlier, that facility is full from a parking standpoint on holiday weekends, but generally those lots are not filled at other times. Ms. Fox stated it does seem to create an issue with traffic.

Mr. Groce stated he had the opportunity to see a presentation on this facility about 18 months ago at the Denbigh Community Center. He stated this is a very nice project. Mr. Groce asked if the residents in the immediate area where this project will be developed were invited to that presentation. Mr. Piper stated we advertised the presentation in the newspaper, similar to what you would see when VDOT advertises a project. He stated the public hearing will be advertised the same way in the next couple of days for the June 2, 2016 National Environmental Policy Act (NEPA) public hearing.

Ms. Austin asked if the city will own the facility and Amtrak will be leasing the facility. Mr. Piper stated he believes that is the case, but the lease agreement terms have not been worked out. He stated the city plans to own and maintain the station building. Mr.

Piper stated the city will own the service facility and lease it to Amtrak. He stated Amtrak will operate and maintain the land area and buildings on the service facility. Mr. Piper stated the service facility buildings are not publicly owned buildings.

Ms. Austin asked when the train is stopped at the station, will it be on new track that is apart from the CSX mainline. Mr. Piper stated yes, on one of the side tracks located 40 feet from the existing track.

Mr. John Bender, 40 Massachusetts Avenue, Washington, DC, representative for Amtrak, spoke in favor of the application. He thanked the city of Newport News. Mr. Bender stated this new facility will meet our future needs for passengers and multi-modal facilities within the city of Newport News. He stated the goals of the Department of Rail and Public Transportation (DRPT) are to increase passenger rail within the Commonwealth.

Mr. Carpenter stated he is sure we share the same goals and are hopeful that Amtrak will pay the city a lot of rent. Mr. Bender stated he would not count on that, but it will be worked out.

Mr. Arthur Singleton-Bey, 117 Jenness Lane, stated his family has resided on Jenness Lane for 35 years and there is concern within the community. Mr. Singleton-Bey stated that we have been talking about a bike trail and traffic, but the city has not put any sidewalks on Campbell Road. He stated Campbell Road goes right into Bland Boulevard and people will be coming to the train station but there are no sidewalks, but there are provisions for bicycles. Mr. Singleton-Bey stated now you need to look out for bicycles and cars as you walk to Amtrak. He stated they can find the money for this multi-modal station, but what about the sidewalks to get to the multi-modal station. Mr. Singleton-Bey stated he has been here since Jefferson Avenue was a two-lane highway, and he watched Patrick Henry Mall and Jefferson Commons, as well as Bland Boulevard develop. He stated his issue is the sidewalks, because for 35 years, First Baptist Denbigh Church has been there and the parishioners cannot walk to church because there are no sidewalks.

Ms. Suzanne Grummel, 18 Colony Road, stated her house is very close to Warwick Springs. She stated she is not concerned with the train station. Ms. Grummel stated its design and what it will bring to the city is wonderful. She stated her concern is with the repair facility and that there will be an entrance at Warwick Springs. Ms. Grummel stated that on her small little two-lane street which connects with Warwick Springs and is a prime location for a possible entrance in the future, we have three very large multi-family complexes, houses on both sides of the street, and children at different times during the day coming down and getting the bus at the intersection of Colony Road and Warwick Springs, further up closer to Warwick Boulevard. She stated we do not have any sidewalks and the children walk down the street. Ms. Grummel stated there are primary school children who go by themselves, as well as middle schoolers and high school students. She stated they use the streets to walk down to the bus stop and wait for the bus, and the busses come down and have to turn around on Warwick Springs to go back out. Ms. Grummel stated we have a lot of traffic for our little two-lane road.

She stated the repair facility trucks could come down at certain times, but it is very nebulous and it is not acceptable to her as a parent and a resident, to not know when my children have to watch out for vehicles. Ms. Grummel asked that if her tiny little street will be used as an access point for the repair facility, that you help to qualify when those trucks come down, and if you cannot do that, then at least install sidewalks on which the children may walk.

Mr. Richard Vanderzee, 475 Cheshire Court, stated he worked with the city Engineering Department all of last year at which time we had a meeting and discussed for two hours some of the problems that had not been covered in the initial environmental report. He stated two of his concerns have been included in the final environmental report, which he understands has not yet been approved by the federal government. Mr. Vanderzee stated he would caution the Planning Commission about taking any action tonight until they get more information and each and every member take an extensive look at the Bland Boulevard area. He stated it will create devastating congestion added to the existing congestion in this city. Mr. Vanderzee stated there is a new school bus facility to be located very close to the Bland Boulevard area. He stated another reason to be cautious is that there is erroneous information in this analysis. Mr. Vanderzee stated there is a listing for 550 Youngs Mill Road and 490 Youngs Mill Road. He stated they are not located in the area that is designated. He stated he met with people at the office on Youngs Mill Road and they know nothing about any building or apartments at those addresses. Mr. Vanderzee stated that is worth some investigation by someone. He stated some of the addresses listed are also unfound. Mr. Vanderzee stated he has been up and down the railroad line several times and 13020 Mitchell Point Road is unfound and should be further identified. He stated there are some good points that have been brought up, but the proposed cost of this project is \$38.9 million and that is minimum. Mr. Vanderzee stated that was the base before the environmental assessment. He stated he suspects there will be some additions added in the construction process. Mr. Vanderzee stated that is a problem for him as a taxpayer. He stated he is retired and having a tough time, so he is trying to watch the city dollars a lot more than the city is watching. Mr. Vanderzee stated he could go on and on and name 100 items if he was asked to, and he would be glad to come back and give the Planning Commission a list of them. He asked that the Planning Commission delay decision making on this program. Mr. Vanderzee stated it is too big a development and we are concerned about the private investment area and the construction area with the homes at every entrance to the addresses up on the hill. He stated he would be very concerned if he was in the private gated community having trucks, busses and bikes, up and down the road all day. Mr. Vanderzee stated he does not want the Planning Commission to make a decision based on erroneous information and exaggerated estimates of what this project is going to do for the city.

Ms. Karen Ness, 136 Ruston Drive, spoke in opposition of the application. Ms. Ness stated she just moved a year and one-half ago from a bedroom community in Pennsylvania. She stated they did not realize when they bought their house here in Newport News that 200 yards away there were train tracks that run night and day. Ms. Ness stated the first night when the trains were blowing their horns, she bolted up in bed. She stated they are loud and the decibel levels are deafening. Ms. Ness stated

she has neighbors who said their kids were crying in the night because it was so loud they could not sleep and it was affecting their school. She stated when you are bringing something like that into an area that is zoned residential; you need to know there will be a lot of impact. Ms. Ness stated the property values will probably come down and make it harder to sell a house in that area. She stated that living near a train track, the house vibrates and the windows rattle. Ms. Ness stated this will possibly cause damage to homes. She stated it does not make any sense to put this in a residential area. Ms. Ness stated that right up the road to the north is an industrial park where it would make more sense to put the multi-modal facility, or on another site that is not residential. She stated to take an area that is only residential and stick something like this there is a nightmare for the community. Ms. Ness stated when she was working in Harrisburg, Pennsylvania, there was a turnaround junction and a homeless camp sprung up right across the street from the tracks. She stated that may be another problem on top of the crime and everything else we have to deal with if you bring this here. Ms. Ness asked that the Planning Commission look at the entire impact to the community, environmentally, financially to the homeowners. She stated we are destroying a community bringing in a mess like this here.

Ms. Karen Pogoloff, 713 Windy Way, is President of the Windy Knolls Condominium Association and Secretary of the Windy Knolls Community Board. Ms. Pogoloff stated her comments will be from her personally, but they are based on discussions with owners and residents within Windy Knolls. She stated nobody has mentioned Aspen Meadow Lane, which is the road that comes down Campbell Road into Windy Knolls, and it is our understanding that it is the road that will be the primary entrance into this new transportation center. Ms. Pogoloff stated currently, it is a two-lane road, with an exit onto Campbell Road, which is a very busy short cut for many people. She stated it is almost impossible to get out of in the morning or get into in the evening. Ms. Pogoloff stated we have between 400 and 500 cars within Windy Knolls currently, and there are two more apartment buildings coming in the next three to six months, which will increase the number of cars. She stated that, currently, to get into Windy Knolls, if you come off of Bland Boulevard onto Campbell Road, there is room for two cars to turn. Ms. Pogoloff stated she cannot tell the Planning Commission how many times she has almost been hit as people come over the hill on Campbell Road and cannot see that there is a turn lane. She stated if you are exiting from Windy Knolls and you are turning right onto Bland Boulevard, going toward the interstate, again, there is only room for two cars to turn, and generally there are four to six cars. Ms. Pogoloff stated that, with Campbell Road only being two lanes, it is already a significant problem. She stated Bland Boulevard is extremely busy, and most of the time on the weekends, it is almost impossible to travel down there. Ms. Pogoloff stated there have been several accidents and a few deaths already. She stated she does not believe the transportation study takes any consideration of the reality of living there. Ms. Pogoloff stated currently, Windy Knolls is a quiet community, and many of us chose it because it is on a dead end. She stated we live in a gated community and the only way we can get in is from Aspen Meadow Lane. Ms. Pogoloff stated any construction over the next couple of years will impact our ability to sell our properties, which are already in a community that is very depressed because of the economy. She stated we have owners who are over \$100,000 upside down from when they bought their condos 8 years ago. Ms. Pogoloff

stated we were optimistic that this plan would impact the value of our properties in the future. She stated in the short-term it will make it virtually impossible for us to sell with the kind of construction that will happen. Ms. Pogoloff stated she sees a different property value. She stated we have had numerous foreclosures and were just starting to have a positive trend in the next year and she believes this will impact it negatively. Ms. Pogoloff stated several of the board members are present, but she really wants the Planning Commission to take into consideration the impact this will have on the community.

Ms. Willis asked where the gate is located in the gated community. Ms. Pogoloff stated you would take Aspen Meadow Lane to Knolls Drive and then there is a circle, and at the end of the circle is a clubhouse with a gate on each side. She stated there is no exit beyond coming on Aspen Meadow Lane. Ms. Willis asked if they would have to remove any gates or change the gated part of the community. Ms. Pogoloff stated no.

Ms. Fox asked how the construction vehicles get to the existing construction site. Ms. Pogoloff stated they come on Aspen Meadow Lane and then there is a road that goes to the left. She stated the trucks come in through there all day long.

Mr. Joseph Blumber, 522 Knolls Drive, is a member of the Windy Knolls Condominium Association. Mr. Blumber stated he is optimistic with the long-term and what this can do to possibly improve the city overall. He stated that, being a close neighbor, our property values may even benefit, but that is a great unknown. Mr. Blumber stated he has great concerns with the scope of the plans at this point, which are 60% complete. He stated they do not adequately address the access issues to the transportation center and Windy Knolls condominiums. Mr. Blumber stated Campbell Road does not have sidewalks or curbs and is a very narrow two-lane road with deep ditches on either side for the majority of the road. He stated this road will be the primary access for people coming from Warwick Boulevard and travelling west on Warwick Boulevard to get into the train station. Mr. Blumber stated right now very little of the traffic actually goes up to Bland Boulevard and makes a turn onto Bland Boulevard, and then comes back onto Campbell Road, and cross a bridge which is not much wider than from his position at the podium to the back wall of City Council Chambers. He stated in that distance is where the turn lane is into Aspen Meadow Lane, which is maybe two car lengths, and beyond that traffic will back up into the Bland Boulevard intersection with Campbell Road. Mr. Blumber stated that, with these issues in that area and Aspen Meadow Lane is not even mentioned in the proposal is concerning. He stated currently, Aspen Meadow Lane is the road that is the entrance and at its intersection with Campbell Road, you simply make a U-turn to go onto Bland Boulevard. Mr. Blumber stated you are barely on Campbell Road for any distance at all. He stated at this time, Aspen Meadow Lane served as nothing more than the entrance to the Windy Knolls Condominium Association and apartment community, and for the city's trucks that go into the "dirt piles." Mr. Blumber stated his unit is on the third floor and in the winter when the leaves are down, he can look down on the Bland Boulevard bridge and those "dirt piles." He stated he would be very glad to be able to look out and see the improvements that he sees in the pictures for what this train station will be, but he has serious concerns about the traffic, which seems to be sloughed off as not a big issue.

Mr. Blumber stated the traffic issues have not been adequately addressed. He stated the turn lane from Campbell Road to Aspen Meadow Lane is barely adequate for what we have now and any added traffic will make entry from Aspen Meadow Lane to Bland Boulevard nearly impossible. Mr. Blumber stated that, from Aspen Meadow Lane to Warwick Boulevard, if you want to go west from Aspen Meadow Lane coming out, it is an almost impossible turn because of the way the intersection at Campbell Road is set up. He stated it does not go straight across at a 90 degree angle, and for some unknown reason, when they put the concrete barrier in, they extended it out well beyond the stop line on Bland Boulevard. Mr. Blumber stated you actually have to travel to the right and then make an extremely sharp left turn or go up Campbell Road, which is this narrow little road with deep ditches on either side. He stated Campbell Road, as has been mentioned, is the short cut from Warwick Boulevard to Jefferson Avenue via Bland Boulevard and gets a lot of traffic. Mr. Blumber stated that traffic backs up from the intersection to in front of the church in the evenings, and to get out, you have to hope for the good graces of someone in that line to allow you out. He stated it is a major problem for us there. Mr. Blumber stated he does not see where the plan addresses anything beyond the intersection with Knolls Drive and Aspen Meadow Lane. He stated Aspen Meadow Lane will be the entrance road, and they do not even give a thought or mention to Campbell Road. Mr. Blumber stated he thinks that the bridge that crosses Lucas Creek Road will probably have to be widened and also should be raised because if we have heavy rains, Lucas Creek comes up and just about runs over the road. He stated if there is a high tide at the same time, he has seen it flood five times in five years. Mr. Blumber stated the bridge for Campbell Road that crosses Lucas Creek will be under water and it backs up water all the way to Warwick Boulevard. He asked if we have people with a train coming in and this street is flooded, what is going to be done about it. Mr. Blumber stated that at the intersection of Aspen Meadow Lane with Campbell Road there is a retaining wall that is the sign for Windy Knolls apartments and condominiums. He stated we currently maintain mowing the lawn from Campbell Road on both sides of Aspen Meadow Lane and all the way back to our condominiums because the city will only mow it about three times a year, which leaves the weeds standing about waist high. Mr. Blumber stated this would be unacceptable and certainly an unattractive entrance to our property. He stated people who might be interested in buying at Windy Knolls would wonder if anything will be done because once this becomes the access to the train station, will the city do any better about maintaining Aspen Meadow Lane than what they do right now.

Ms. Willis stated they have done a lot of work at the pump station that is down at Warwick Boulevard and Bland Boulevard. She asked Mr. Blumber if he has noticed any difference in the water since they have improved that pump station on Lucas Creek. Mr. Blumber stated it has flooded only once since then.

Mr. Carpenter closed the public hearing.

Ms. Willis stated it seems that the traffic on Campbell Road is something that would behoove the city and Amtrak to resolve once everything is in position, which will only enhance Amtrak with better access in and out.

Ms. Willis asked if there are any plans in the works to address the sidewalks at the corner, because it will be very hard for people to get out and get to the train station if you cannot get off Aspen Meadow Lane.

Ms. Kassel stated there is a sidewalk that is running down Aspen Meadow Lane, and there is one that the city added on Campbell Road from Bland Boulevard to the church. She stated we also have plans to improve Campbell Road to the north, which is under design now. Ms. Kassel stated we are going to improve drainage and add a sidewalk and widen the road, installing a curb and gutter. She stated there is a project under design to improve Campbell Road to the north. Ms. Kassel stated it is a valid concern about the close spacing between Aspen Meadow Lane and Bland Boulevard. She stated there is an abbreviated turn lane in which two cars can fit. Ms. Kassel stated it looks like there is some area for improvement there with the opening of the train station. She stated the city did not recommend any improvements at this time, just the train station. Ms. Kassel stated if the site was to be built out the study does look into future growth and possible dual right turns coming out of Aspen Meadow Lane. She stated we will need another study, depending on what develops, to see if a signal is warranted at that location. Ms. Kassel stated today, the intersection operates at a level of service A, which is acceptable and does not show any degradation to the intersection level of service with improvements at Aspen Meadow Lane and Campbell Road. She stated Bland Boulevard and Campbell Road is a level of service C, and Bland Boulevard and Warwick Boulevard is a level of service F. Mr. Carpenter asked if Campbell Road north is where the church backs up to Warwick Boulevard. Ms. Kassel shared a map with Planning Commission showing each intersection.

Mr. Groce asked which parts of Campbell Road would be widened. Ms. Kassel stated to the north of Bland Boulevard, across Bland Boulevard from the train station in the Warwick Lawns neighborhood. Mr. Groce asked if there was anything that could be done with Campbell Road and Aspen Meadow Lane. Ms. Kassel stated right now we do not have a project to do any improvements to the south on Campbell Road.

Mr. Mulvaney stated he is not comfortable with the information he received tonight and completely understands the impact of what we are trying to do. He stated he would like to dig into this a little further before he makes a decision this evening. Mr. Mulvaney stated he would like a work session on the matter.

Mr. Mulvaney made a motion to defer conditional use permit CU-16-366 to the next Planning Commission public hearing on June 1, 2016. The motion was seconded by Ms. Austin.

Vote on Roll Call

For: Simmons, Mulvaney, Austin, Willis, Groce, Maxwell, Carpenter

Against: Fox, Jones

Abstention: None

The Planning Commission voted 7:2 to defer conditional use permit CU-16-366 to the next Planning Commission public hearing on June 1, 2016.

Mr. Carpenter asked when a work session could be scheduled. Ms. McAllister stated May 18, 2016. Mr. Carpenter stated that a work session is scheduled for May 18, 2016.

EXCERPTS FROM PLANNING COMMISSION MINUTES

May 18, 2016 Work Session

Mr. Mulvaney opened the work session at 4:00 PM. He introduced the first item on the work session agenda: Conditional use permit to allow for the construction of a multi-modal transportation center and service/maintenance facility located on a portion of 550 Youngs Mill Lane, 490 Youngs Mill Lane, 13020 Mitchell Point Road, 199 & 201 Motoka Drive and 500 B Bland Boulevard on six (6) parcels totaling 38.85 acres and zoned R7 Medium Density Multiple-Family, R8 High Density Multiple-Family, R4 Single-Family and P1 Park.

Mr. Everett Skipper, Director of Engineering, introduced Mr. Derek Piper from Parsons Brinckerhoff, Project Manager, to lead the presentation. Mr. Skipper stated a copy of today's presentation will be emailed to the Planning Commission after the work session, in order to give them an opportunity to review the information in more detail. He stated we will be holding public meetings for both this project and the Campbell Road project between now and the June 1, 2016 public hearing to ensure that any other public commentary is addressed. Mr. Skipper stated he will provide the Planning Commission with notes from those meetings before action is taken at the June 1, 2016 public hearing.

Mr. Mulvaney stated Chairman Michael F. Carpenter had arrived and turned the meeting over to Mr. Carpenter at 4:05 P.M.

Mr. Piper began his presentation, introducing the agenda: Project Site, Project Traffic Study Summary, Bland Boulevard and Jefferson Avenue Traffic Impacts, Service Facility Traffic, No-Build Traffic compared to Build Traffic; and Area Transportation Projects. He displayed a site plan graphic and stated the site plan has been updated with some things that came out of a value engineering study, which was required of this project, in an attempt to save money. Mr. Piper stated they are now proposing to use the fire access road to build a temporary six bus bay parking and turnaround area. He stated that, if this site is developed further in the future, then the bus bays would be permanently relocated, but the same six bus bays would be provided in the new location. Mr. Piper stated we have provided a taxi drop-off area after re-orienting the parking lot. He stated we still have 130 permanent parking spaces and an overflow parking area which can be built in the initial phase of construction that offers another 25 to 30 parking spaces. Mr. Piper stated these updates were made in response to comments they have received and cost-saving initiatives.

Mr. Piper stated the Traffic Impact Summary is a summary of what kind of impact this project would have on traffic. He stated the total vehicle trips per day at the train station on a daily basis is projected at 357. Mr. Piper stated the trains arrive Monday through Friday, with a slight schedule change on the weekends. He stated trains will arrive at 11:45 A.M. and 6:52 P.M. and depart at 9:15 A.M. and 5:20 P.M. Mr. Piper stated the peak hour for the adjacent streets is 5:00 to 6:00 P.M. and does not really coincide with when the trains arrive and depart, with the exception of the 5:20 P.M. train, when people

would be arriving at the train station. He stated we looked at the current traffic volumes and Level of Service (LOS) for the adjacent intersections with the current No-Build condition and the Build condition. Mr. Piper stated the approach of Aspen Meadow Lane, as you are approaching Campbell Road, has 59 trips on it and would have 169 in the future, which would still continue a LOS A. He stated Campbell Road at Aspen Meadow Lane currently has 794 and will increase to 851, which is still a LOS A. Mr. Piper stated Bland Boulevard in the vicinity of Campbell Road has 3,321 trips and after build will have 3,348 trips, and will stay at a LOS C. He stated there is a future expansion of Windy Knolls of 48 units, which will add 480 trips per day with a P.M. peak of 48 trips. Mr. Piper stated the expansion of those units generates more traffic than the multi-modal transportation center in its initial development phase.

Mr. Piper introduced the traffic impact summary to the service facility. He stated primary access to the service facility will be off of Colony Road during construction and then Warwick Springs Drive. Mr. Piper stated the total trips per day is roughly 30 personal vehicles and pick-up trucks, a daily trash truck, and one tractor-trailer every three to four weeks for delivery. He stated that, based on what is out there now, this intersection operates at a LOS C and adding these 30 trips to the P.M. peak at this intersection has nearly no change.

Mr. Mulvaney asked if the impact numbers include the 480 trips per day for Windy Knolls. Mr. Skipper stated no, we did not add those because we understand they will be following construction. Mr. Mulvaney asked if you add the 480 trips to the build numbers, would the LOS change in any of those places. Mr. Skipper stated no. He stated we would anticipate changes of service in excess of 1,200 to 1,500 trips, depending on the condition of the roadway.

Ms. Austin stated the Aspen Meadow Lane difference between Build and No-Build is 110, but the difference in traffic at Bland Boulevard and Campbell Road is only 20. She asked if everyone would be turning left out of Aspen Meadow Lane. Mr. Skipper stated it means a proportion will turn left and a portion will go straight across Bland Boulevard to Campbell Road on the other side. Mr. Piper stated this number represents Bland Boulevard as it is approaching Campbell Road. He stated there are multiple decision points for travelers, they can go left out of Aspen Meadow Lane, south on Campbell Road, and after they turn right onto Campbell Road, they can go left, thru, or right. Mr. Piper stated that by the time the traffic disperses, there is a very minor impact or change to volume on Bland Boulevard. Mr. Carpenter asked if 357 vehicle trips per day is what we are expecting when this facility opens. Mr. Piper stated the 357 trips per day is a 20 year projection. Mr. Carpenter stated he is disappointed there is only a prospective 357 people who are going to use this facility, which is going to cost millions of dollars. Mr. Skipper stated there are a number of elements as to why the station would be built. He stated these numbers are based on two daily trains. Mr. Skipper stated there is some future consideration that it will become three or higher, but in the five year projection, over three daily trains is not anticipated. He stated that is why we are not showing any higher numbers associated with the trains, because none of those plans are in place today and we do not foresee them in the current projected numbers from the state or from Amtrak. Mr. Skipper stated we do anticipate, and would like to see, higher

numbers but for context, an additional train is going to add 50% of the increased numbers. He stated the important part to recognize about that is an additional train would operate at different hours, and would not add any more to the peak hours. Mr. Skipper stated the reason you see 100 trips in the peak for Aspen Meadow Lane is because there is a train departure in the middle of the day. He stated an additional train would be off-peak somewhere different and would not add more during the peak, but it would add more during some other portion of the day. Mr. Piper stated a trip is a vehicle, and there could be more than one person in a vehicle, so those numbers are not just one person coming to the train station.

Mr. Carpenter stated we are getting started on studying bus rapid transit, and it is his hope that a rapid bus transit station would be at the multi-modal station, and may drive the 357 daily trips numbers higher. Mr. Skipper stated it is possible, but it would be limited because the bus rapid transit would have multiple stations throughout the entire run of the city. He stated the multi-modal transportation center would be one of the locations where there would be transfers, but we would anticipate the transfers would be to get on a train as opposed to get in a car, or transfer on a shuttle to the airport, or an inter-city bus. Mr. Carpenter stated his hope is bus rapid transit would add to the train service, not necessarily cars coming and going.

Mr. Mulvaney stated there is a 63 car delta that is not accounted for. He asked how 357 cars is calculated with a 63 car delta missing. Mr. Piper stated 357 is number of daily trips. He stated when you talk about hourly volume and peak hour volume, there are some trips that are in the A.M. and some that are intermittent throughout the day. Mr. Mulvaney asked if the 357 is not represented completely in the trips. Mr. Skipper stated it is represented completely, but it is represented in the portion that is assigned to peak hours. He stated when we talk about 480 trips per day for the increase of units at Windy Knolls, it is on the basis of an average 10 trips per day per residential unit. Mr. Skipper stated the P.M. peak is only 48 trips, so 10% is the typical rule of thumb assigned for residential housing in the peak hour.

Mr. Piper stated the service facility traffic will consist of 30 personal vehicles, one trash truck, and one tractor-trailer every three or four weeks. He stated the intersection of Colony Road and Warwick Boulevard has 700 trips per day at that intersection with a P.M. peak of 450. Mr. Piper stated we will have a half-dozen vehicles at most of the P.M. peak hour and the daily trips is inconsequential at this intersection. Mr. Skipper stated the P.M. peak does not coincide with the anticipated shift changes. He stated with this number of vehicles, if you assume that half of them are occurring in the morning and half in the evening, it is not on the peak periods at all. Mr. Skipper stated if it were on the peak periods, it would have a very small negligible impact, but it is not even there because it is not measurable.

Mr. Piper shared graphics showing the intersections that were studied and a summary table with data from the future No-Build to the Build condition of those intersections.

Mr. Piper stated we got some questions at the last meeting about the intersection of Bland Boulevard and Jefferson Avenue. He stated this intersection carries now, in the

P.M. peak, almost 8,200 vehicles. Mr. Piper stated the additional vehicles in the P.M. peak from the project would be about 8,700 vehicles, which would be a 1% increase. He stated it is understood that the intersection fails today, but the incremental amount that we are adding to it is almost unmeasurable.

Mr. Piper stated this project is very long and linear and the track from the multi-modal transportation center to the service area would include 2,000 feet of track work. He stated the access into the service facility on a daily basis is from Colony Road to Warwick Springs. Mr. Piper stated traffic improvements to this area will be public street extensions with a private driveway to the service facility. He stated there is a little roadway that ties into Live Oak Lane, which is a required secondary access for the Fire Department, which will be gated and locked for fire emergency access only. Mr. Piper stated we may use Live Oak Lane during construction while some of the roads are being built as this is the only way in to the service facility, but after construction this will be closed.

Mr. Mulvaney asked, with regard to the Bland Boulevard and Jefferson Avenue intersection, at what point in the failure mode do we take a look at the additional traffic, where it is still a LOS F, do we say 'although we are already a failure, we really need to fix this because we are beyond a failure'. Mr. Skipper stated we continue to look at all of the intersections in the city for what improvements can be made. He stated that recently, we have been retiming a number of intersections throughout the city and making a number of changes. Mr. Skipper stated that, with this particular intersection, when the Radius Apartments and associated facilities were constructed, it required a number of physical changes that added lanes and altered the signals. He stated we have also been looking at how we handle the right-turns in those areas and the left-turns. Mr. Skipper stated one of things that we are anticipating which will be of significant assistance is the proposed Jefferson Avenue Ramp C that the Virginia Department of Transportation (VDOT) has now evaluated as favorable and requested review by the Federal Highways Administration (FHWA). He stated VDOT expects to have a response on that request in approximately 18 months, so we can potentially begin construction that quickly. He stated Mr. Mulvaney is correct that there are intersections with traffic problems and we should make the distinction that Bland Boulevard is operating at a LOS D in both directions and that is not what we would like for it to be. Mr. Skipper stated we would consider a LOS C to be where we want the Bland Boulevard and Jefferson Avenue to operate.

Mr. Carpenter asked how Jefferson Avenue Ramp C would help the intersection of Bland Boulevard and Jefferson Avenue. He stated it appears to him that it will put more traffic into that intersection. Mr. Skipper stated no, what it does is route traffic off of Jefferson Avenue that would not have to go up Jefferson Avenue to get to Bland Boulevard. He stated the intersection of Bland Boulevard and Jefferson Avenue would see lower total traffic, which is approximately 700 vehicles according to VDOT's analysis in the peak hour. Mr. Skipper stated that is a very substantial change. He stated traffic will exit on Ramp C and either go to the shopping center or along an improved Chatham Drive to Bland Boulevard. Mr. Skipper stated the issue is usually that people are trying to access the housing along Warwick Boulevard off of Bland Boulevard.

Ms. Fox asked how the Bland Boulevard and Jefferson Avenue intersection and the traffic there is tied into our discussion for a conditional use permit for the transportation facility. Mr. Mulvaney stated Mr. Skipper presented the Bland Boulevard and Jefferson Avenue intersection and said it was a failure and they are adding more vehicles to it. Ms. Fox stated we are supposed to be talking about land use issues and asked what we should be addressing. She stated if we are here for a work session for transportation planning and the city traffic, that is one thing, but we are here for a discussion on a conditional use permit for a specific project. Ms. Spratley stated Ms. Fox has raised an issue on the relevance of certain aspects of questions and concerns regarding this project. She stated there are certain requirements that need to be met before the Planning Commission recommends a conditional use permit to City Council. Ms. Spratley stated these requirements are in the zoning ordinance and requirements in the state code and many of them are very subjective. She stated traffic is a concern that legitimately should be considered in terms of deciding whether a use should be permitted or not permitted. Ms. Spratley stated traffic is a legitimate land use concern when you are looking at whether or not a use should come into the city. She stated you can have a general discussion about what is relevant or not later. Mr. Carpenter asked if traffic is a legitimate concern. Ms. Spratley stated yes.

Mr. Skipper stated he would like to reiterate that we included the discussion on Ramp C because the Planning Commission asked us to discuss it, and the point from our perspective is that yes, there is a change in traffic, but that change in traffic is less than 1% of the existing traffic. He stated it is not something that we would normally adjust for or anticipate a change in anything and does not change the LOS or alter the delays and that is why we shared that information because it does not affect the intersection substantially.

Mr. Mulvaney stated that, not only are we looking at the specific plan, but Ramp C was brought up which potentially, when you combine them together, the Planning Commission needs to look at all of the components of what it is going to do in the future; not only for this intersection but how it will improve traffic overall. He stated you need to look at the full impact of this project. Mr. Skipper stated he agreed and that is why they did not raise any objection to discussing it; however, we continually look at ways to improve the traffic network across the city. He stated one of the items that has not been substantially discussed is the potential for a connection along Avenue G past the airport. Mr. Skipper stated our belief is that would also be something that would tend to remove a significant amount of traffic from Jefferson Avenue that would want to reach the hospital and medical facilities and housing off of Denbigh Boulevard. He stated some of the traffic may detour through Kiln Creek and some may come off of Jefferson Avenue in that area.

Mr. Piper stated we have a public meeting set up for Monday, May 23, 2016 at the Denbigh Community Center to present the plan for this project. He stated we will have more details and more boards showing the traffic and we can get into a detailed discussion with the citizens who attend that meeting. Mr. Skipper stated our intent is to be able to show at the Planning Commission public hearing we have heard any

additional concerns from the public and share with you what the responses are to those concerns so the Planning Commission will be informed.

Mr. Skipper stated at any given point the city has approximately 200 active projects, and about 30 of those are normally specifically traffic related, but all have some level of impact on traffic issues. He shared a graphic of all of the projects within the area of the multi-modal station. He stated the Warwick Boulevard and Bland Boulevard intersection improvements will raise the level of that intersection. Mr. Skipper stated as you come down both Warwick Boulevard and Bland Boulevard you are dipping into a bowl and when we have major storms, the intersection floods. He stated Warwick Boulevard is a primary evacuation route in the city, and our intent is to actually raise the street by three feet in order to get it out of the flood plain. Mr. Skipper stated this project is affiliated with some up and down stream storm drainage improvements that will help move the water more rapidly as well. He stated HRSD is upgrading facilities all over the city and the region and they are looking at spending approximately \$2 billion on those efforts. Mr. Skipper stated the HRSD - Lucas Creek - Woodhaven Intercept Force Main Replacement - Phase II project is one of those projects. He stated we have a safety improvement project at Warwick Boulevard, Tabbs Lane and Beechmont Drive, which we have identified through crash records as being an improvement we want. Mr. Skipper stated these projects typically involve changing turning lanes, configurations, and adding islands to channelize traffic to reduce accidents. He stated sometimes these changes involve signalization changes, but almost always at this stage we are adding pedestrian enhancements. Mr. Skipper stated the 2015 Fall Citywide Resurfacing and Concrete Program involves repaving and sometimes adjustments. He stated occasionally we add new sidewalks. Mr. Skipper stated the Citywide Stormwater Slip Lining project is where we have older pipes that might be deteriorating and we slide a new pipe inside. He stated the new pipe is a little smaller, but by being plastic, it is slicker and water moves a little quicker and we gain some capacity when we do these kinds of projects. Mr. Skipper stated we are currently working on the I-64 Six-Lane Widening - Segment 1 project. He stated the Turnberry Channel Improvements is an environmentally driven stream enhancement project. Mr. Skipper stated it helps a little bit with quantity of water because we are reshaping the stream, but mainly it is all about improving water quality as it moves through the city and eventually into the river and the bay. He stated all of the city's projects and their status is available on the city's website on the Engineering webpage. Mr. Skipper stated if you click on Project Status, you will see a map where all of the projects are individually shaded. He stated you can click on those individual projects to learn more about each one, as well as send an email directly to the project manager if you have any questions.

Mr. Skipper stated we were interested in the number of Campbell Road residents who showed up at the May 4, 2016 public hearing. He stated we had a December public meeting on the Campbell Road project, which may not have been as successful as he thought it would be in communicating everything the residents needed to hear. Mr. Skipper stated we will have another meeting to ensure we fully inform the Campbell Road residents and will forward their questions and comments to the Planning Commission. He stated the schedule for the Campbell Road project is a 2018 to 2020 project, which will be following right behind the completion of the transportation center.

Mr. Skipper stated the reason for that is it is driven by revenue sharing monies which are programmed four to five years in advance. He stated that, unfortunately, the money for that project was scheduled in that way. Mr. Skipper stated the money for the transportation center is from two sets of entirely different federal funds. He stated the transportation center became a project that had an immediately available schedule, versus Campbell Road which is something the residents have been requesting for a number of years. Mr. Skipper stated we have a number of similarly situated streets, such as Richneck Road, which was in a similar condition years ago, which had asked for repairs for many years, and it took 20 years to accommodate the improvements. He stated Deep Creek Road was in the same situation, and Saunders Road is currently in the same kind of condition. Mr. Skipper stated we are looking for funds for all of those and are scheduling those projects as rapidly as possible. He stated the one big element we heard very clearly from everyone is that we had in the preliminary designs a five foot sidewalk, and we were asked to upgrade it to a multipurpose path, and that has been included in the project. Mr. Skipper stated we will be notifying the residents of this change at the upcoming public hearing. Ms. McAllister asked to what portion of Campbell Road is Mr. Skipper referring. Mr. Skipper stated we are talking about Campbell Road from Bland Boulevard, northward toward Warwick Boulevard. Ms. McAllister asked if we are improving the other side of Campbell Road, which was the subject of a lot of the complaints for citizens walking to the church, and the portion that they consider the cut-through from Bland Boulevard to Warwick Boulevard. Mr. Skipper stated today, that roadway has a seven foot sidewalk that goes up to the church and has speed bumps that were installed as part of a traffic control program. He stated the volume of traffic on that section of Campbell Road is low enough that it does not reach the levels of being a project that we would consider a priority for funding or expansion of the roadway; however, we will be increasing that seven foot sidewalk to eight feet. Mr. Skipper stated when we built it, seven feet wide was the sidewalk standard and now we would have eight feet as the standard that we use for multipurpose paths. He stated we will be adding that additional foot as part of these projects. Ms. McAllister asked if the road way beyond the church is still open ditches or if it is curb and gutter on both sides. Mr. Skipper stated it is open ditches the entire way. Mr. Piper stated the roadway is improved to Aspen Meadow Lane.

Mr. Piper stated all of the graphics and renderings from today's presentation of what the transportation center will look like in the future will be available at the public meeting. He stated they will show the actual improvements starting at Bland Boulevard and tying into Warwick Boulevard. Mr. Piper stated the project will all include street trees and beautification.

Mr. Mulvaney stated the portion of road past the church is what the citizens were asking about. He stated we are improving Campbell Road all of the way out, but there is nothing being done on the other side of Aspen Meadow Lane. Mr. Skipper stated we will try to learn more about that concern in the additional meetings. He stated our perspective would be that we have the wide sidewalks all the way up through the church area and there is nothing from there on Campbell Road to Warwick Boulevard. Mr. Skipper stated we are struggling to envision what the concern would be because you will have good access to the church and on the new sidewalks on the other side of

Campbell Road up to the transportation center. He stated we believe we have it addressed, but we will go back and make sure we share that information. Ms. McAllister stated that if you live on Sharon Drive and you want to go to the church, you do not have a sidewalk to get you there. Mr. Skipper stated what he would say is that the concern usually raised is Campbell Road, which was formally Route 60, has a significant amount of traffic that travels through and the concern is always that we do not want that traffic and we would like for it not to be there and we want to do something about it. He stated the levels that we find here are not so substantial that we believe that is an issue. Mr. Skipper stated the speeds at which traffic travels has reduced substantially since the speed bumps were installed, although there are still speeders, as there are speeders on almost every other street. He stated we understand that it is a concern and we will try to balance that with what we learn at the public meetings.

Ms. Austin asked if the sidewalk on the south side of Campbell Road is across the street from the church. She stated there is a kind of cliff there adjacent to the cemetery. Mr. Skipper stated it goes up to the speed bump which is also a high visibility crosswalk and crosses there at the church. Ms. Austin stated she had a conversation with Mr. Skipper and the simple cheap solution for all of the concerns about the traffic going from Warwick Boulevard to Aspen Meadow Lane on Campbell Road is to make it a dead end at Campbell Road and make a circle there so that you can get in from Bland Boulevard into Aspen Meadow Lane, and you can get to the church from Warwick Boulevard or you can put another driveway in from Aspen Meadow Lane into the church's north parking lot. Ms. McAllister stated if you make that a cul-de-sac you are dumping more traffic at the Bland Boulevard and Warwick Boulevard intersection. Ms. Austin stated yes, they would have to come in straight instead of cutting through. Mr. Skipper stated the other concern would be that the church would also be forced to go in the other direction. He stated we have looked at this area on several occasions because citizens were concerned about traffic and asked us to look at it. Mr. Skipper stated we have considered the possibility of a cul-de-sac or a closure directly in front of the church so the church would potentially still have access to both sides. He stated the difficulty though is it does remain a public street with substantial traffic. Mr. Skipper stated you may recall that two years ago, we looked at a similar circumstance on a neighborhood road, Gwen Circle, that was less traveled and we discussed the potential for putting in a cul-de-sac. He stated Gwen Circle crosses over the major run of Lucas Creek as it approaches the river, and our goal was to enhance the flow and environmental sensitivity in that area by closing Gwen Circle. Mr. Skipper stated we were not able to see that through, due to public outcry over the traffic. He stated local citizens loved the idea but everybody else did not. Mr. Skipper stated we would anticipate that would be the same general concern here because the amount of traffic that travels through this road would make it very difficult to consider closing. Mr. Mulvaney stated it may also be difficult because that area is serviced by the fire station at the airport. He stated if you block that road off and fire cannot come down Campbell Road, they are not going to come down Bland Boulevard to Warwick Boulevard to work their way back. Mr. Skipper stated they would have no other option. Mr. Mulvaney stated that would increase response time and that is a lot more important than putting a cul-de-sac in to reduce traffic. Mr. Skipper stated he would need to look at their response maps because he is not sure what their options would be for response time.

Ms. Austin asked if paint would be used to mark where bicycles can go or will the sidewalk on Aspen Meadow Lane back to the transportation center will be a multipurpose sidewalk. Mr. Piper stated it will be designed for a multipurpose path. Ms. Austin stated that is good.

Mr. Mulvaney asked what is the proposed construction begin date. Mr. Piper stated there would be three projects: on-site work; track work and building the service center; and then the transportation center construction. He stated the first one would be bid this fall and potentially start in the winter but he would guess that the contractor would push to start in January due to the holidays.

Mr. Gleiser asked if the sidewalk going to the transportation center will be an eight foot sidewalk. Mr. Skipper stated yes. He stated the existing sidewalks that are currently seven feet will be widened to eight feet to provide a multipurpose path.

Mr. Mulvaney asked if there is an Amtrak maintenance facility that is part of the conditional use permit application. Mr. Skipper stated yes. He stated what occurred was there is not enough capacity to include both the ability to turn at the primary train station site and to include a maintenance facility. Mr. Skipper stated the challenge with turning is that rail passengers do not like to ride backwards, so Amtrak turns the trains around. He stated at the current train station there used to be a facility within a few hundred yards of where they could make that turn next to the Wal-Mart off of Jefferson Avenue. Mr. Skipper stated they were denied that and now have to go down to 39th Street, which meant that the Amtrak cars were occupying the mainline rail for extended periods to get down to 39th Street to turn around and come back to the train station twice a day. He stated one of the very important issues was having a turning facility as part of this project, which this does. Mr. Skipper stated unfortunately, that left us without space to do the maintenance. He stated right now, on the way back from the turn, Amtrak stops at a CSX switch yard, uses their maintenance facility there, and then bring the train back. Mr. Skipper stated this facility would be used to do things like clean, adjust breaks, attach the cars to temporary power so the cars can be heated and cooled and replace toiletries for the trains. He stated that is where those other trips we talked about from Colony Road is for the workers who would be at this location. Mr. Skipper stated they will be performing limited services. He stated this is not like some of the Verizon maintenance facilities that we have throughout the city where they are congregating a number of employees who are loading trucks and driving all over the city to maintain things. Mr. Skipper stated employees will not be coming here and going elsewhere to maintain things. He stated there will be a few employees who come to this site and work on the trains that are here.

Ms. Austin asked what are the hours the employees would be working at the service facility. Mr. Skipper stated there would be some employees in the late evening, who could potentially work overnight. He stated there will be some employees working during the day because they would be turning the train over during the day. Mr. Skipper stated Amtrak has suggested that the maximum operating capacity would be about 15 employees total, with perhaps two shifts of seven employees each.

Ms. Austin asked if, when the facility is under construction before the roadway is built at the end of Colony Road, if they would be using Youngs Mill Road to access Live Oak Lane. Mr. Piper stated Live Oak Lane would be the primary access because nothing else is built and this is the shortest route while all of the roadways are being constructed and utilities being installed. He stated they have a 30-foot right-of-way that we can take into the building and a 20-foot driveway. Mr. Piper stated we would anticipate that during the construction period they would also be using an alternate access to the service facility. Ms. Austin asked where is Youngs Mill Road. Mr. Piper showed Youngs Mill Road on a map. Mr. Skipper stated Live Oak Road is a private extension of Youngs Mill Road. Ms. Austin asked would they be renting that area to pay for usage. Mr. Piper stated yes.

Mr. Carpenter asked if Live Oak Road has apartment complexes or condominiums. Ms. McAllister stated they are apartments. Mr. Carpenter asked who owns the land. Mr. Skipper stated an LLC owns the land that is controlled by Thomas Meehan. He stated Mr. Meehan has already agreed to provide the necessary improvements to us for the project. Mr. Skipper stated he is not certain about access during construction. Ms. McAllister stated you would not be able to use the road back there because it is a private street and access to the facility would need to be on a public street. Mr. Skipper stated the access he is certain we have is fire emergency access which would be controlled. He stated he was not certain about construction access.

Mr. Carpenter asked if the location of the actual facility is owned by Mr. Meehan. Mr. Skipper shared a map showing the land owned by Mr. Meehan and controlled by corporations.

Mr. Carpenter stated Ms. Beth Willis had emailed a list of questions to be asked in her absence. He asked if all of Ms. Willis's questions had been addressed. Mr. Skipper stated Ms. Willis had asked about the function of the sanitary sewer pump station at Bland Boulevard. He stated it is working very well. He stated we did have some substantial overflow issues at the station during significant storms previously, and that was repaired with the renovation of the pump station approximately 18 months ago. Mr. Mulvaney asked if the improvements to the intersection at Bland Boulevard would assist that pump station because you are raising the roadway. Mr. Skipper stated it does not help. He stated that even though we are raising the road, the amount of the water still collects in the area. Mr. Skipper stated if that water was to enter the pump station it could cause flooding, so what we did was redirect everything, increased the capacity of the station itself and the pumps to move the flow out. He stated all of those things contributed to improvements, but the amount of water is still basically the same even though the road is higher.

Ms. Cotton stated Ms. Willis had a second set of questions regarding the rail improvements, which have been addressed. She asked if the high speed rail improvements between Washington, D.C. and Richmond and points south, if that is intended to be done, if it is funded, and if it would make any difference between Newport News and Richmond. Mr. Piper stated this is not part of the high speed rail corridor. Mr. Gleiser stated he talked to the Amtrak representative about that and it is

not part of the high speed rail project and it will not make any difference. He stated the only difference would be if they correct the railroads approaching Richmond so the trains might be on time.

Mr. Carpenter asked if anyone had any more questions for Mr. Piper or Mr. Skipper. Mr. Groce stated all of his questions about the traffic analysis that came up at the last Planning Commission public hearing have been answered.

Ms. Fox stated she did not understand what we are actually supposed to be considering. She stated she understands discussing traffic as it relates to this conditional use permit, but not the overall city traffic.

EXCERPTS FROM PLANNING COMMISSION MINUTES

June 1, 2016

CU-16-366, City of Newport News & YM Devco-10, LLC. (Deferred from Planning Commission meeting of May 4, 2016) Requests a conditional use permit to allow for the construction of a multi-modal transportation center and service/maintenance facility located on a portion of 550 Young's Mill Lane, 490 Young's Mill Lane, 13020 Mitchell Point Road, 199 & 201 Motoka Drive and 500 B Bland Boulevard on six (6) parcels totaling 38.85 acres and zoned R7 Medium Density Multiple-Family, R8 High Density Multiple-Family, R4 Single-Family and P1 Park. The Parcel Nos. are 140.00-01-04 & 08 & 09, 150.00-01-25, 109.00-08-24, and 120.00-01-05.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Mr. Carpenter opened the public hearing.

Mr. Derek J. Piper, 277 Bendix Road, Virginia Beach, applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Piper gave a brief presentation of the application.

Mr. Mulvaney thanked Mr. Piper and city staff for answering the questions from the last public hearing and the work session. He stated a lot of the questions that were presented at the first public hearing by the citizens seem to have been addressed. Mr. Mulvaney thanked everyone for a very thorough presentation.

Mr. Joseph Blumber, 522 Knolls Drive, stated he appreciates the presentations that have been made and the work that has been done on this project, but he has some concerns. He stated a visual buffer is needed to separate the train turnaround area from where the rail end joins Aspen Meadow Lane to a point where it would be naturally concealed by vegetation and create a natural barrier. Mr. Blumber stated this is needed to preserve the attractive appearance of the entrance road to Windy Knolls condominium community. He stated condominium values are already depressed and the plans, as they now stand, further affect the value of our property, and potentially depreciate it. Mr. Blumber stated that without an effective and attractive barrier, it will affect the owners of Windy Knolls condominiums and reduce the taxes that the city will derive. He stated preserving the attractive appearance of Aspen Meadow Lane will keep the desirability of our property for existing residents, potential buyers and help to assure maximum tax returns to the city. Mr. Blumber stated he understands that road improvements to Campbell Road are being considered. He stated he spoke about the flooding issue at the prior public hearing on May 4, 2016, and he hears that some of that work is being addressed. Mr. Blumber stated road improvements are needed to the intersection of Campbell Road and Aspen Meadow Lane to assure flow of traffic entering and exiting the condominiums and the transportation center. He shared a photo highlighting the intersection of Campbell Road and Aspen Meadow Lane. Mr.

Blumber stated when people come down Campbell Road past the church, they block off the access to Aspen Meadow Lane. He stated if it would be reasonable to extend just three car lengths and put a stop line across the road with a sign that says "Do Not Block Intersection", traffic coming in off of Bland Boulevard could flow continuously without interruption. Mr. Blumber stated currently, drivers block the lane and we have to wait until someone gives you an opening and, this way, people coming out of Windy Knolls and the train station would be able to go south on Campbell Road. He stated this is far less than what has been discussed, and certainly would be reasonable to include as part of the work with the train station until the other work can be done. Mr. Blumber stated one of the things he mentioned at the public hearing on May 4, 2016 was flooding, where he mentioned that this intersection floods when there is a high tide; however, he did note that the Lucas Creek bridge is already higher than what has been flooding over the past six years since he has been a resident of Windy Knolls. He stated the problem is between the bridge and the ditch. Mr. Blumber shared a photo delineating an area of the intersection of Campbell Road and Aspen Meadow Lane. He stated if that area of the intersection could be raised at the same time we are making the improvements adding lanes to make it possible for people to turn and stack, this would be a rather inexpensive way to solve the short term problem until a major road improvement can be done to the rest of Campbell Road. Mr. Blumber stated the initial design of the Bland Boulevard intersection with Campbell Road is defective, in that it allows the concrete median to stand out and make for a really acute turn if you want to turn left to go toward Warwick Boulevard from northbound on Campbell Road. He stated if that concrete median is cut back and the stop lines are straightened out, it will make a much easier turn for the busses trying to get in and out, which is already difficult for cars.

Ms. Fox asked if Conditions No. 3 and 4 may address some of Mr. Blumber's concerns about landscaping because it does call for a landscape plan consistent with the site regulation requirements and a 20 foot transitional buffer. Mr. Gleiser stated the 20 foot transitional buffer area is around the maintenance facility, not where the trains are coming in and out. He stated he asked if they have plans for extensive vegetation close to the road and right now it is not in the plan. Mr. Piper stated the trains will never be parked there. He stated it is a section of graded track and over 1% grade, Amtrak will not permit any parking there. Mr. Piper stated that when the trains turn around there is an amount of time for the guys on the ground to throw a switch and the train leaves. He stated there will be two trains there for less than five minutes a day, and does not justify significant screening.

Mr. Simmons stated there is a new culvert that is proposed to address the flooding issue Mr. Blumber noted. Mr. Urbano stated that is incorrect. He stated there is an intersection improvement at Bland Boulevard and Warwick Boulevard that installs new drainage and raises the intersection and alleviates some of the flooding associated with Lucas Creek.

Mr. Blumber stated his concern with the train track is not the view of the trains, but the track and the bumper at the end of it. He stated it does not take a lot of work to conceal

those tracks and bumper. Mr. Blumber stated it is basically having this railroad with a big stop bumper at the end of the tracks, and he is concerned about the appearance of that because it comes right to Aspen Meadow Lane. Mr. Piper stated the tracks stop short of Lucas Creek, so it will not come up to Campbell Road. He stated it is nearly adjacent to Aspen Meadow Lane. Mr. Piper stated that section of the track work has some curvature in it so we can turn around a 1,000 foot train. Mr. Piper stated we will have a retaining wall at the very end, which is needed for us to stay out of the flood plain of Lucas Creek. He stated we may be able to screen something on the side of the track, but the very end of the track will be sitting on a very small retaining wall to stay out of the Lucas Creek floodway.

Mr. Mulvaney stated it seems Mr. Blumber's requests seem inexpensive and reasonable, including the "Do Not Block Intersection" sign. He asked if those requests could be researched. Mr. Piper stated he would need to defer to the city. Mr. Urbano stated Engineering can study that, but it would be a separate function if it is warranted.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of conditional use permit CU-16-366 to City Council, as recommended by staff. The motion was seconded by Mr. Groce.

Mr. Jones stated he thinks this project definitely fits into the transportation component of the comprehensive plan and will benefit the city as a whole, especially in the long-term as mass transit evolves with bicycles and pedestrians in proximity. He stated he is in favor of this application.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend approval of conditional use permit CU-16-366 to City Council.

ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-366 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A TRANSIT TERMINAL WITH SERVICE/MAINTENANCE FACILITY (MULTIMODAL TRANSPORTATION CENTER) IN P1 PARK, R8 HIGH DENSITY MULTIPLE-FAMILY DWELLING, R7 MEDIUM DENSITY MULTIPLE-FAMILY DWELLING AND R4 SINGLE-FAMILY DWELLING DISTRICTS.

WHEREAS, application number CU-16-366 has been made by **CITY OF NEWPORT NEWS AND YMDEV-10, LLC, owners and applicants**, for a conditional use permit for the hereinafter described property for the purpose of the operation of a transit terminal with service/maintenance facility (multimodal transportation center) in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling and R4 Single-Family Dwelling Districts; and

WHEREAS, the application has been referred to the Planning Commission of the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

(a) That conditional use permit number CU-16-366 is hereby granted for the property described in paragraph (b) hereof for the purpose of the operation of a transit terminal with service/maintenance facility (multimodal transportation center) in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling and R4 Single-Family Dwelling Districts; and

(b) That the property, hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

PARCEL 1

ALL THAT certain lot, piece or parcel of land situate, lying and being in the City of Newport News, State of Virginia, containing 30.040 acres and being a portion of the land conveyed on plat entitled "Plat Showing Acquisition for Eastwood/Bland Connection from Knollwood Corporation", prepared by MMM Design Group, Architects + Engineers + Planners, dated January 25, 1988 and revised on March 17, 1988, which plat is attached to Certificate of Take recorded on October 31, 1988 in Deed Book 1187, page 948

in the Clerk's Office of the Circuit Court for Newport News to which reference is here made.

The Property has a common street address of 500 Bland Boulevard and Real Estate Assessor's Tax I.D. #120.00-01-05.

PARCEL 2

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, containing 30.189 acres, known and designed as Parcel "X" as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF YOUNG'S MILL INVESTORS PARCEL "X", 30.189 ACRES, NEWPORT NEWS, VIRGINIA", dated January 23, 1989, and recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia, in Deed Book 1194, page 2070 and 2071 to which reference is here made.

The Property has a common street address of 490 Young's Mill Lane and Real Estate Assessor's Tax I.D. #140.00-01-08.

PARCEL 3

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, containing 4.031 acres, known and designated as PARCEL "X-3", as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF YOUNG'S MILL INVESTORS, PARCEL 'X-3', NEWPORT NEWS, VIRGINIA", dated February 23, 1995, made by Coenen & Associates, Inc. and attached to that certain Deed of Correction dated December 1, 1994 and recorded on March 22, 1995, in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia in Deed Book 1394, page 1433, to which reference is here made.

The Property has a common street address of 550 Young's Mill Lane and Real Estate Assessor's Tax I.D. #140.00-01-09.

PARCEL 4

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, containing 8.66 acres, known and designed as Parcel "Y" as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF YOUNG'S MILL INVESTORS PARCEL "Y", 8.66 ACRES, NEWPORT NEWS,

VIRGINIA”, dated May 5, 1989, and recorded in the Clerk’s Office of the Circuit Court for the City of Newport News, Virginia, attached to that certain deed in Deed Book 1194, page 2070 and 2071 to which reference is here made.

The Property has a common street address of 13020 Mitchell Point Road and Real Estate Assessor’s Tax I.D.# 150.00-01-25.

PARCEL 5

All that certain 30' right of way, on the West side of the C & O Railroad tracks between Catina Way and Warwick Springs Drive in the City of Newport News, State of Virginia, containing approximately 3.76 ac and being approximately 5,392 feet in length.

The Property has a common street address of 199 Motoka Drive and Real Estate Assessor’s Tax I.D.# 109.00-08-24.

PARCEL 6

All that certain 30' right of way, on the West side of the C & O Railroad tracks running in a Southerly direction from the South lot line of 13340 Warwick Drive and Northerly lot line of 13020 Mitchell Point Road in the City of Newport News, State of Virginia, containing approximately 1.60 ac and being approximately 2,319 feet in length.

The Property has a common street address of 201 Motoka Drive and Real Estate Assessor’s Tax I.D.#140.00-01-04.

(c) That this conditional use permit is granted subject to the following conditions, each of which shall be implemented upon approval of this ordinance:

1. The applicant shall submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering; this site plan shall be in general conformance with the plans prepared by Parsons Brinckerhoff, dated November and December, 2015 and March, 2016, found in Appendix A-2, which is attached hereto and made a part hereof, and shall conform to this conditional use permit, the city’s Site Regulations and the Zoning Ordinance.

2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated December 23, 2015 prepared by Niles Bolton Associates and found in Appendix A-3, which is attached hereto and made a part hereof, to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.
3. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval. This landscape plan shall be in general conformance with the plans prepared by Parsons Brinckerhoff, dated November and December, 2015 and March, 2016 , found in Appendix A-2. 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.
4. The applicant shall cause a 20-foot transitional buffer area to be installed and maintained in perpetuity along the north, west and south sides of the service and maintenance facility property as shown on the plans prepared by Parsons Brinckerhoff dated November, 2015, found in Appendix A-2.
5. A combination noise and screening wall will be installed along the transitional buffer area. The location will be in general conformance with Figure 2: Proposed Noise Wall and Screening all Locations of the Newport News Transportation Center (NNTC) Service Area noise wall analysis prepared by Parsons Brinckerhoff dated April, 2016 and found in Appendix A-4, which is attached hereto and made a part hereof. The walls' design and materials shall be reviewed and approved by the Director of Planning.
6. Freestanding signs shall be monument style not to exceed eight (8) feet in height, including the base. The design of the freestanding signs and all building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.
7. The applicant shall submit the proposed elevations and exterior surface materials for a masonry dumpster enclosure to the Department of Planning to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The applicant shall construct the dumpster enclosure in substantial conformance with the approved elevations and materials. The container within the enclosure shall be a closed container.

8. The applicant shall screen all heating, ventilation, and air conditioning equipment from view from the public rights-of-way and adjacent properties in a manner reviewed and approved by the Director of Planning.
9. 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 the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. 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.
10. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all time until the use is abandoned.
11. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
12. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional 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. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of 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.

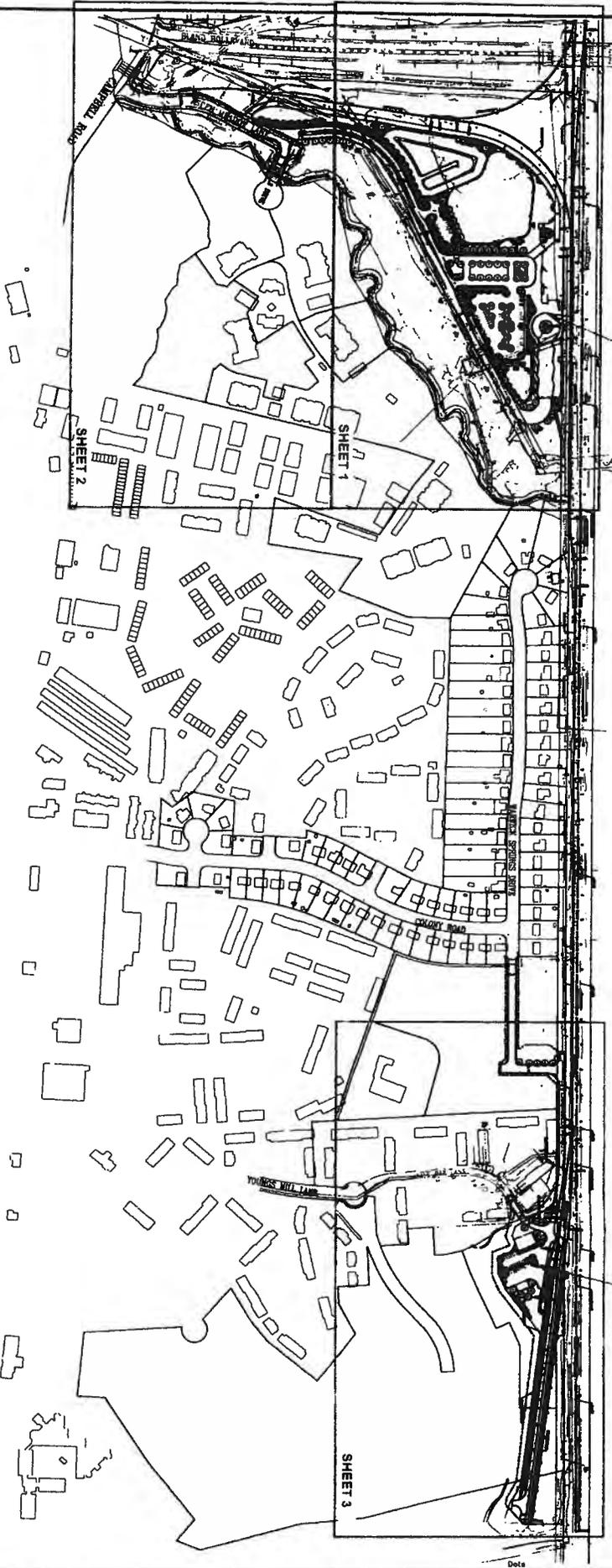
14. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
15. Notwithstanding any 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, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
16. 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 an amendment to the zoning of the property described in Section (b) hereof 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.

(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of June 28, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

STATION SITE

SERVICE SITE



NEWPORT NEWS
TRANSPORTATION CENTER

CITY OF NEWPORT NEWS
DEPARTMENT OF ENGINEERING
2400 WASHINGTON AVE.
7TH FLOOR
NEWPORT NEWS, VA
PHONE: 928-8811

NOTE:
CONTACT MASS UTILITY OF VIRGINIA
AT LEAST 48 HOURS BEFORE GRADING
PERMITTING OR EXCAVATION AT 811.

DATE	REVISIONS	DESIGNED	DRAWN BY

APPROVED: _____
DIRECTOR OF ENGINEERING

DATE: _____

PARSONS BRINCKERHOFF
MEMBER OF AKERVA 2700
VIRGINIA BEACH, VA 23502

SCALE: _____

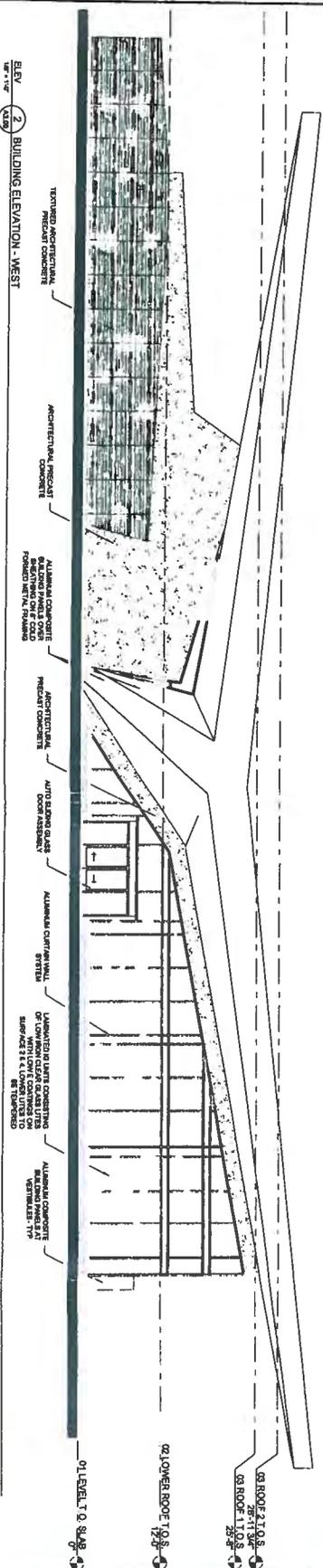
DATE: March, 2018



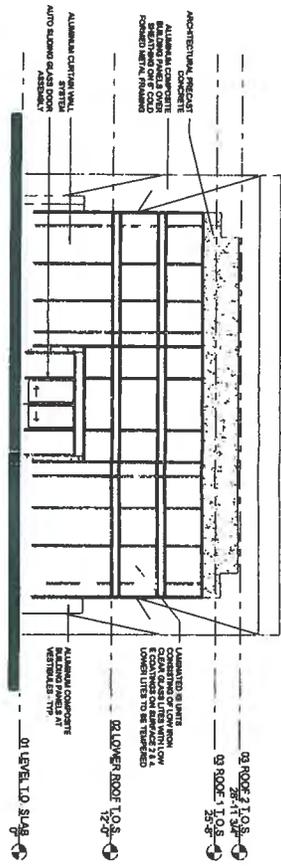




ELEV 2 BUILDING ELEVATION - WEST



ELEV 3 BUILDING ELEVATION - SOUTH



NILES BOLTON ASSOCIATES
 ATLANTA, GA
 ARCHITECT

NILES BOLTON ASSOCIATES
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 3000 Peachtree Rd., N.W.
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 T 404.365.7000 F 404.365.7010
 www.nilesbolton.com

PARSONS
BRINCKERHOFF
 7770 Lee Blvd., Suite 200
 Virginia Beach, VA 23502

SHEET
A3.00

JOB TITLE
 NEWPORT NEWS
 TRANSPORTATION CENTER

SHEET TITLE
 STATION ELEVATIONS

CITY OF NEWPORT NEWS
 DEPARTMENT OF ENGINEERING

2400 WASHINGTON AVE.
 7TH FLOOR

NEWPORT NEWS, VA
 PHONE: 828-8811

No.	Description	Date
1	SCHEMATIC DESIGN	12/23/11

PROJECT # : 113009

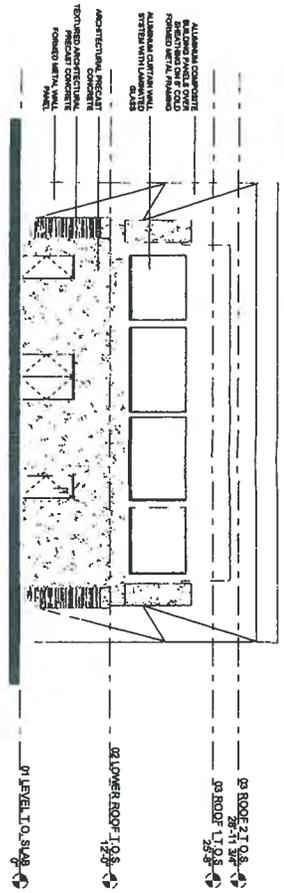
DESIGN BY : AJM

CHECKED BY : LL

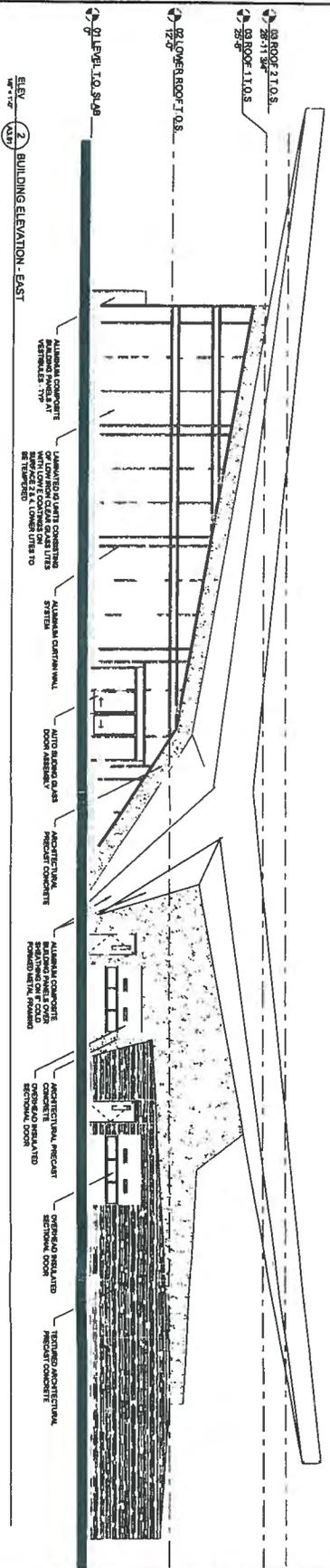
APPROVED :

DATE : 12/23/2015





ELEV. 1 BUILDING ELEVATION - NORTH



ELEV. 2 BUILDING ELEVATION - EAST

NILES BOLTON ASSOCIATES
 ARCHITECT
 ATLANTA, GA

PARSONS BRINCKERHOFF
 ARCHITECT
 VIRGINIA BEACH, VA 22962

NILES BOLTON ASSOCIATES
 ARCHITECT
 ATLANTA, GA

PARSONS BRINCKERHOFF
 ARCHITECT
 VIRGINIA BEACH, VA 22962

JOB TITLE
**NEWPORT NEWS
 TRANSPORTATION CENTER**

SHEET
A3.01

CITY OF NEWPORT NEWS
 DEPARTMENT OF ENGINEERING

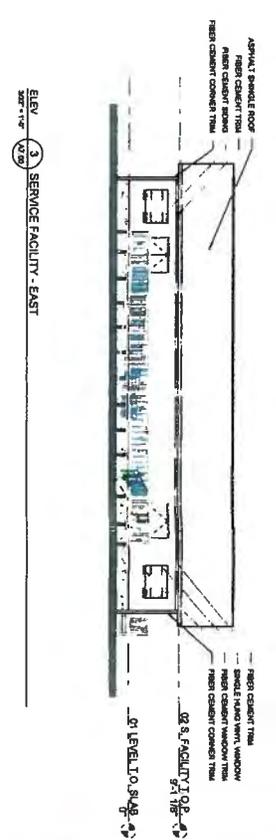
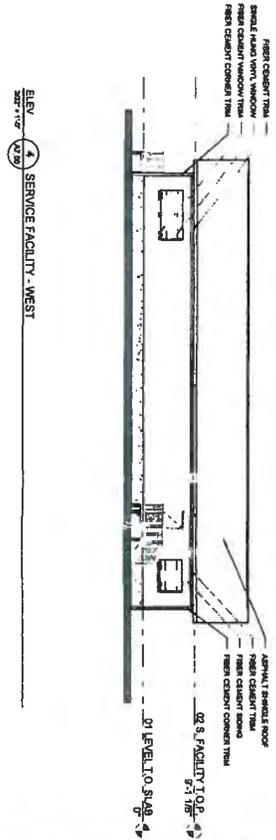
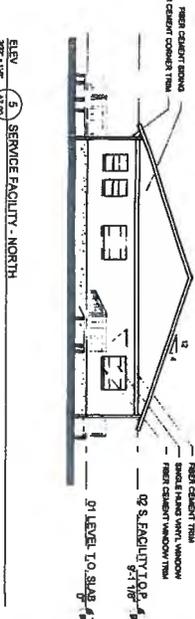
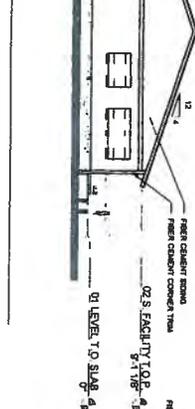
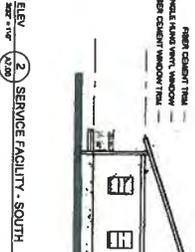
2400 WASHINGTON AVE.
 7TH FLOOR

NEWPORT NEWS, VA
 PHONE: 928-8611

Rev.	Description	Date
1	SCHEMATIC DESIGN	12/23/15

PROJECT # : 113009
 DRAWN BY : AM
 CHECKED BY : LL
 APPROVED BY :
 DATE : 12/23/2015





NILES BOLTON ASSOCIATES
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 ARCHITECT

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 Atlanta, GA 30305
 T: 404 365 7600 F: 404 365 7610
 www.nilesbolton.com

PARSONS BRINCKERHOFF
 277 BOND ROAD, SUITE 300
 VIRGINIA BEACH, VA 23462

SHEET
A7.00

JOB TITLE
 NEWPORT NEWS
 TRANSPORTATION CENTER

SHEET TITLE
 SERVICE FACILITY

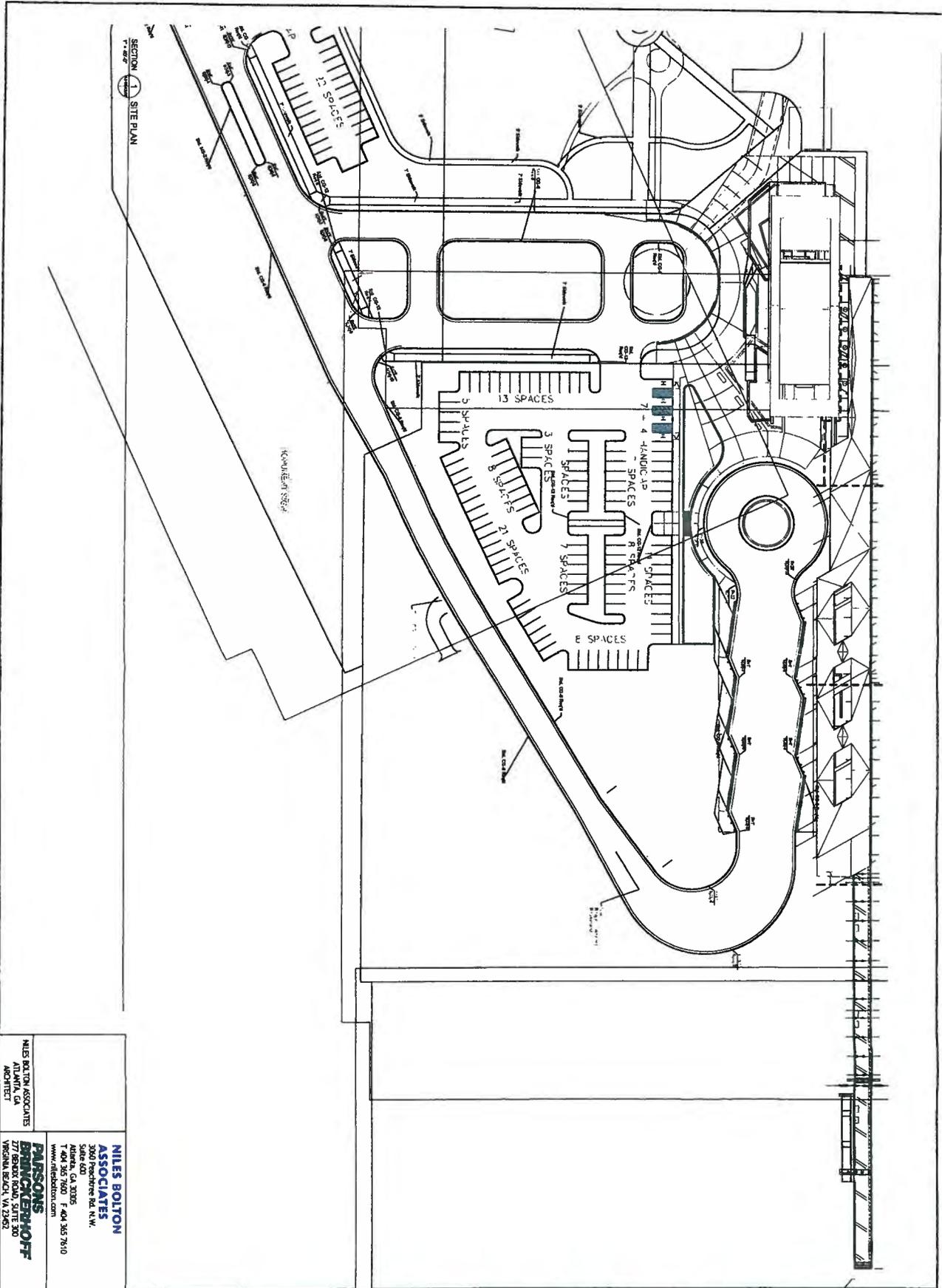
CITY OF NEWPORT NEWS
 DEPARTMENT OF ENGINEERING

2400 WASHINGTON AVE.
 7TH FLOOR
 NEWPORT NEWS, VA
 PHONE: 825-8611

No.	Description	Date
1	SCHEMATIC DESIGN	12/23/15

PROJECT # : 113009
 DRAWN BY : KR
 CHECKED BY : LL
 APPROVED :
 DATE : 12/23/2015





NILES BOLTON ASSOCIATES
 ATLANTA, GA
 ARCHITECT

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ASSOCIATES
 3000 Peachtree Rd. N.W.
 Suite 600
 Atlanta, GA 30305
 T 404 365 7800 F 404 365 7810
 www.nilesbolton.com

PARSONS BRINCKERHOFF
 177 BRIDLE ROAD, SUITE 300
 VIRGINIA BEACH, VA 23502

ISSUE DATE
SHEET
A2.00

JOB TITLE
 NEWPORT NEWS
 TRANSPORTATION CENTER

SHEET TITLE
 SITE PLAN

CITY OF NEWPORT NEWS
 DEPARTMENT OF ENGINEERING

2400 WASHINGTON AVE.
 7TH FLOOR

NEWPORT NEWS, VA
 PHONE: 826-8611

No.	Description	Date

PROJECT # : 113009
 DRAWN BY: Author
 CHECKED BY: Checker
 APPROVED: _____
 DATE: 07/09/02



Figure 2: Proposed Noise Wall and Screening Wall Locations



E. Public Hearings

4. Ordinance Granting Conditional Use Permit No. CU-16-367, to Mishorim Gold Newport News LP (owner), and Family Entertainment Center (applicant) for the Operation of an Amusement Arcade on Property Located at 14346 Warwick Boulevard, Suite 402 and Zoned C1 Retail Commercial District

ACTION: A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-16-367 TO MISHORIM GOLD NEWPORT NEWS LP (OWNER), AND FAMILY ENTERTAINMENT CENTER (APPLICANT) FOR THE OPERATION OF AN AMUSEMENT ARCADE ON PROPERTY LOCATED AT 14346 WARWICK BOULEVARD, SUITE 402, AND ZONED C1 RETAIL COMMERCIAL.

BACKGROUND:

- Located in the Upper Warwick Boulevard/Denbigh Tourism Zone, the proposed amusement arcade will positively contribute to the renovation of the DW Shopping Center.
- The use is compatible with surrounding land uses and the *Framework for the Future 2030* Comprehensive Plan land use map
- On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions.

Vote on Roll Call

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

Against: None

Abstention: None

- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re CU-16-367 Mishorim Gold NN LP

Staff Report and CPC Minute Excerpts

sdm14410 re CU-16-367

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Conditional Use Permit No. CU-16-367, Mishorim Gold Newport News, LP

Mishorim Gold Newport News, LP requests a conditional use permit for the operation of an amusement arcade in the form of a Fast Lap indoor electric go-kart facility. It will be located in Suite 402 of the DW Shopping Center (formally Denbigh Village) at 14346 Warwick Boulevard. The 27.0 acre property is zoned C1 Retail Commercial.

The shopping center is well suited for the proposed use as it is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map, compatible with surrounding uses, and is located within the Upper Warwick Boulevard/Denbigh Tourism Zone. The property has ample parking. The inclusion of tourism uses in this shopping center will help maintain the vitality of this property.

On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request to City Council with conditions.

I concur with the City Planning Commission's recommendation.


James M. Bourey

JMB:dfw

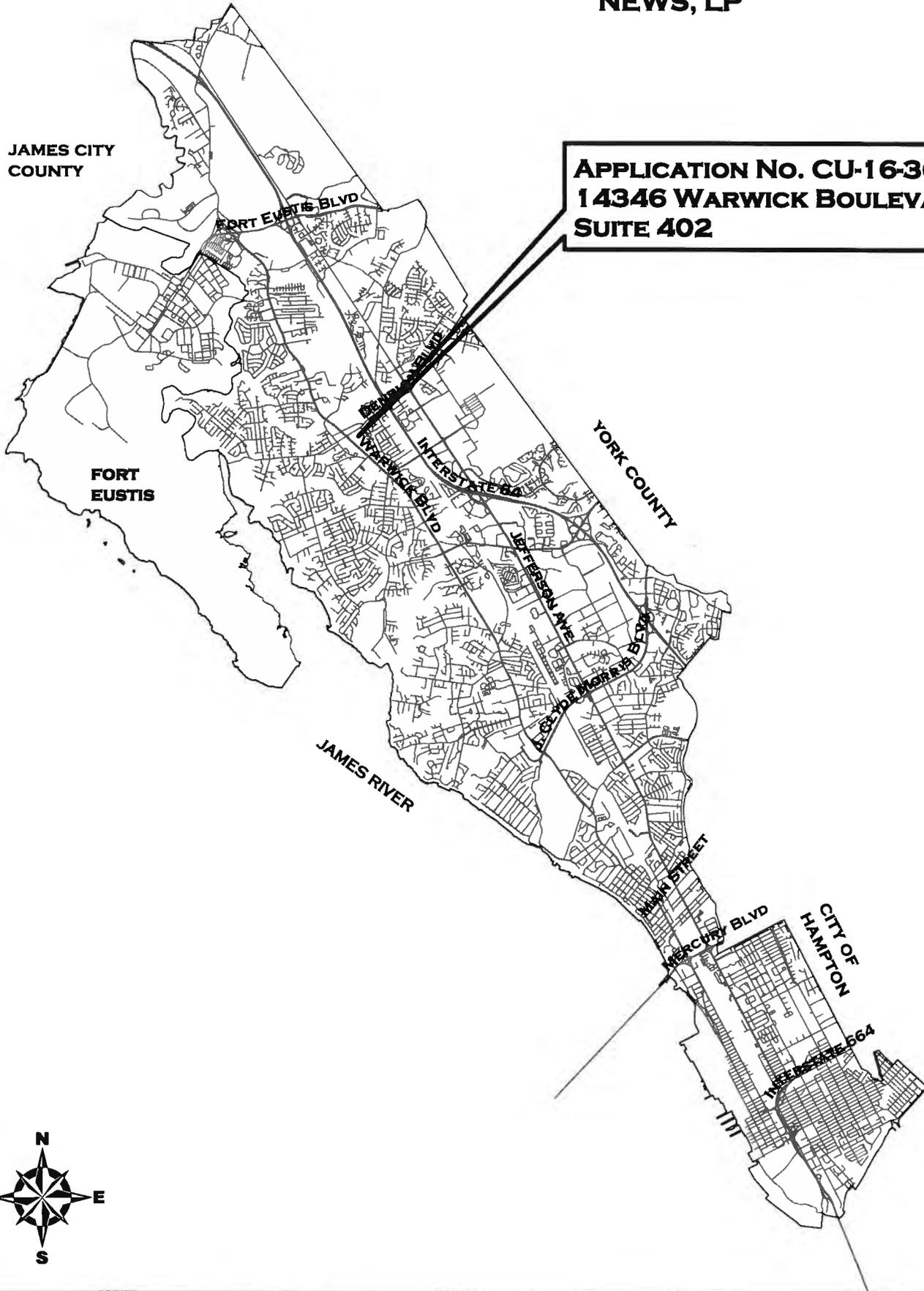
Attachment

**CITY OF NEWPORT NEWS
CITY COUNCIL
JUNE 28, 2016**

**CONDITIONAL USE PERMIT
APPLICATION NO. CU-16-367
MIRSHORIM GOLD NEWPORT
NEWS, LP**

JAMES CITY
COUNTY

**APPLICATION No. CU-16-367
14346 WARWICK BOULEVARD
SUITE 402**



FORT
EUSTIS

YORK COUNTY

JAMES RIVER

JEFFERSON AVE

MERCURY BLVD

CITY OF
HAMPTON



CONDITIONAL USE PERMIT NO. CU-16-367

MISHORIM GOLD NEWPORT NEWS, LP

OWNER/APPLICANT	Mishorim Gold Newport News, LP/Family Entertainment Center	ZONING	C1 Retail Commercial (Appendix A-1)
LOCATION	14346 Warwick Blvd. Suite 402	FRAMEWORK	Neighborhood Commercial (Appendix A-3)
PRESENT USE	Shopping Center	ACREAGE	27.0 acres

REQUEST Operation of an amusement arcade in the form of an indoor electric go-kart facility

FACTS



- North** First Virginia Loans, a Pawn Shop, and Rally's restaurant on property zoned C1 Retail Commercial; Walgreens, McDonalds, Tire Auto Express, North Carolina Furniture, Bayport Credit Union, Long John Silver's restaurant, Wells Fargo Bank, Cash Loans on property zoned C2 General Commercial
- South** Post Office on property zoned C1 Retail Commercial
- East** Shell gas station and Office of Human Affairs on property zoned C1 Retail Commercial; Denbigh Village apartments on property zoned R8 High Density Multiple-Family Dwelling; Single-family dwellings on property zoned R4 Single-Family Dwelling
- West** Loan Smart, Warwick-Denbigh Shopping Center, vacant building, Rite Aid, Shops at Denbigh, Firestone Tires, Piccadilly Walk Office Condos, Spanish Village LLC and Christ Community Church on property zoned C1 Retail Commercial; Courthouse Way Community Center on property zoned P1 Park (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.

On April 28, 1992, City Council approved CU-92-246 to allow the operation of a family billiards center in a 4,000 square foot lease area in the shopping center. This facility closed in December of 2013 and the conditional use permit has been deemed abandoned.

Regulatory Review An amusement arcade is allowed in the C1 Retail Commercial zoning district with the approval of a conditional use permit.

Amusement arcades are required to provide up to one (1) parking space per 50 square feet of net floor area. The zoning ordinance allows the zoning administrator flexibility in calculating the parking requirement for amusement arcade uses. Net floor area used for calculating the parking ratio can be reduced by excluding the indoor track and bumper car areas from the gross floor area. The zoning administrator may also consider the maximum occupancy load of the facility when determining parking. These criteria are considered to insure that adequate, but not excessive, parking is provided. Based on these considerations, the zoning administrator has made a determination that this use will require 250 parking spaces. The grocery store that previously occupied the lease area was required to provide 200 parking spaces. The remaining uses in the shopping center will require 907 parking spaces, for a total of 1,157 required spaces. There are 1,265 parking spaces provided on the site.

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 uses for the property. An amusement arcade is consistent with this recommendation. (See Appendix A-3.)

ANALYSIS

The Denbigh Village Shopping Center is a regional shopping center with a total of 276,537 square feet of floor area and 1,265 parking spaces. The applicant is requesting a conditional use permit that will allow the operation of Fast Lap indoor go-kart track in a 49,791 square foot lease area. In addition to the go-kart track, the floor plan notes that there will be a variety of auxiliary activities such as bumper cars, an area with inflatable bounce apparatus, arcade area, and party rooms. The snack bar area will serve light fare as well as beer and wine. (See Appendix A-5.) All operations will take place indoors. There will be no outside storage or maintenance operations.

The applicant has stated that Fast Lap will operate as a private club that will require membership and that the membership agreement includes a

standard for behavior as well as a dress code. The electrically powered go-karts have no emissions and operate at a low decibel level. For the safety of patrons, Fast Lap utilizes an automated system that allows track operators to instantly take full control of any or all go-karts should the need arise. The hours of operation are projected to be from 11:00AM until 11:00PM every day. Peak utilization will occur in the evenings and on weekends.

The Denbigh Village Shopping Center is located in the city's Upper Warwick Boulevard/Denbigh Tourism Zone which provides economic incentives and regulatory flexibility to qualified new or expanding tourism based businesses. Fast Lap will be a tourism based anchor use within the shopping center which is located on a major city thoroughfare in a heavily populated section of the city. The applicant notes the shopping center's location mid-way between Williamsburg and Virginia Beach and proximity to Interstate 64 will allow Fast Lap, and the shopping center, to grow into a regional destination.

CONCLUSION

The Denbigh Village Shopping Center is well suited for the location for the Fast Lap go-kart facility and is consistent with the *Framework for the Future 2030* land use map. There will be no adverse impact on adjacent properties and ample parking is available on site for this and all other uses on the property. As the city's retail landscape continues to evolve, the inclusion of tourism uses in shopping centers will help maintain the vitality of these properties.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-16-367 to allow for the operation of an amusement arcade in a 49,971 square foot lease area designated as Suite 402 with the following conditions:

1. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
2. All outdoor storage shall be prohibited.
3. 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.

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

5. 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.

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

7. 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.

8. 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.

9. 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.

**CPC
RECOMMENDATION**

On June 1, 2016, the Planning Commission voted unanimously (9:0) to recommend approval of the conditional use permit to the City Council with the following conditions:

1. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
2. All outdoor storage shall be prohibited.
3. 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.
4. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
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6. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
7. 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.

8. 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.

9. 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

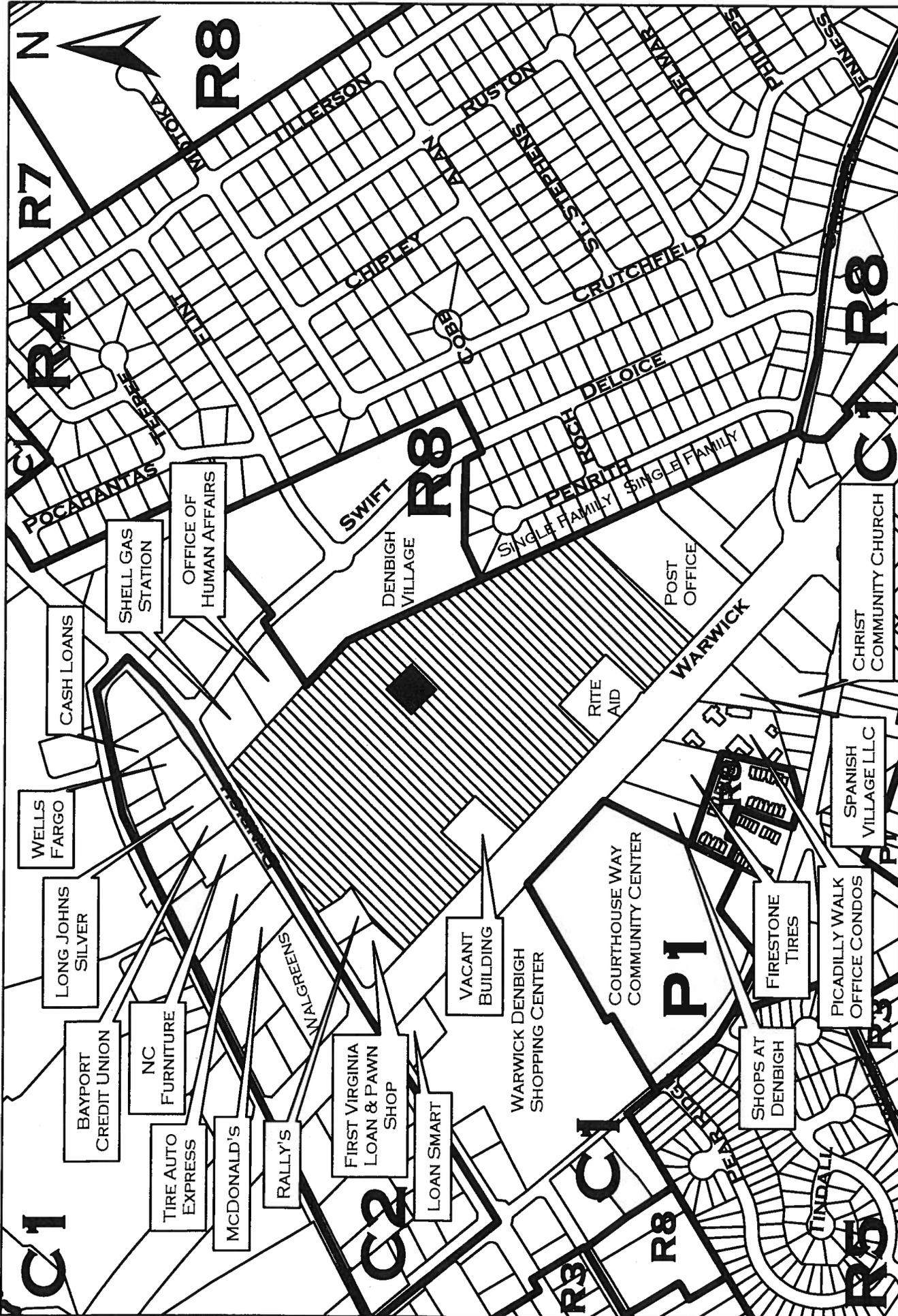
A-2 SITE PLAN

A-3 *FRAMEWORK FOR THE FUTURE 2030* LAND USE MAP

A-4 AERIAL MAP

A-5 FLOOR PLAN

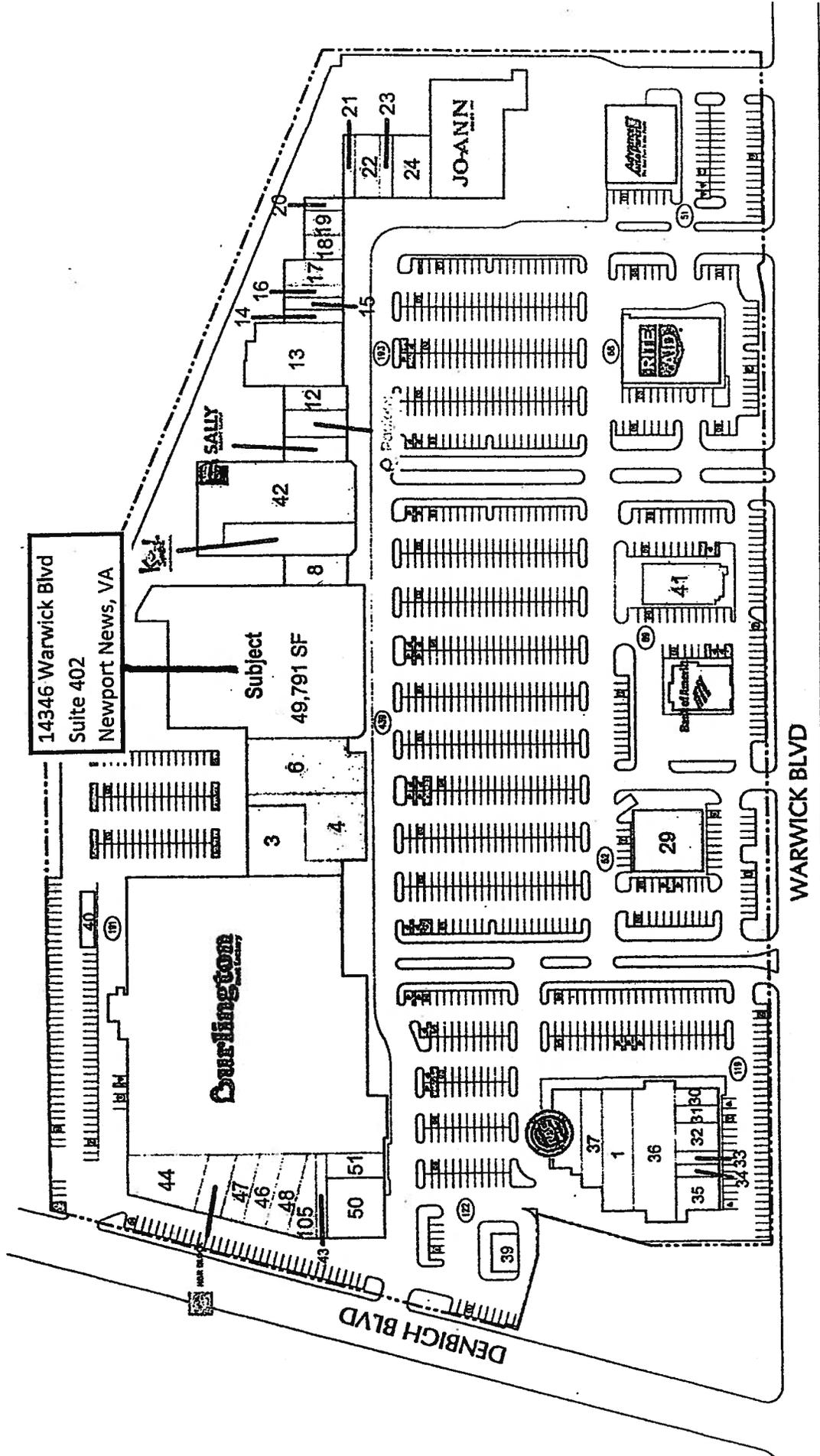
A-6 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF JUNE 1, 2016



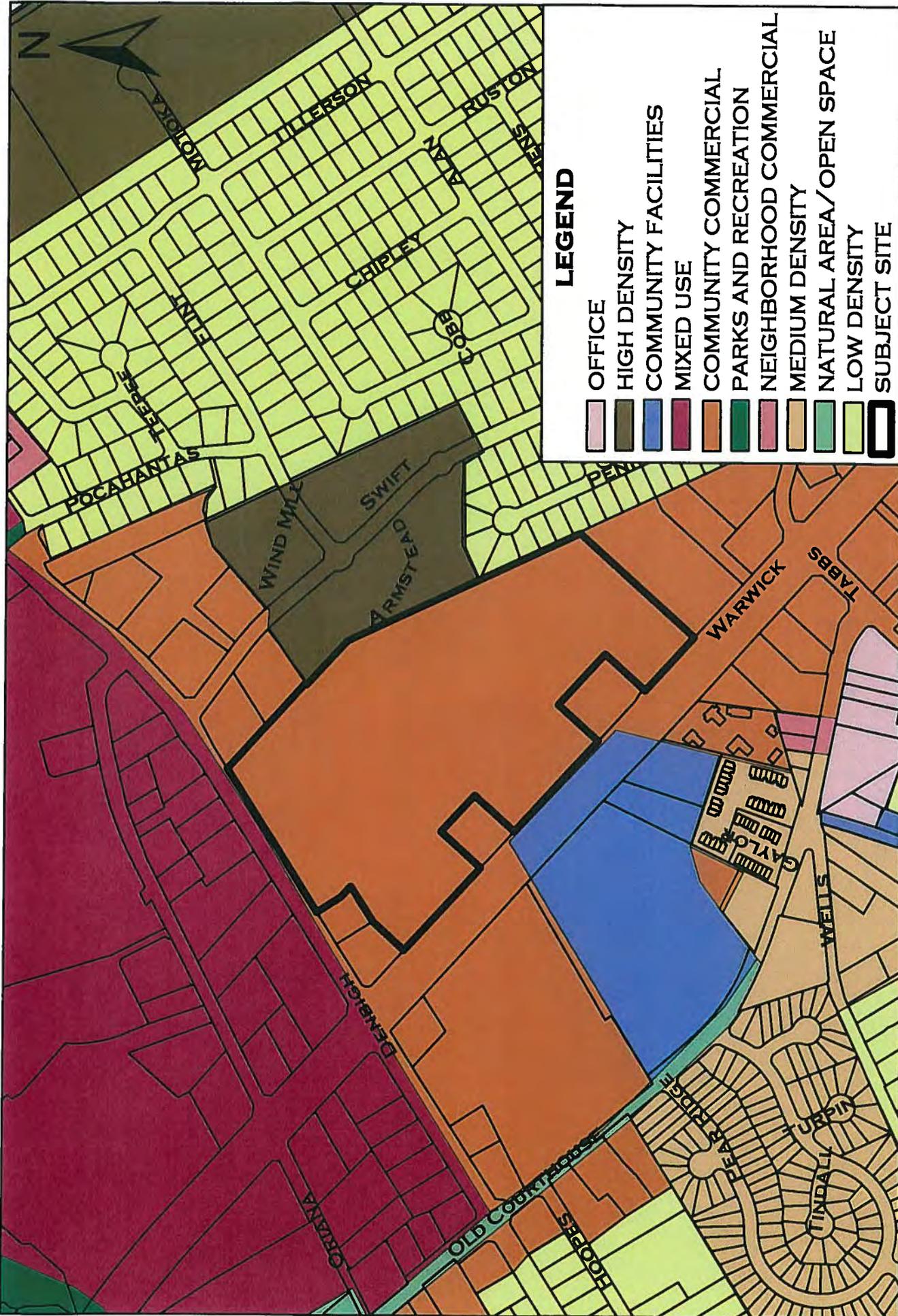
**MISHORIM GOLD
NEWPORT NEWS, LP**

CU-16-367

Denbigh Village Shopping Center Newport News, VA

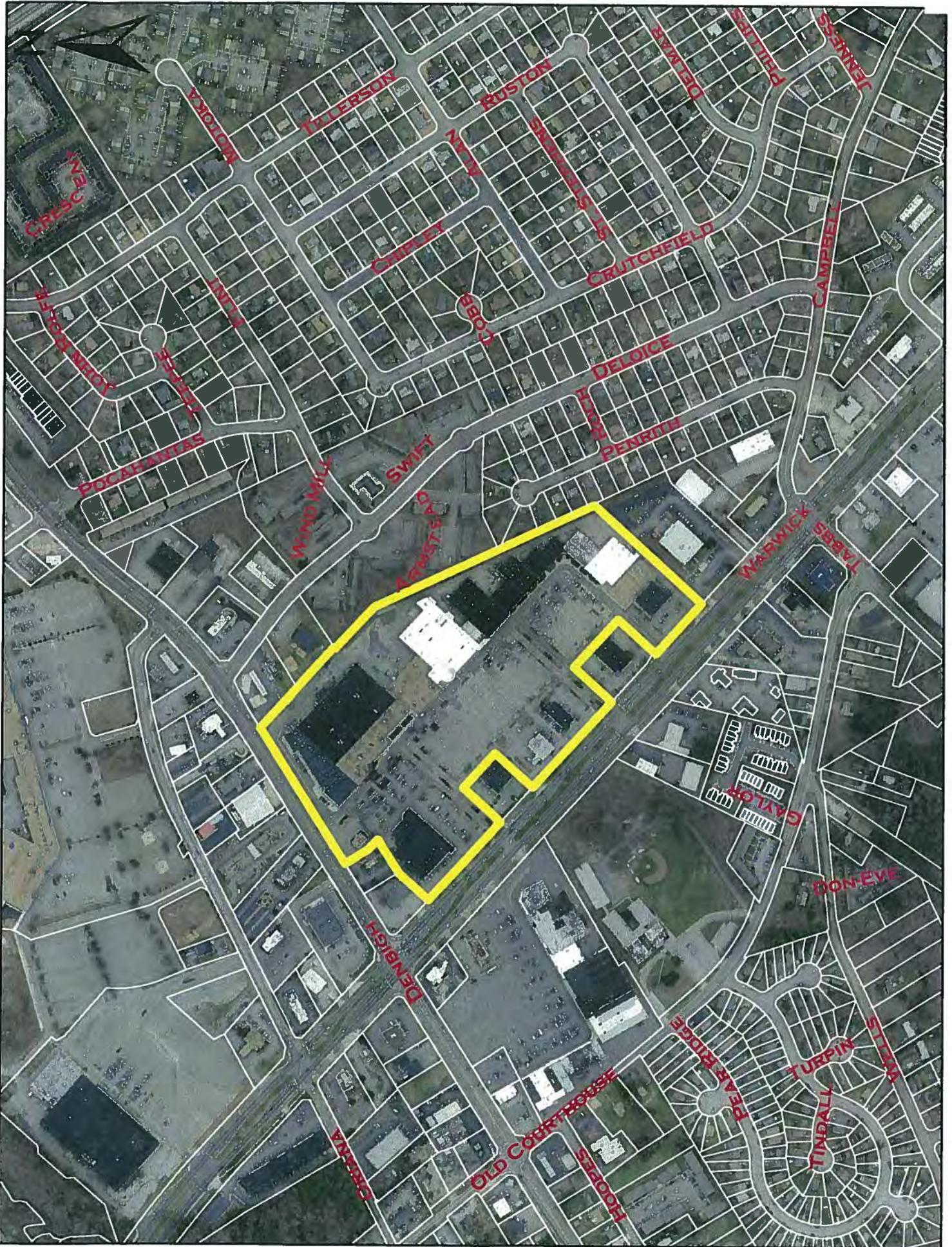


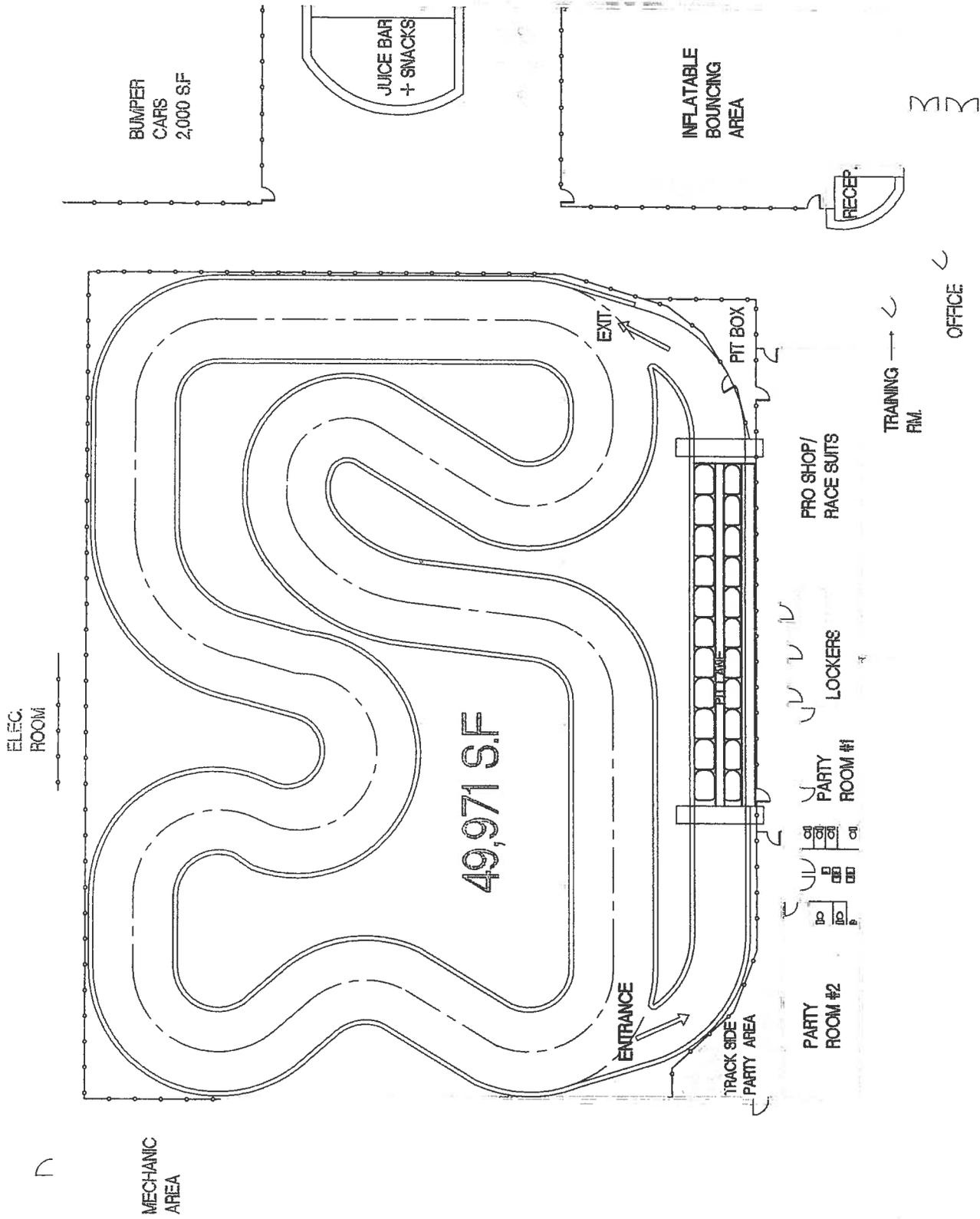
Property Location



**MISHORIM GOLD
NEWPORT NEWS, LP**

**FRAMEWORK FOR
THE FUTURE 2030**





EXCERPTS FROM PLANNING COMMISSION MINUTES

June 1, 2016

CU-16-367, Mishorim Gold Newport News LP. Requests a conditional use permit to allow for the operation of an amusement arcade located at 14346 Warwick Boulevard, Suite 402 (Denbigh Village Shopping Center) on a 27 acre parcel and zoned C1 Retail Commercial. The Parcel No. is 108.00-04-07.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Willis asked for information on the club membership. Mr. Watson stated it is a club and you have to have a membership to use the facility. He stated you can join and go the same day. Ms. Willis asked if the membership is only for driving the cars. Mr. Watson stated it is a family entertainment center and will have other activities such as bumper cars and a bounce house.

Mr. Maxwell asked if Ms. Willis is concerned it would become a night club. Ms. Willis stated yes.

Ms. Willis asked if it is a private club, how does it help tourism. Mr. Watson stated the draw of this facility is one within and outside of the area. He stated the applicant picked this site because it is close to the interstate, it is a large facility, it is indoors, and would be a large draw. Mr. Watson stated electric go-karting would be a unique attraction in the area.

Mr. Simmons stated he thinks this is a great adaptive reuse of the property and he thinks it is a great idea. Mr. Maxwell agreed.

Mr. Carpenter asked if there would be an age limit for the family activities. Mr. Watson stated that has not been discussed, but he is sure there would be a height requirement.

Mr. Mulvaney stated this is a nice adaptive reuse of one of the big boxes in the area. He stated people are always concerned with the vacant big boxes that we have in the city and this will occupy an old grocery store in an area that needs resurgence.

Mr. Carpenter opened the public hearing.

Mr. Emil Goduti, 12 Digges Drive, Agent for the applicant, spoke in favor of the application. He stated he was available for questions.

Ms. Willis asked for information on the club membership. Mr. Goduti stated the reason we are running it as a private club is, if you come to use the facility, you will need to identify yourself at the gate and show your driver's license. He stated we are going to have some questions so that we can maintain control. Mr. Goduti stated these are very

expensive cars and we cannot have just anybody in there running around. He stated we are not planning on having any young children in the facility unless they are supervised by adults. Mr. Goduti stated he is sure there will be young teens driving. He stated there will be bumper cars and other activities so there will be something to entertain everybody.

Ms. Willis asked if the vehicles are for drivers 16 years old and over. Mr. Goduti stated there are two types of vehicles: one that is for smaller children and will handle someone from about 4'-6" to 5'-6" tall; and the other one takes a full size adult. He stated that, to his knowledge, they are not planning to put any of the small cars on the track, and drivers would probably be 15 years old and up. Mr. Goduti stated the 15 year olds do not need to have a driver's license, but they would need a parent present.

Mr. Mulvaney asked if the public is invited to join a private club because you are asking for identification, and there is not a membership. Mr. Goduti stated there will be a minimum charge to process the paperwork, but the membership to the private club helps to maintain control so if someone starts creating problems or not dressing appropriately, their membership can be revoked and the person removed. Mr. Mulvaney asked if he could come in off the street and join. Mr. Goduti stated yes. He stated this will not be a hangout area for people off the street to use the facilities. Mr. Goduti stated there will be bumper cars and snack bars.

Mr. Maxwell asked if Mr. Goduti is familiar with Rebounderz. Mr. Goduti stated yes. Mr. Maxwell asked if the membership is like their membership process. Mr. Goduti stated you have to have some identification to prove who you are. He stated it is a lot more complicated because the cars are all computerized, and if someone starts horsing around, there are track monitors with computers who will shut them down. Mr. Goduti stated the cars are approximately \$28,000 each. Mr. Maxwell asked if the membership is per month. Mr. Goduti stated no, it is a one-time thing. He stated the membership is ancillary to getting information on attendees.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of conditional use permit CU-16-367 to City Council, as recommended by staff. The motion was seconded by Mr. Simmons.

Ms. Willis stated she is happy the landscaping is being addressed because that was one issue that was brought up to her numerous times, that the plants that were taken out are replaced.

Mr. Jones stated the membership is like going to a gym for a day-pass. He stated a lot of people who come to Newport News ask him what their kids can do and he can recommend this.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend approval of conditional use permit CU-16-367 to City Council.

ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-367 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING AN AMUSEMENT ARCADE ON A SITE ZONED C1 RETAIL COMMERCIAL DISTRICT.

WHEREAS, application number CU-16-367 has been made by **MIRSHORIM GOLD NEWPORT NEWS, LP, owner, and FAMILY ENTERTAINMENT CENTER, applicant**, for a conditional use permit for the hereinafter described property for the purpose of operating an amusement arcade on a site zoned C1 Retail Commercial District; and

WHEREAS, the application has been referred to the Planning Commission of the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

(a) That conditional use permit number CU-16-367 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating an amusement arcade on a site zoned C1 Retail Commercial District; and

(b) That the property, hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, State of Virginia, shown and designated as "Denbigh Village Centre", containing 27.0005 acres as shown on Subdivision Plat entitled "The Remaining Portion of Parcel 1 and Parcel 2, Denbigh Mall Shopping Center, City of Newport News, Virginia", dated June 1991 and recorded in the Clerk's Office of the Circuit Court for the City of Newport News, on July 9, 1991 in Deed Book 1265, page 1085 to which reference is here made. However, this conditional use permit only applies to a 49,971 square foot area of the aforesaid Property designated as Suite 402 as shown on Exhibit A-2, which is attached hereto and made a part hereof.

The Property has a common street address of 14346 Warwick Boulevard, Suite 402 and a Real Estate Assessor's Tax I.D. #108.00-04-07.

(c) That this conditional use permit is granted subject to the following conditions, each

of which shall be implemented upon approval of this ordinance:

1. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
2. All outdoor storage shall be prohibited.
3. 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 the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. 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.
4. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
5. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional 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.
6. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of 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

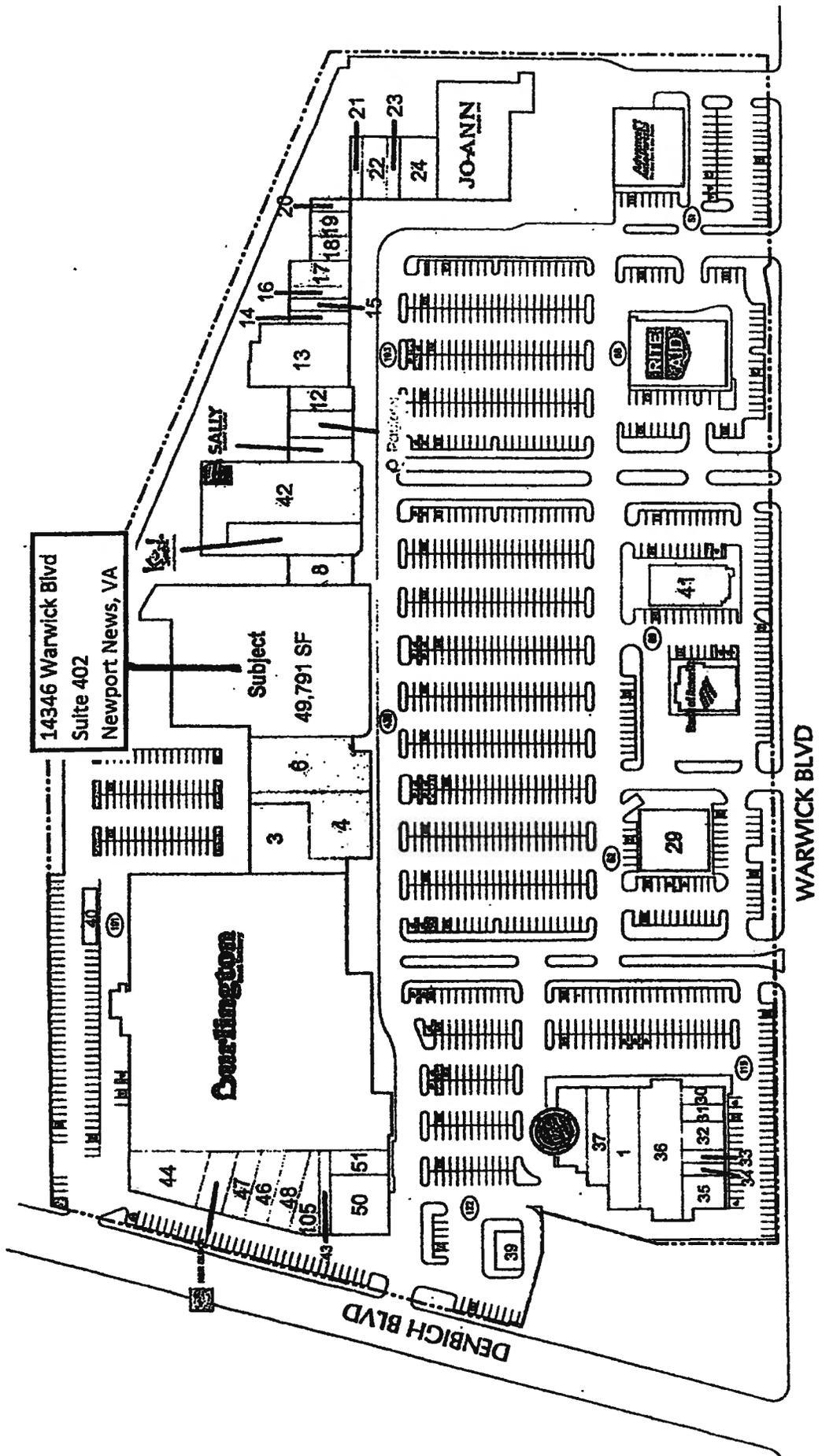
component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.

7. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
8. 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, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
9. 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 an amendment to the zoning of the property described in Section (b) hereof 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.

(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of June 28, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

Dentch Village Shopping Center
Newport News, VA



Property Location

E. Public Hearings

5. Ordinance Granting Conditional Use Permit No. CU-16-368, to TGMC, LLC (Owner & Applicant), for the Operation of a Tattoo Establishment on Property Located at 12567 Warwick Boulevard, Unit 101 and Zoned C2 General Commercial

ACTION: A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-16-368, TO TGMC, LLC (OWNER & APPLICANT) FOR THE OPERATION OF A TATTOO ESTABLISHMENT ON PROPERTY LOCATED AT 12567 WARWICK BOULEVARD, UNIT 101 AND ZONED C2 GENERAL COMMERCIAL.

- BACKGROUND:**
- The tattoo establishment will occupy a suite in a newly renovated building on Warwick Boulevard.
 - The use is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and surrounding uses.
 - On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions.

Vote on Roll Call

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

Against: None

Abstention: None

- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re CU-16-368, TGMC LLC
Staff Report and CPC Minute Excerpts
sdm14411 CU-16-368

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Conditional Use Permit No. CU-16-368, TGMC, LLC.

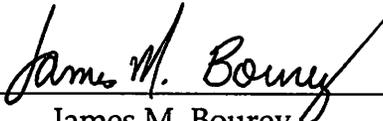
TGMC, LLC., requests a conditional use permit to allow for the operation of a tattoo establishment at 12567 Warwick Boulevard, Unit 101 and zoned C2 General Commercial.

The new use will utilize a 1,423 square-foot suite in a recently rehabilitated commercial building that once housed an automobile repair shop. No significant site or building changes are necessary for the new use to operate at the site.

The request is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and compatible to the surrounding uses.

On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request to City Council with conditions.

I concur with the City Planning Commission's recommendation.

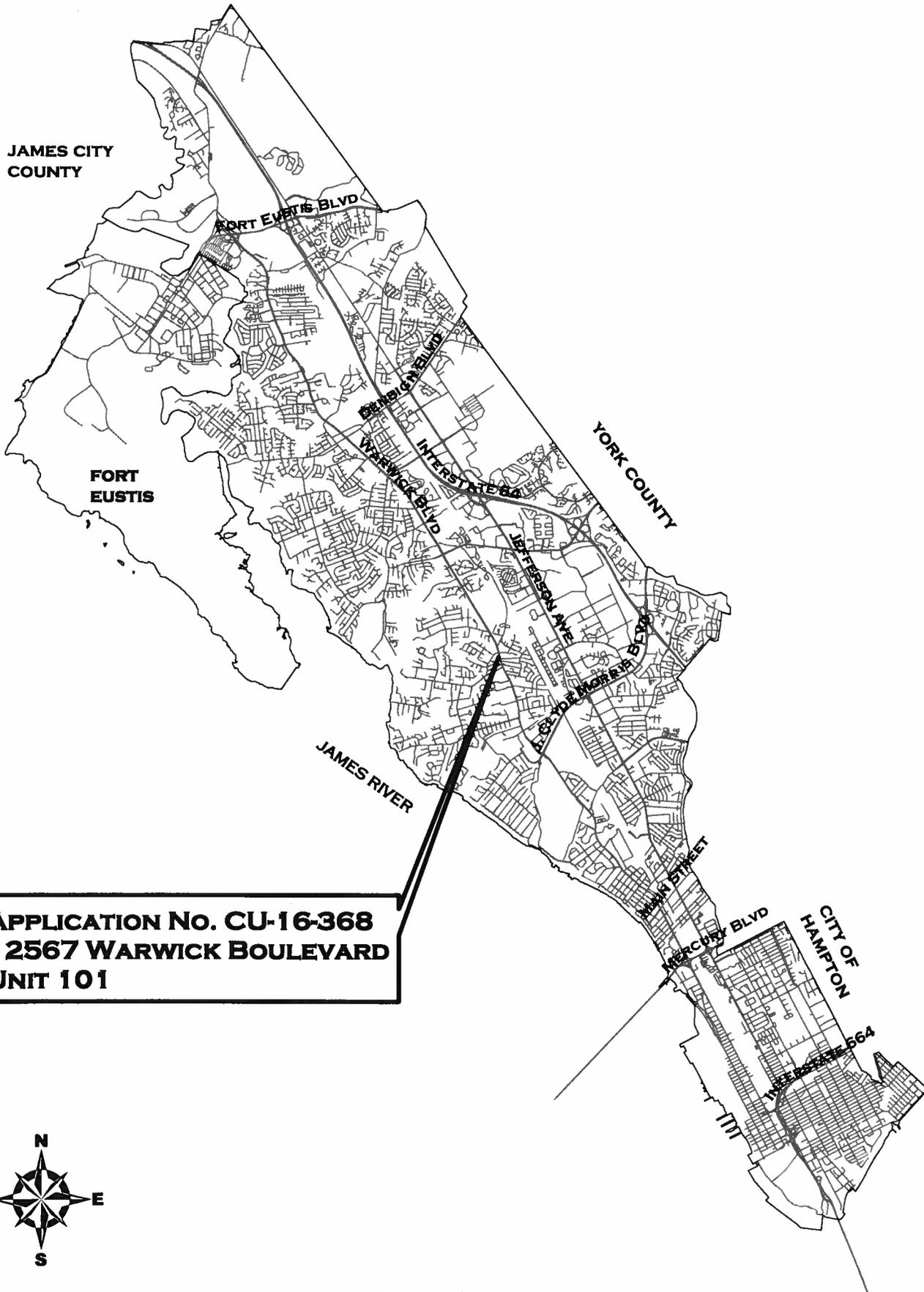

James M. Bourey

JMB:sgd

Attachment

**CITY OF NEWPORT NEWS
CITY COUNCIL
JUNE 28, 2016**

**CONDITIONAL USE PERMIT
APPLICATION NO. CU-16-368
TGMC, LLC**



**APPLICATION No. CU-16-368
12567 WARWICK BOULEVARD
UNIT 101**

CONDITIONAL USE PERMIT NO. CU-16-368

TGMC, LLC.

APPLICANT/OWNER TGMC, LLC.

ZONING C2 General Commercial

(Appendix A-1)

LOCATION 12567 Warwick
Boulevard, Unit 101

FRAMEWORK Neighborhood Commercial
(Appendix A-5)

PRESENT USE Unoccupied
Commercial Suite

ACREAGE 0.89 acres

REQUEST Tattoo Establishment



FACTS

- North** Automobile repair shop on property zoned C2 General Commercial
- South** Single-Family homes on properties zoned R3 Single-Family Dwelling and a Green Foundation site zoned C2 General Commercial
- East** Car wash and commercial structure on properties zoned C2 General Commercial
- West** Single-Family homes on properties zoned R3 Single-Family Dwelling

Zoning History C2 General Commercial since the citywide comprehensive rezoning became effective August 1, 1997

Regulatory Review On February 27, 2007, City Council amended the Zoning Ordinance and Chapter 20 of the City Code to permit tattoo establishments by conditional use permit in the C2 General Commercial district and regulate sanitary conditions through the Health Department. The City Code requires that all persons engaged in the practice of tattooing or body piercing be licensed by the Commonwealth of Virginia.

The original building on the site was rehabilitated and extensive site work including new parking required a site plan review which received final approval in July of 2015. Before receiving a certificate of use and occupancy by the city, all requirements from that approval must be met. (See Appendix A-2.)

The zoning ordinance requires a 30-foot transitional buffer area between commercial and single-family zoning, which occurs along the property's south and west boundaries. The approved site plan appropriately identifies the required transitional buffer areas. (See Appendix A-2.)

The parking requirement for personal service uses such as a tattoo establishment is a minimum of 1 parking space for every 250 square feet. A total of 6 parking spaces are required for the 1,423 square foot suite. There are 60 parking spaces on the site.

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 neighborhood commercial uses for the property. The proposed use is consistent with the commercial designation. (See Appendix A-5.)

The *Framework* also recommends the visual improvement of the city's corridors. The property is located along a major corridor and the 1970's original building was recently rehabilitated and new landscaping was added vastly enhancing the appearance of the site and making it consistent with these goals.

ANALYSIS

The proposed establishment will be located in a recently rehabilitated commercial building that once housed an automobile repair shop. The building has 4 suites, 2 of which will be occupied by a restaurant. The new architectural treatment of the building transformed a non-descript utilitarian building into an attractive contemporary commercial building.

Signage for the establishment will be limited to a building sign that will be in keeping with the architecture of the building and will be reviewed and approved by the Director of Planning.

Tattoos have become mainstream and tattoo establishments are no longer associated with "Red Light" district activities as they were in the past. Tattoos are now a part of pop culture. Thirty-six percent of those ages 18 to 25, and 40 percent of those ages 26 to 40, have at least one tattoo, according to a survey by the Pew Research Center.

Licensing in the Commonwealth of Virginia was first required in 2005. The applicant will be employing up to 5 licensed tattooers. Licenses for 4 of the artists to be employed have been provided. They are all currently operating

within reputable tattoo establishments and are seeking to move into a establishment in Newport News. (See Appendix A-7.)

The operation will house up to 5 tattoo artists each in his or her individual work station. They will share a sterilization room with updated sterilizing equipment and a reception area manned by a receptionist/manager. The proposed hours of operation are more limited than those of most retail uses. The establishment will operate Monday through Saturday 11:00 AM to 9:00 PM, and Sunday by appointment only from 1:00 PM to 5:00 PM. (See Appendix A-3 and A-4.)

The use would have minimal to no adverse impact on the abutting neighborhoods. Vehicular traffic on the site would not be as intense as with other permitted uses because much of the business of a tattoo establishment is done by appointment only. Given that tattoo parlors are only allowed within the C2 General Commercial district, potential locations for such a business are very limited. Since the amendment to the zoning ordinance allowing tattoo establishments in 2007, only 2 tattoo establishments have been approved in the city. One of them was approved for cosmetic tattooing only as part of a beauty salon.

CONCLUSION

The proposed tattoo establishment is in conformance with the adopted *Framework for the Future 2030* comprehensive plan land use map and is compatible with the adjacent commercial uses.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-16-368 to allow for the operation of a tattoo establishment located at 12567 Warwick Boulevard, occupying 1,423 square feet in Unit 101, with the following conditions:

1. Building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.
2. Signage placed in or on any window of a building shall be limited to no more than 25 percent of each window.
3. The business operator shall comply with all provisions contained in Chapter 20. Health and Sanitation Generally, Article IV.- Tattoo Establishments and Body Piercing Salons of the city code.
4. 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.

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

6. 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.

7. 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.

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

9. 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.

10. 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.

11. 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.

CPC RECOMMENDATION

On June 1, 2016, the Planning Commission voted unanimously (9:0) to recommend approval of the conditional use permit to the City Council with the following conditions:

1. Building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.

2. Signage placed in or on any window of a building shall be limited to no more than 25 percent of each window.

3. The business operator shall comply with all provisions contained in Chapter 20. Health and Sanitation Generally, Article IV.- Tattoo Establishments and Body Piercing Salons of the city code.

4. 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.

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

6. 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.

7. 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.

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

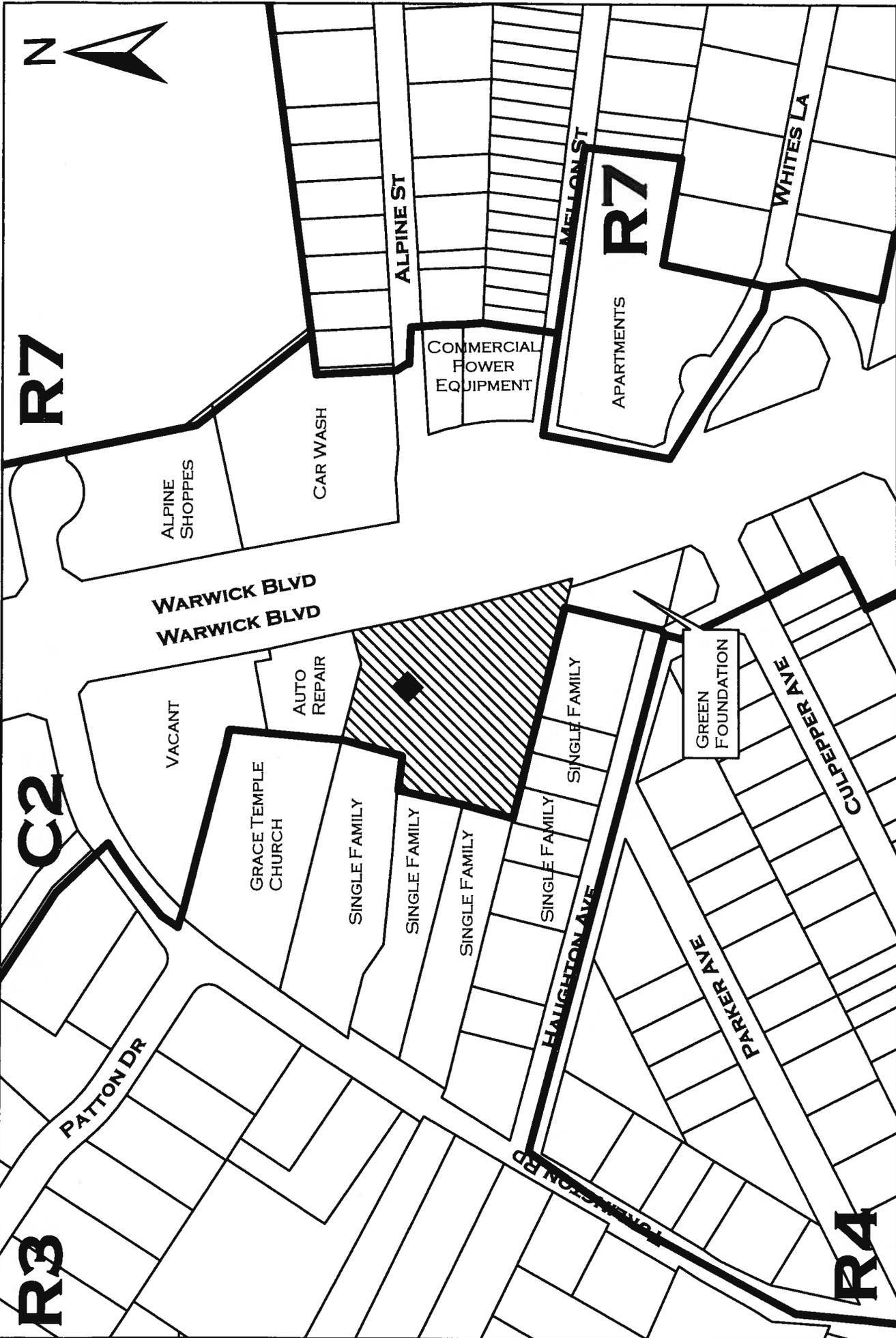
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10. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are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

11. 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

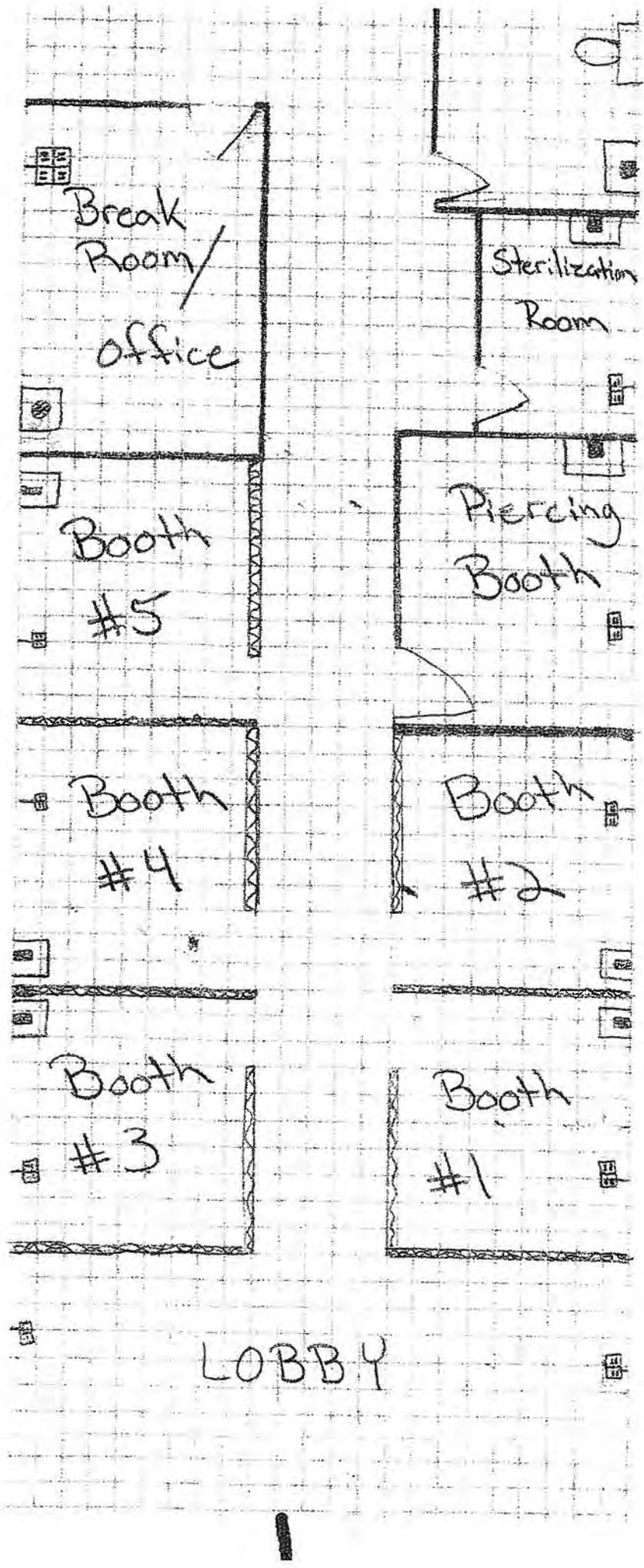
- A-1 VICINITY/ZONING MAP**
- A-2 SITE PLAN**
- A-3 BUSINESS FLOOR PLAN**
- A-4 BUSINESS PLAN**
- A-5 *FRAMEWORK FOR THE FUTURE 2030 LAND USE MAP***
- A-6 AERIAL MAP**
- A-7 TATTOOING LICENSES**
- A-8 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF JUNE 1, 2016**



CU-16-368

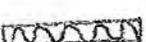
TGMC LLC

Unit
101



 5 3/4" wall

 Door

 4 1/2" wall

 Floor to Ceiling wall

 - Mop Sink

 - Hand washing Sink

 - 4 outlet Plug

 - 2 outlet plug

 - Toilet

5'
H: 1'

LOBBY

Anavrin tattoo will host a large lobby with seating for patrons and a reception desk. This area will also be where retail merchandise is available. We will have five individual tattoo stations. Each station will be large at ninety square feet and will be constructed with walls that will be of a height to obstruct the view but open at the top to allow light, sound and air to flow easily. No work area will be easily viewed from outside or the lobby area. Only clients that have had their IDs copied and paperwork completed or guests of these people will be allowed past the reception area. Each station will have a stainless steel work surface and a private handwashing sink for the individual artist. We will have one fully enclosed private room for the use of body piercing. This room will also be large at almost 100 square feet and will have a medical grade counter cabinet set for work surface and instrument storage. We will also have a sterilization room that is fully enclosed and private. The sole and complete use of this room will be for the cleaning and sterilization of equipment and tools. Only chemicals and products for those purposes will be housed in this area along with biohazard storage awaiting pick up. We will have a large private breakroom. This will be an area for employees to store their personal belongings and to eat or relax away from clients. This room will also have storage for studio maintenance and general cleaning materials including a mop sink. All together at full capacity we would staff five tattoo artist and two body piercers. We will also employ a receptionist and offer apprenticeships for qualified individuals. Currently we have five individuals who would like to work in this studio. Two are Newport News residents who currently commute to Chesapeake and Portsmouth to work at their current positions in fully licensed studios. The remaining potential employees live on the south side in different cities but look forward to moving to Newport News after opening. These individuals also currently work in licensed studios. The remaining positions have a few candidates that are interested but are currently licensed but unemployed. We will be hiring a receptionist and potential apprentices from the local area. These individuals would ideally be either unemployed and in need of work or currently a student.

Our hours of operation will be Monday- Saturday from 11am to 9pm Sundays will be closed with availability for appointments from 1pm to 5pm.



- LEGEND**
- HIGH DENSITY
 - COMMUNITY FACILITIES
 - NEIGHBORHOOD COMMERCIAL
 - MEDIUM DENSITY
 - LOW DENSITY
 - SUBJECT SITE

FRAMEWORK FOR THE FUTURE 203C

TGMC LLC



DPOR License Lookup License Number 1241000130

License Details

Name	BLOUNT, SCHONDRA MICHELE
License Number	1241000130
License Description	Body Piercer License
Rank	Body Piercer
Address	NEWPORT NEWS, VA 23602
Initial Certification Date	2009-10-22
Expiration Date	2017-10-31

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DPOR License Lookup build 1,188 (built 2016-04-04 08:43:27).

DPOR License Lookup License Number 1231001458

License Details

Name	BAKER, KEVIN ANTHONY
License Number	1231001458
License Description	Tattooer License
Rank	Tattooer
Address	PORTSMOUTH, VA 23702
Initial Certification Date	2015-07-08
Expiration Date	2017-07-31

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DPOR License Lookup build 1,188 (built 2016-04-04 08:43:27).

DPOR License Lookup License Number 1231000225

License Details

Name	SADOWSKI, SHAWN ARLEN
License Number	1231000225
License Description	Tattooer License
Rank	Tattooer
Designation	Apprenticeship Sponsor
Address	NEWPORT NEWS, VA 23608
Initial Certification Date	2007-06-21
Expiration Date	2017-04-30

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DPOR License Lookup build 1,188 (built 2016-04-04 08:43:27).

DPOR License Lookup License Number 1231001353

License Details

Name	BARLOW, ERIC RAYMOND
License Number	1231001353
License Description	Tattooer License
Rank	Tattooer
Address	CHESAPEAKE, VA 23323
Initial Certification Date	2014-01-03
Expiration Date	2018-01-31

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DPOR License Lookup build 1,188 (built 2016-04-04 08:43:27).

DPOR License Lookup License Number 1234000819

License Details

Name	BRICKER, COLLEEN RENEE
License Number	1234000819
License Description	Apprentice Tattooer License
Rank	Apprentice Tattooer
Address	SUFFOLK, VA 23435
Initial Certification Date	2015-12-08
Expiration Date	2017-12-31

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DPOR License Lookup build 1,188 (built 2016-04-04 08:43:27).

EXCERPTS FROM PLANNING COMMISSION MINUTES

June 1, 2016

CU-16-368, TGMC LLC. Requests a conditional use permit to allow for the operation of a tattoo establishment located at 12567 Warwick Boulevard, Unit 101 on a 0.89 acre parcel zoned C2 General Commercial. The Parcel No. is 202.00-02-09.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Fox asked if there is a difference between tattooing and cosmetic tattooing. Mr. Gleiser stated no, both require a conditional use permit.

Mr. Jones asked what are the hours of operation. Mr. Gleiser deferred to the applicant.

Ms. Shondra Blount, 560 Colony Road, applicant, stated the hours of operation would be 11:00 A.M. to 9:00 P.M. Monday through Saturday, and by appointment only on Sunday from 1:00 P.M. to 5:00 P.M. Mr. Jones asked if you walk in you cannot get an appointment. Ms. Blount stated not on Sundays. Mr. Jones asked if they have walk-in appointments. Ms. Blount stated we are different than most tattoo studios. She stated in most establishments you walk in and see pictures on the wall, and we are a completely custom studio, and a little more high end. Ms. Blount stated she has been in the industry for over a decade and she typically does not conform to what you would expect in this industry. She stated we are addressing a higher end clientele. Ms. Blount stated her customers have tattoos that are more conservative and thought out than addressing clientele with impulse tattoo purchases. She stated her business partner is her mother, who is a registered nurse, currently employed with Newport News schools. She stated she has been commuting to the southside for over a decade to work in this industry and she is very excited to have an opportunity to work in her community. Ms. Blount stated she is very community-oriented and is involved with animal aid societies, community centers and breast cancer awareness events. She stated we are definitely not a typical tattoo studio.

Mr. Jones stated there is a place in the shopping center that serves alcohol and he is concerned about that. Ms. Blount stated she is aware inebriated people will come in to get tattooed and it is not her practice to allow that. She stated she has experience kindly ushering inebriated people from making a tattoo decision, but will allow them to return at another time for an appointment. Ms. Blount stated she will have a breathalyzer device on location to help deter that behavior. She stated she does not cater to people who make poor decisions because they do not make good customers.

Ms. Fox stated the studio would not be open late. Ms. Blount stated we will close at 9:00 P.M. She stated we are an appointment setting facility and not the quick turnaround tattoo service. Ms. Blount stated people are going to travel or come in and book an appointment and be there for one to two hours at minimum. She stated we will

not be working late hours because most of us have families. Ms. Blount stated this is why we are building a location close to home.

Ms. Blount stated we have the abutting properties which are dwellings. She stated there has been a screen installed and a lot of extra landscaping, which completely blocks the view, and everything else around there is heavily wooded and not very visible at all from any of the dwellings. Mr. Carpenter asked if the screen is a fence. Ms. Blount stated yes, it is one of the newer acrylic white screens with a small gap at the bottom and stands approximately 6 feet tall.

Mr. Gleiser stated Ms. Blount has been searching for locations for five years.

Mr. Mulvaney stated the demographic for getting tattoos today is much different than it used to be.

Mr. Carpenter opened the public hearing.

Ms. Shondra Blount, 560 Colony Road, applicant, stated she is available for questions. She stated she would like to clarify that there is a difference between regular tattooing and cosmetic tattooing. Ms. Blount stated that to legally apply permanent cosmetics you may have one of two licenses: a tattoo artist's license or a cosmetic tattoo artist's license. She stated a cosmetic tattoo artist may not apply an image, and a tattoo artist may apply permanent cosmetics and/or images. Ms. Fox asked if Ms. Blount could do both. Ms. Blount stated yes. She stated that some image tattooists do not have any business doing women's eyebrows. Ms. Blount stated our clientele are stationary and are with us for a few hours, so we would not affect traffic in any way. She stated she runs a tight ship and all litter will be picked up regularly.

Ms. Erin Arsenault, 21 Culpepper Avenue, spoke in favor of the application. She stated her house is right around the corner from the proposed studio. Ms. Arsenault stated this new building is phenomenal because it used to be a dilapidated old auto parts store. She stated she is a teacher with Newport News Public Schools and has numerous tattoos. Ms. Arsenault stated she is very excited and highly supportive of this shop opening in Newport News. She stated she is an advocate for local economies and local art coming from and being located in Newport News. Ms. Arsenault stated she is looking forward to going there and recommending her friends to go there and she only sees positive things coming out of this because these are people from Newport News. She stated this is a custom studio where things are thought out. Ms. Arsenault stated she is very excited about having a higher end studio with more thought out and patient clientele getting custom work done. She stated she will patronize the studio, as well as her friends and co-workers. Ms. Arsenault stated people you see working in airports and government jobs have tattoos now and being able to say "I got this in Newport News" would be a good boost for the local economy and local art scene.

Mr. Christopher Kranz, 537 Onancock Trail, spoke in favor of the application. He stated he has worked for Ms. Blount in the past at two separate businesses and she holds everything to a very high standard regarding cleanliness and appearance. Mr. Kranz

stated either he or another apprentice is in the parking lot cleaning up cigarette butts and any trash that would have accumulated from the night before or during the day. He stated he has been on his hands and knees scrubbing floors to keep up the shop's appearance. Mr. Kranz stated he takes a lot of pride in working for Ms. Blount. He stated she makes it very easy to take pride in the work. Mr. Kranz stated for this to come to Newport News, it will be a great help for him to get back into his apprenticeship and move forward because he does not have the time to commute to Chesapeake. He stated it would be great for the Planning Commission to approve this application.

Ms. Michele Arsenault, 17 Culpepper Avenue, spoke in favor of the application. She stated she has been a registered nurse for 21 years and has lived in Newport News for more than half of her life. Ms. Arsenault stated that because we do not have good facilities that are local for the students and the staff, we are seeing a lot of people come in from home tattoo parties. She stated it is better to go to a facility in a sterilized condition for tattoos and body piercing, not someone's home. Ms. Arsenault stated Ms. Blount runs a tight shop. She stated she is a neighbor to the facility and she has not spoken to anyone in the neighborhood area that is not supportive of the facility. Ms. Arsenault stated all work will be done by appointment during regular business hours. She asked that the Planning Commission please support Ms. Blount, because she will bring a better tattoo establishment to the city.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of conditional use permit CU-16-368 to City Council, as recommended by staff. The motion was seconded by Mr. Groce.

Ms. Willis stated she thinks this is an awesome reuse of an existing space. She stated when she saw Schooner's was coming in she was wondering what else would come into that area.

Mr. Carpenter asked if the conditional use permit is tied to the real estate and not the operator. Ms. McAllister stated it is tied to the land.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend approval of conditional use permit CU-16-368 to City Council.

ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-368 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A TATTOO ESTABLISHMENT ON A SITE ZONED C2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, application number CU-16-368 has been made by **TGMC, LLC, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of operating a tattoo establishment on a site zoned C2 General Commercial District; and

WHEREAS, the application has been referred to the Planning Commission of the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

(a) That conditional use permit number CU-16-368 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating a tattoo establishment on a site zoned C2 General Commercial District; and

(b) That the property, hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

All those certain pieces or parcels of land, situate, lying and being in the City of Newport News, State of Virginia, commonly known as 12567 Warwick Boulevard, Newport News, Virginia, being Part of Lots 3 & 4, as shown on that certain physical survey entitled, 'PROPERTY TO BE CONVEYED TO TGMC, LLC, PARCEL 'A' RESUBDIVISION OF LOTS 2, 13 & 14 AND PART OF LOTS 1, 3, 4, 5, "SUBDIVISION OF PROPERTY OF HUNDLEY & APPLEWHITE, INC", made by Alfonso & Associates, Inc., Surveying-Planning, dated March 20, 2015, which said plat is attached to a deed dated March 27, 2015 and recorded in the Clerk's Office of the Circuit Court for Newport News on April 3, 2015 as Instrument No.: 150004311, to which reference is here made. However, this conditional use permit only applies to a 1,423 square foot area of the aforesaid Property, known as Unit 101, as identified on Appendix A-1, which is attached hereto and made a part hereof.

The Property has a common street address of 12567 Warwick Boulevard and a Real Estate Assessor's Tax I. D. #202.00-02-09.

(c) That this conditional use permit is granted subject to the following conditions, each of which shall be implemented upon approval of this ordinance:

1. Building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.
2. Signage placed in or on any window of a building shall be limited to no more than 25 percent of each window.
3. The business operator shall comply with all provisions contained in Chapter 20, Health and Sanitation Generally, Article IV, Tattoo Establishments and Body Piercing Salons of the City Code.
4. 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 the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. 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.
5. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
6. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
7. The applicant, as well as successors, assigns, and agents, if any, shall obtain

all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional 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.

8. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of 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.
9. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
10. 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, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
11. 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 an amendment to the zoning of the property described in Section (b) hereof 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.

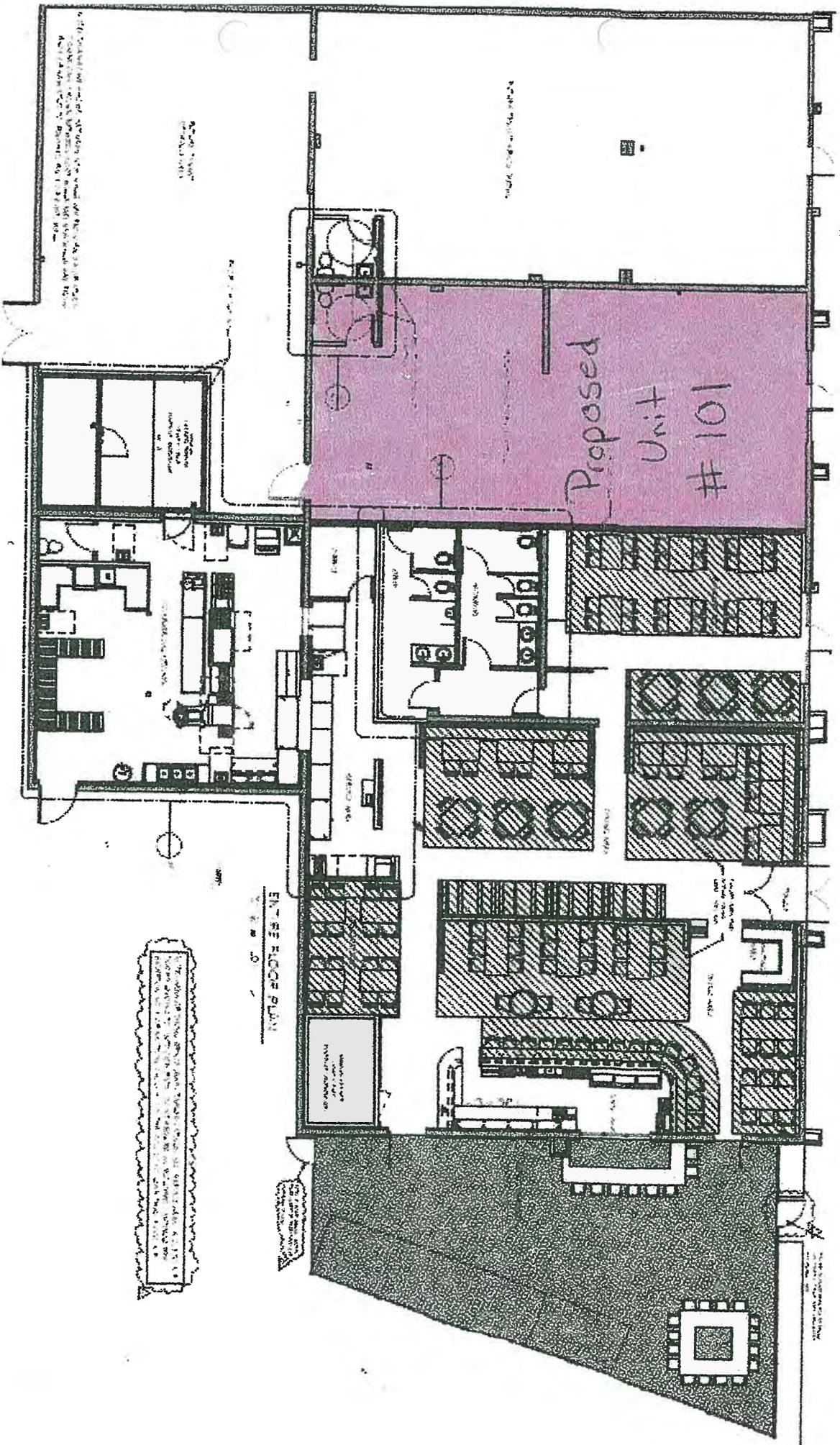
(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this

conditional use permit has not commenced within twenty-four (24) months of June 28, 2016, or,

2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

12567 Warwick Boulevard



E. Public Hearings

6. Ordinance Granting Conditional Use Permit No. CU-16-369 with Conditions, to All Generations Church (owner) and Mid-Atlantic Teen Challenge (applicant), to Allow for the Operation of a Group Home on Property Located at 28 Harpersville Road and Zoned C1 Retail Commercial

ACTION: A REQUEST TO ADOPT AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NO. CU-16-369 WITH CONDITIONS, TO ALL GENERATIONS CHURCH (OWNER) AND MID-ATLANTIC TEEN CHALLENGE (APPLICANT), FOR THE OPERATION OF A GROUP HOME ON PROPERTY LOCATED AT 28 HARPERSVILLE ROAD AND ZONED C1 RETAIL COMMERCIAL.

BACKGROUND:

- Mid-Atlantic Teen Challenge wishes to open a group home for girls, although not conditioned, in the former home of the Bethlehem Monastery of Poor Clares.
- The property and building are ideally suited for the proposed use.
- The use is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map and surrounding uses.
- On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request with conditions.

Vote on Roll Call

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

Against: None

Abstention: None

- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re CU-16-369 All Generations Church

Staff Report and CPC Minute Excerpts

sdm14409 CU-16-369 re All Generations Church and Mid-Atlantic Teen Challenge

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Conditional Use Permit No. CU-16-369, All Generations Church

All Generations Church requests a conditional use permit for a group home that will be operated by Mid-Atlantic Teen Challenge. The 6.44 acre property located at 28 Harpersville Road is the former home of the Bethlehem Monastery of Poor Clares. The property is zoned C1 Retail Commercial.

The proposed group home is consistent with the *Framework for the Future 2030* Comprehensive Plan land use map recommendation for community facilities and is compatible with the surrounding uses. In addition, the former monastery building is ideally suited and located for the proposed use.

On June 1, 2016, the City Planning Commission voted unanimously 9:0 to recommend approval of the request to City Council with conditions.

I concur with the City Planning Commission's recommendation.

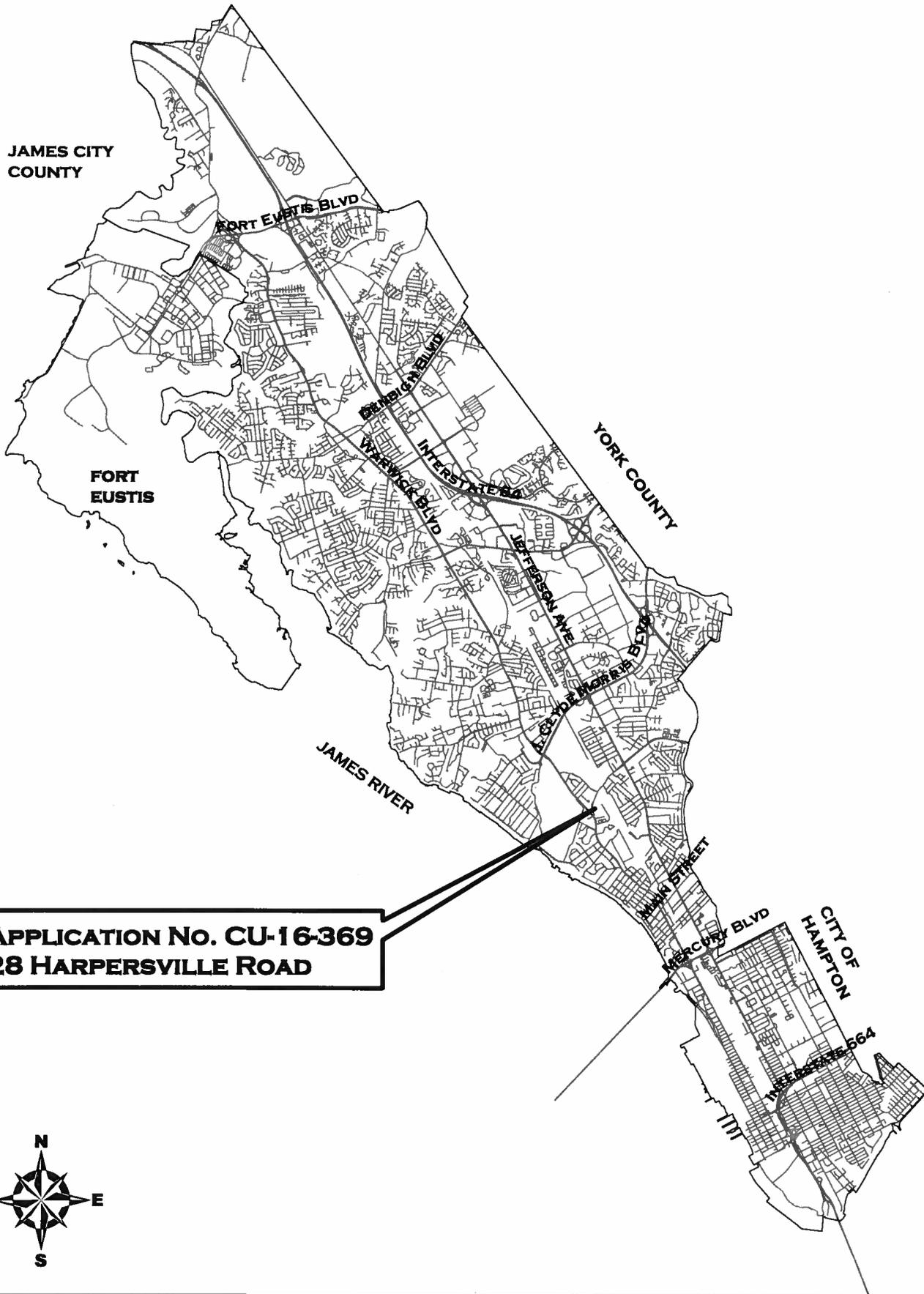

James M. Bourey

JMB:dfw

Attachment

**CITY OF NEWPORT NEWS
CITY COUNCIL
JUNE 28, 2016**

**CONDITIONAL USE PERMIT
APPLICATION NO. CU-16-369
ALL GENERATIONS CHURCH**



CONDITIONAL USE PERMIT NO. CU-16-369

ALL GENERATIONS CHURCH

OWNER/APPLICANT	All Generations Church/ Mid-Atlantic Teen Challenge	ZONING	C1 Retail Commercial (Appendix A-1)
LOCATION	28 Harpersville Road	FRAMEWORK	Community facilities(Appendix A-4)
PRESENT USE	Church	ACREAGE	6.44 acres
REQUEST	Operation of a group home		

FACTS



North Single family homes on property zoned C1 Retail Commercial
South Old Point National Bank, Magnolia apartments, and Verizon office on property zoned C1 Retail Commercial
East Christopher Crossing apartments on property zoned R7 Medium Density Multiple-Family Dwelling
West Peninsula Funeral Home, Church of the Nazarene, Second Community Baptist Church on property zoned C1 Retail Commercial (See Appendix A-1 and A-5.)

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 the operation of a group home with the approval of a conditional use permit.

Parking requirements for the proposed use are 1 space per employee attending a shift. The proposed group home will have up to 7 staff members on site and will require 7 parking spaces. The 300 seat church sanctuary hall on site requires 75 parking spaces. The ground floor of the primary building has 10,000 square feet of floor space used for church offices and requires 34 parking spaces. The total parking requirement for the proposed and existing uses is 116 parking spaces and there are 147 parking spaces on site.

On February 14, 1995 City Council approved CU-95-275 to allow the construction of a mausoleum on the property as part of the Poor Clares' Monastery. The mausoleum use was discontinued when the monastery relocated out of the city in October of 2003 and this use has been deemed abandoned.

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. A group home is consistent with this recommendation. (See Appendix A-4.)

ANALYSIS

The subject property contains a 30,000 square foot worship center used by All Generations Church and a two-story residential building that contains 20,000 square feet of floor space. This residential building was the former home of the Bethlehem Monastery of Poor Clares which, as stated previously, was vacated when the monastery relocated outside of the city. The building was sited, and constructed, to provide seclusion and private individual living quarters for the monastery residents. The nearest residential dwelling to the building is an apartment building located 130 feet to the south. A single-family home is located 150 feet away to the north and the adjacent apartments to the east are 360 feet away. The building's residential design and location is ideally suited for reuse as a group home.

The ground floor of the building is currently being used for general church activities such as offices, meeting rooms and social events. These uses will continue to operate. The proposed group home will occupy the second floor of the building. The floor plan for this area shows 3 apartments and 30 single rooms. (See Appendix A-3.) Mid-Atlantic Teen Challenge will lease this area and be the proprietor and operator of the proposed group home.

Teen Challenge is a non-profit religious organization that seeks to provide faith-based peer assisted solutions to their clients. Teen Challenge currently operates a group home for boys at 9302 Warwick Boulevard and this facility has been in operation since 1985. The proposed group home will operate as Teen Challenge for Girls. The group home for girls will follow the same model utilized in the boys' program and will be a residential treatment

program that requires 12 months to complete. A middle and high school academic curriculum is incorporated into the treatment program. The clientele served will be up to 30 adolescent girls ranging from age 13 to 17 years.

Teen Challenge clients are generally from families that have been referred by church connections, online advertising, and word of mouth. About 25% of students receive referrals from social service agencies or the court system. Teen Challenge is private and not funded by any local, state or government agency, nor is it funded by insurance programs. It is incumbent upon families to provide payment for the services provided.

Teen Challenge provided a summary of their operating and client intake protocols. (See Appendix A-6.) In this summary it is stated that Teen Challenge accepts clients who are struggling with addiction, defiance, anger management, life-circumstance trauma, and behavior disorders. Students are not accepted into the program if they present a risk for violence; have bi-polar or schizophrenia issues; autism spectrum disorders beyond the training of staff; or that are convicted felons.

The proposed group home will be secured for the protection of clientele; however it is not a detention facility where clients are forcibly confined. As there are no forcible restraining techniques employed in the Teen Challenge program, they state that they must be very selective regarding admissions. Those students considered a security concern are not admitted. Unapproved departures from the campus or an approved activity can be punishable by having to re-start the program from the beginning. Teen Challenge notes that this has proven to be a strong deterrent in their current boys program.

Three staff members will be residing on site on a continuous basis and will be supplemented by non-residential staff working in shifts. The staff to student ratio while on campus is a minimum of 1 staff member per 9 clients and 1 staff member per 6 clients for off campus travels. Teen Challenge provides client transportation using two staff operated vans that are kept on site when not in use.

On Tuesday May 17, 2016, the applicant held an informational meeting in order to introduce and explain the proposed group home to area property owners. The applicant noted that 7 people attended the meeting. Of those in attendance, 5 spoke in favor of the proposal and 2 stated concerns but were overall neutral to the proposal.

CONCLUSION

The former monastery building is ideally suited and located for use as a group home. The existing floor plan will require minimal modification in order to meet the current building code requirements for the proposed use. The site is a somewhat secluded location and the use is compatible with surrounding land uses as well as with the *Framework for the Future 2030*

land use map recommendation. The operator of the proposed group home has operated a similar facility in the city since 1985 without any reported adverse impacts.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-16-369 to allow for the operation of a group home with the following conditions:

1. 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.
2. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
3. 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.
4. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
5. 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.

6. 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.

7. 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.

CPC RECOMMENDATION

On June 1, 2016, the Planning Commission voted unanimously (9:0) to recommend approval of the conditional use permit to the City Council with the following conditions:

1. 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.

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

3. 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.

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

5. 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.

6. 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.

7. 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

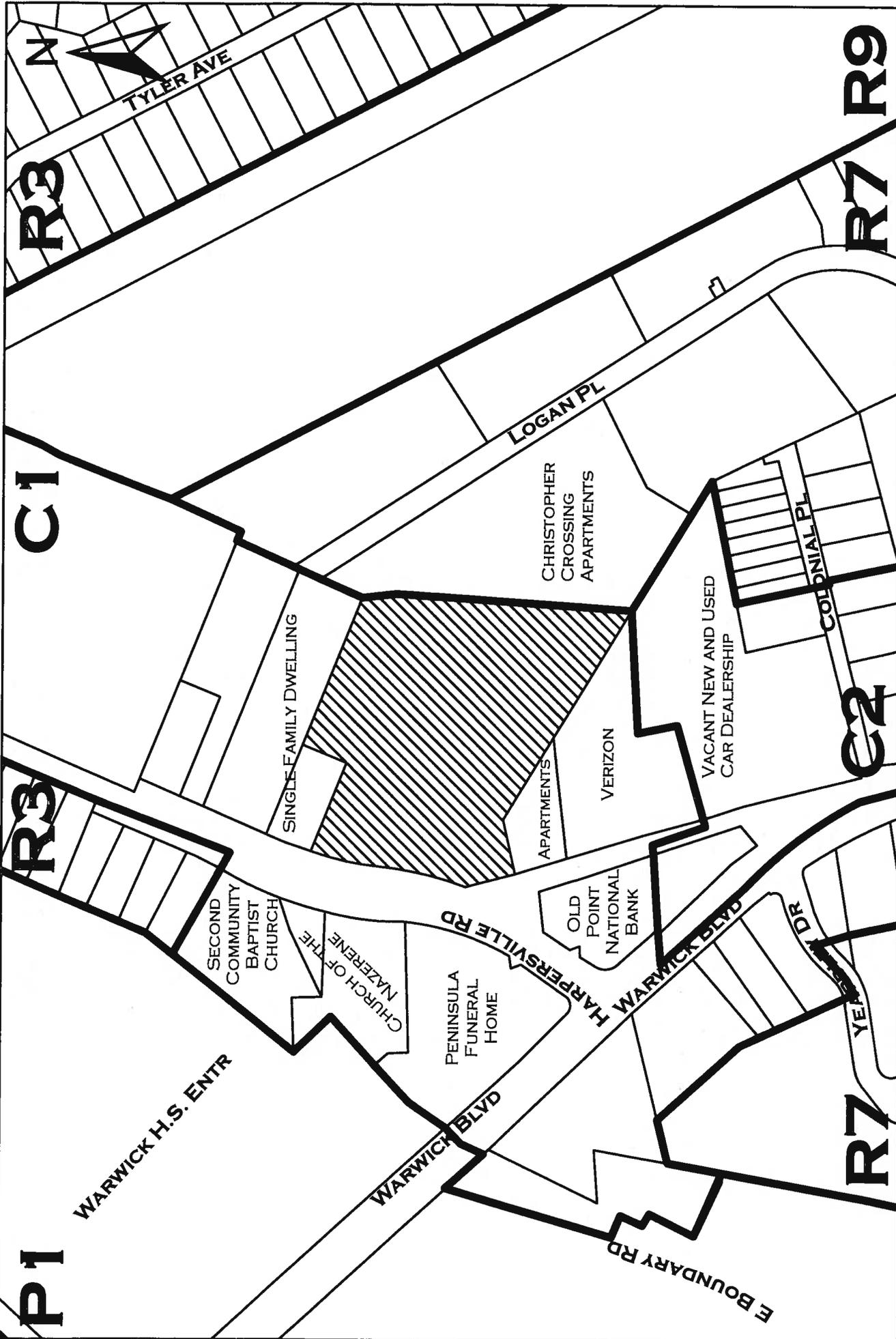
A-3 FLOOR PLAN

A-4 *FRAMEWORK FOR THE FUTURE 2030 LAND USE MAP*

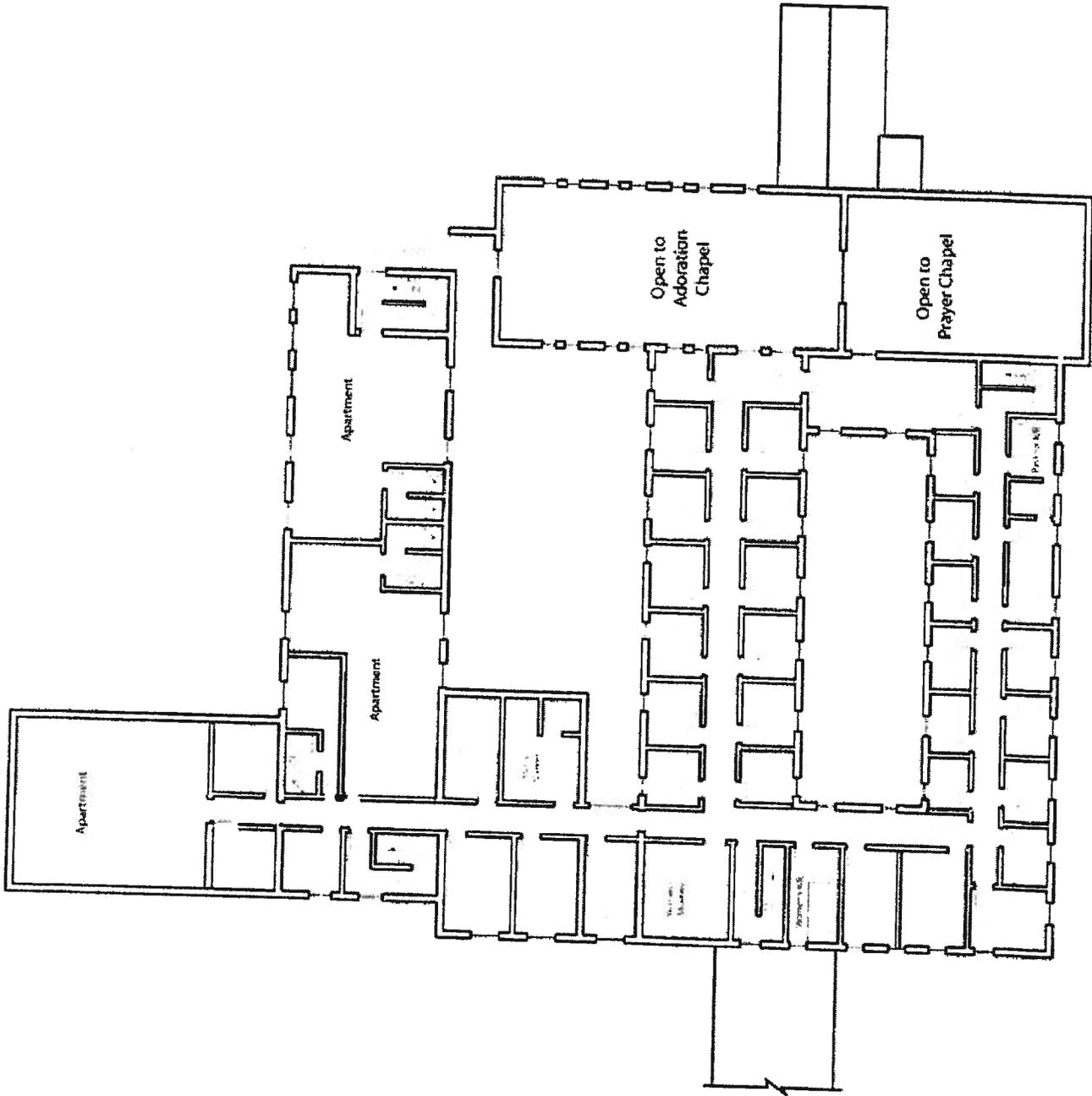
A-5 AERIAL MAP

A-6 CLIENT INTAKE SUMMARY

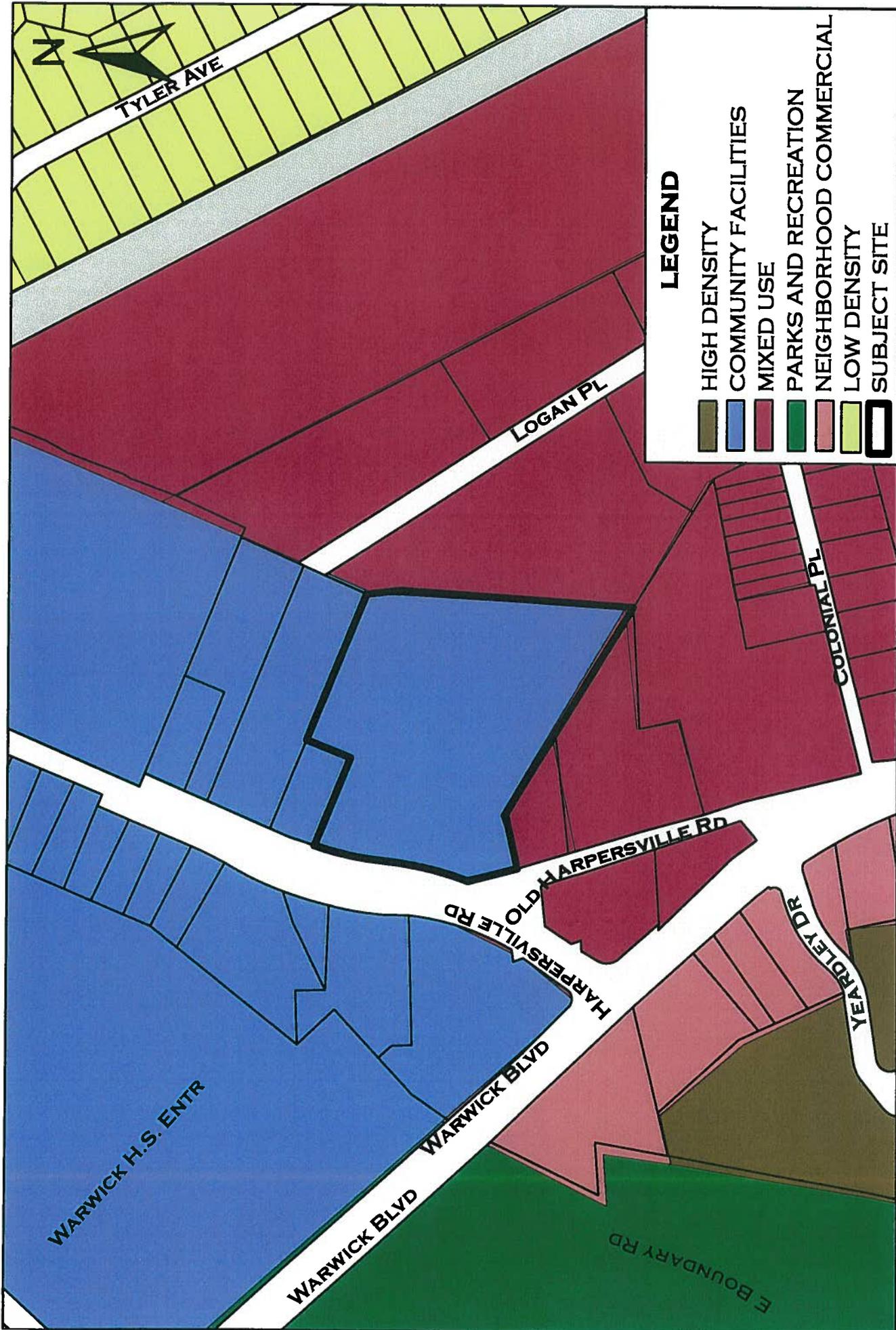
A-7 EXCERPTS FROM THE CITY PLANNING COMMISSION MINUTES OF JUNE 1, 2016



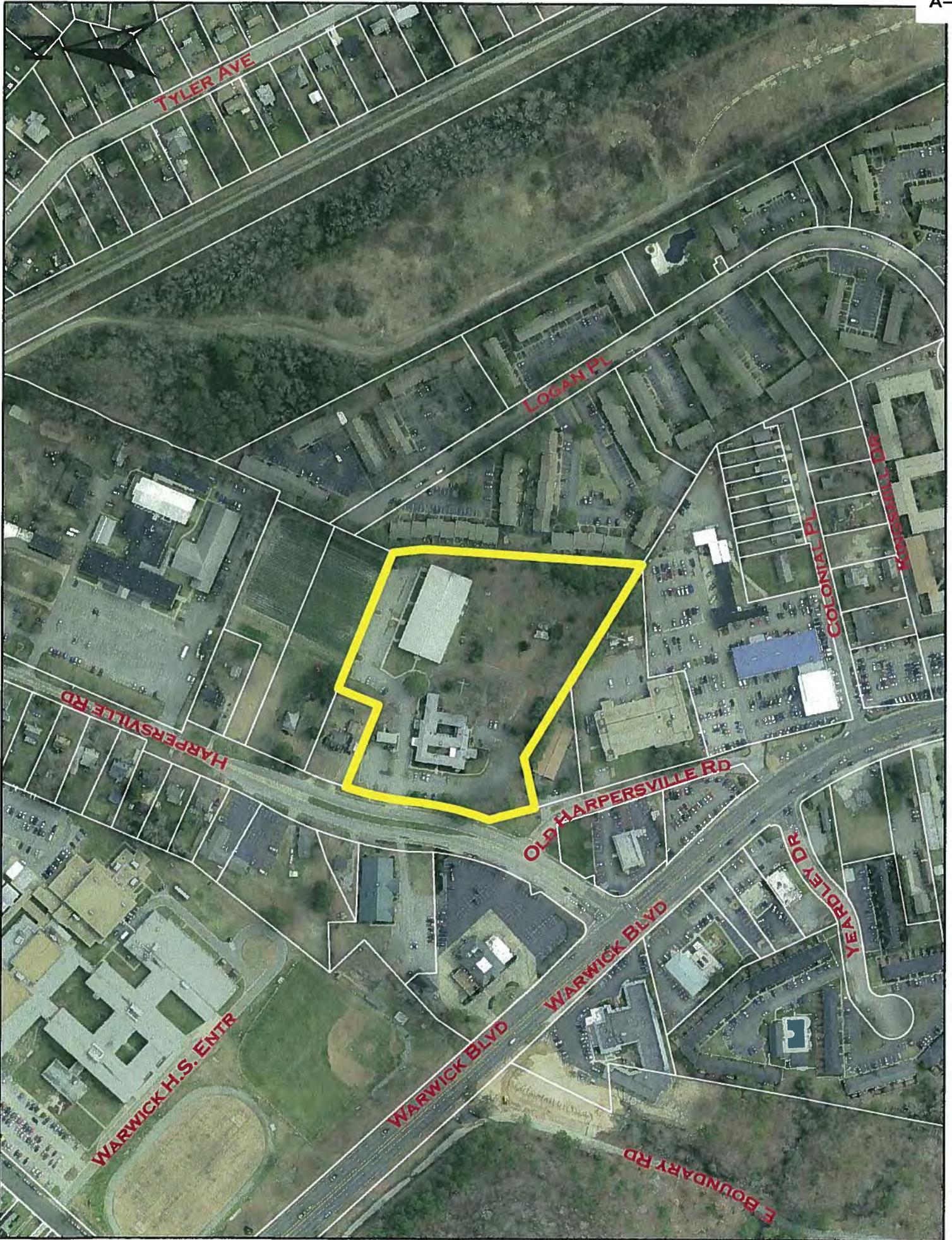
ALL GENERATIONS CHURCH **CU-16-369**



LIVINGSTONE MONTASTERY
SECOND FLOOR LAYOUT



ALL GENERATIONS CHURCH FRAMEWORK FOR THE FUTURE 2030



Intake for Mid-Atlantic Teen Challenge

Families are referred to MATC from several sources:

- 1.) Church connections. Teen Challenge is a home-missions project of the Assemblies of God. Many of our students come from Assembly of God churches or referrals.
- 2.) Media. Teen Challenge, USA, advertises on K-Love radio stations around the country, and feature testimonies from alumni. MATC also sponsors local promotions.
- 3.) Online. We advertise on Facebook and Google.
- 4.) Social services and court referrals. Judges and others who are familiar with Teen Challenge and recommend the program as an alternative to juvenile detention. About 25% of our students come from these situations.
- 5.) Word of mouth, alumni, etc.

The admissions process:

- 1.) Admissions begins when a parent or loved one gets in touch with us through our website (www.mateenchallenge.com) or calls us at (757) 244-3733. We have admissions staff who coordinate this process and respond to inquiries.
- 2.) Every inquiry is responded to by telephone, if possible. A narrative of the current situation is requested on the website or in the telephone conversation, to help determine if Teen Challenge is the right choice. Some criteria will be explained below.
- 3.) Once determining that there is a relatively high probability for admission, the family is referred to "Step 2" of our admissions page. Here they can download a copy of our Application for Admission (attached). It is from this that the official offer of admission is made.
- 4.) The admissions team (3-4 staff members including myself and the program director) review all applications. Once concerns have been addressed an acceptance email is sent to the family.
- 5.) Payment arrangements are made, and families are required to submit the "Step 3" form (attached).

What we do:

Teen Challenge offers Christ-centered, faith-based solutions to youth, adults, and families who struggle with life-controlling problems.

Who we serve:

Adolescents, age 13-17, whose families seek a faith-based solution to alcohol and drug addiction and other life controlling problems.

We ARE:

- 1.) Faith-based, residential treatment.
- 2.) A non-profit organization, organized as a 501(c)3.
- 3.) A religious organization.
- 4.) A resource for churches other organizations working to restore troubled teens.
- 5.) Funded by tuition paid by parents and by charitable gifts from donors.

We are NOT:

- 1.) A medical facility.
- 2.) A “lock-down” facility.
- 3.) A “drug-rehab” program, though these services are provided.
- 4.) Funded by any local, state, or government agency.
- 5.) Funded by insurance payments.

We ACCEPT as students adolescents who:

- 1.) Struggle with addiction to drugs, alcohol, electronic media, pornography, etc.
- 2.) Are defiant.
- 3.) Have anger issues.
- 4.) Have issues related to adoption or life-circumstance trauma.
- 5.) Have behavioral disorders such as ADD, ADHD, RAD, ODD.

We DO NOT ACCEPT as students adolescents who:

- 1.) Have acted out or may act out violently against other students or teachers
- 2.) Have bi-polar or schizophrenia issues
- 3.) Have autism spectrum disorders that are beyond the training of staff
- 4.) Are convicted felons.

These lists may not be exhaustive, but represent the top concerns of families who request admission.

SECURITY

Since we are not a “lock-down” facility we are very selective in the students we admit. Students who are a security concern are not admitted, and the initial phase for all students involves a limited wardrobe (shorts, shirt, slippers) to discourage runaway behavior.

Where doors can be locked, they are. Disciplines are given for infractions such as leaving the building and also for leaving campus. Students who leave campus or an approved activity are often given the harshest discipline: the re-starting of their program to day one. This is a huge deterrent.

We maintain a 1:9 staff/student ration while on campus, and 1:6 ratio when we travel off-campus.

If a student becomes violent (rare, maybe 2x in last 3 years) our staff is trained in appropriate ways to neutralize the situation, remove the other students, and safely contain the problem student. Any episode of violence is reported to the police department, and if another student is involved the offended student’s family may press charges, as appropriate. There is a high

expectation in our facility that there will be no violence, there is also no corporal punishment or restraint in the Teen Challenge program. All discipline is handled through staff and recorded in our student management software.

EXCERPTS FROM PLANNING COMMISSION MINUTES

June 1, 2016

CU-16-369, All Generations Church. Requests a conditional use permit to allow for the operation of a group home located at 28 Harpersville Road on a 6.44 acre parcel zoned C1 Retail Commercial. The Parcel No. is 246.00-05-02.

Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Mr. Simmons stated he thinks it is another great adaptive reuse for a facility. He stated Teen Challenge has done a great job and this is a great opportunity for them to expand and be able to continue to help our citizens.

Mr. Groce stated he spoke with a lady who lives directly next door. He stated she was in favor of the application. Mr. Groce stated her family had lived there for several years and the neighbors on the other side of the building did not object. He stated this sounds like a good fit.

Mr. Carpenter opened the public hearing.

Ms. Lindsey Carney, 12350 Jefferson Avenue, Attorney for the applicant, spoke in favor of the application. She thanked Planning staff for their assistance. Ms. Carney gave a brief presentation of the application.

Ms. Willis asked if there would be private homeschooling. Ms. Carney stated they will bring in tutors and teachers. Ms. Willis asked if there is no impact on the local schools. Ms. Carney stated that is correct.

Mr. Mulvaney stated you could not have built a more perfect facility for this use. He stated it was built by the diocese many years ago and set up exactly to maintain an inside environment.

Mr. Charlie Stamback, 1238 Gatewood Road, stated he has been at his address for 67 years. He stated he has seen a lot of changes in the area. Mr. Stamback stated he is not against the applicant. He stated his problem is the traffic. Mr. Stamback stated there is traffic from the high school, Mt. Carmel, a railroad crossing that backs up traffic, and now he will have additional burden by bringing this into his neighborhood. He asked if there was a better place for this use. Mr. Stamback stated he welcomed the group home at the other end of his community and has no problem with them. He asked for help with his traffic problems. Mr. Stamback stated we need an overpass. He stated we have put everything everywhere else in Newport News but have failed to help his community. Mr. Stamback stated he came tonight for help with the traffic problems in his neighborhood. Mr. Carpenter asked if the overpass Mr. Stamback is referring to is the proposed overpass on Harpersville Road going over the railroad tracks. Mr.

Stamback stated yes. He stated it is a two-lane road between Warwick Boulevard and Jefferson Avenue.

Mr. Carpenter asked if there is any update on an overpass on Harpersville Road. Ms. McAllister stated it is still in the plans, but she does not know the timing.

Mr. Stamback stated his grandfather was approached about putting an overpass there in 1963. He stated it is 2016 and nothing has happened. Mr. Stamback asked how long it takes to fix something like this. Mr. Carpenter stated nobody present has an answer for that, but Mr. Stamback should contact City Council.

Mr. Carpenter closed the public hearing.

Mr. Maxwell stated he appreciates everything the applicant has done for the young ladies who are struggling.

Mr. Simmons made a motion to recommend approval of conditional use permit CU-16-369 to City Council, as recommended by staff. The motion was seconded by Mr. Maxwell.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend approval of conditional use permit CU-16-369 to City Council.

ORDINANCE NO. _____

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-369 FOR THE HERINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A GROUP HOME IN A C1 RETAIL COMMERCIAL DISTRICT.

WHEREAS, application number CU-16-369 has been made by **ALL GENERATIONS CHURCH, owner, and MID-ATLANTIC TEEN CHALLENGE, applicant**, for a conditional use permit for the hereinafter described property for the purpose of the operation of a group home in a C1 Retail Commercial District; and

WHEREAS, the application has been referred to the Planning Commission of the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

(a) That conditional use permit number CU-16-369 is hereby granted for the property described in paragraph (b) hereof for the purpose of the operation of a group home in a C1 Retail Commercial District; and

(b) That the property, hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, known and designated as Lot H2, as shown on that certain plat entitled, "Property Line Vacation and Boundary Line Adjustment Plat of the Properties of Home Community Church," dated June 12, 2004, made by A. D. Potts & Associates, and recorded in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia, in Deed Book 2043, at page 1168. Reference to which is here made for a more accurate description of the property herein described.

The Property has a common street address of 28 Harpersville Road and a Real Estate Assessor's Tax I.D. #246.00-05-02.

(c) That this conditional use permit is granted subject to the following conditions, each of which shall be implemented upon approval of this ordinance:

1. 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 the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. 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.

2. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
3. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional 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.
4. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of 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.
5. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
6. 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, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.

7. 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 an amendment to the zoning of the property described in Section (b) hereof 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.

(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of June 28, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

E. Public Hearings

7. Ordinance Authorizing the Vacation of a Portion of 30th Street Adjacent to Jefferson Avenue (Brooks Crossing Project)

ACTION: A REQUEST TO APPROVE AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF A CITY RIGHT-OF-WAY AT 30TH STREET ADJACENT TO JEFFERSON AVENUE.

BACKGROUND:

- The Brooks Crossing Project continues to advance and in order to facilitate development and infrastructure improvements going forward, the vacation of a 1,084 square-foot portion of 30th Street at Jefferson Avenue is being requested so that the right-of-way width will be consistent with other streets in the Project, such as 31st and 32nd.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Vacation of Portion of 30th St at Jefferson Ave
Attachment 1: Illustration of Vacation of portion of 30th Street
sdm14415 Vacating a Poartion of 30th Street

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Brooks Crossing Project - Vacation of a Portion of 30th Street

As the Brooks Crossing Project continues to advance, and in order to facilitate development and infrastructure improvements moving forward, the vacation of approximately 1,084 square-feet of 30th Street right-of-way (see attached plat) is being requested. This vacation of approximately 5 feet of right-of-way along each side of the first 100 feet of 30th Street running back from Jefferson Avenue is being undertaken so that the right-of-way width will be consistent with other streets in the Project, such as 31st and 32nd.

I recommend Council approve the Ordinance, prepared and provided to you by the City Attorney's Office, authorizing the vacation of the referenced areas, as outlined, and authorize me to execute any documents necessary to effectuate the transaction.


James M. Bourey

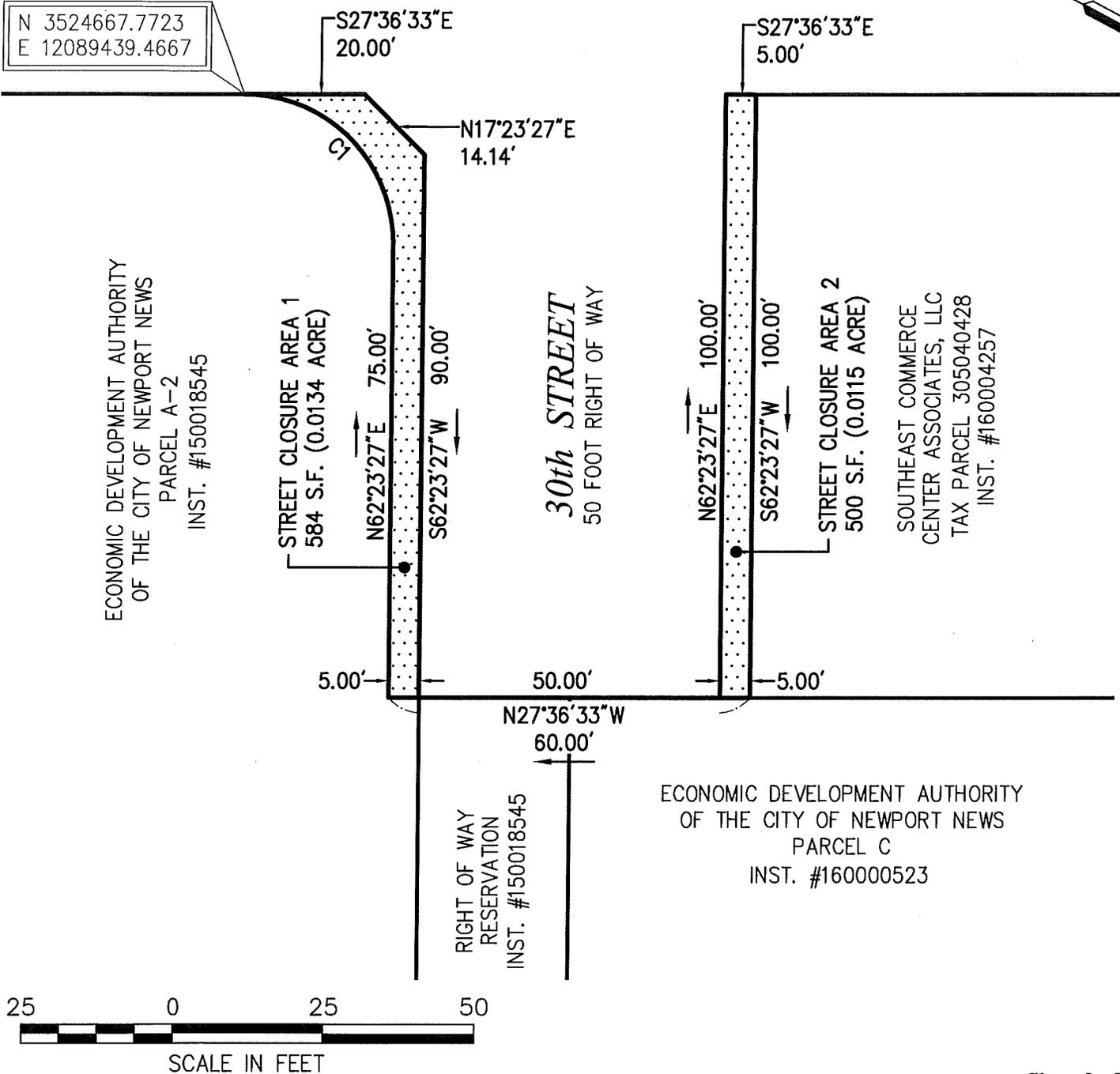
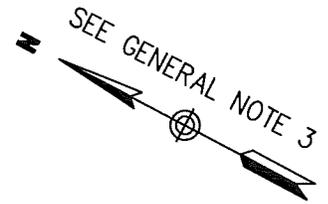
JMB:tcf

Attachment

cc: Florence G. Kingston, Director, Department of Development

JEFFERSON AVENUE

80' PUBLIC RIGHT OF WAY
P.B. 1, PG. 3



Sheet 2 of 2

vhb
Transportation, Land Development
and Environmental Services
Two Columbus Center, 4500 Main Street
Suite 400, Virginia Beach, Virginia 23462
Phone 757/490-0132 • Fax 757/490-0136

Exhibit Showing Right of Way Vacation
Portion of 30th Street
Adjacent to Jefferson Avenue
City of Newport News, Virginia

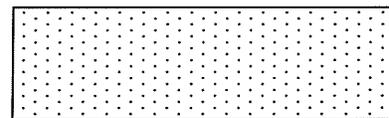
Date	05/25/16
Scale	1" = 25'
VHBCad File Name	33530st-close
Project Number	33530.00

CURVE DATA TABLE						
SEGMENT	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	39.27'	25.00'	090°00'00"	25.00'	35.36'	S17°23'27"W

General Notes

1. THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY BY VHB, INC. AND FROM DEEDS AND PLANS OF RECORDS.
2. PROPERTY LIES IN FLOOD ZONE X SHOWN ON FIRM COMMUNITY NUMBER 510103 0181D DATED 12/9/14
3. MERIDIAN SOURCE: VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD 83 (NSRS2007)

Area Table



TOTAL AREA OF STREET CLOSURE
1,084 S.F. (0.0249 ACRE)

Sheet 1 of 2



Transportation, Land Development and Environmental Services
Two Columbus Center, 4500 Main Street
Suite 400, Virginia Beach, Virginia 23462
Phone 757/490-0132 • Fax 757/490-0136

Exhibit Showing Right of Way Vacation
Portion of 30th Street
Adjacent to Jefferson Avenue
City of Newport News, Virginia

Date	05/25/16
Scale	1" = 25'
VHBCad File Name	33530st-close
Project Number	33530.00

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF THAT CERTAIN STREET KNOWN AS 30TH STREET IN THE CITY OF NEWPORT NEWS, VIRGINIA, AS DESCRIBED HEREIN.

WHEREAS, the City Council has been requested to consider, and the City Manager has recommended, a proposal to discontinue and vacate portions of 30th Street in the City of Newport News (the "City") as described in this ordinance; and

WHEREAS, Virginia Code Section 15.2-2006 establishes the authority of the Council of the City to vacate public rights-of-way; and

WHEREAS, the notice of the proposed action has been published pursuant to the statutory requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended; and

WHEREAS, the procedures required by Section 15.2-2006 have been followed; and

WHEREAS, the Council of the City of Newport News, Virginia, is of the opinion that such vacating and closing would not result in any inconvenience and is in the interest of public welfare.

NOW, THEREFORE, BE ORDAINED by the Council of the City of Newport News, Virginia:

1. That it desires to, and hereby does, close, vacate and discontinue those certain portions of 30th Street from approximately 100 feet southwest of its intersection with Jefferson Avenue to Jefferson Avenue, narrowing the right of way from 60 feet to 50 feet. Said portion of 30th Street to be vacated is shown on Exhibit A attached hereto and made a part hereof.

2. That the City Attorney is hereby directed to record a copy of this ordinance among the deeds and other records in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia.

3. That this ordinance shall be in effect on and after the date of its adoption, June 28, 2016.

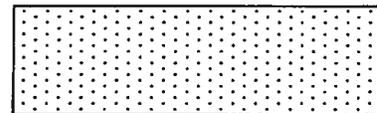


CURVE DATA TABLE						
SEGMENT	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	39.27'	25.00'	090°00'00"	25.00'	35.36'	S17°23'27"W

General Notes

1. THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY BY VHB, INC. AND FROM DEEDS AND PLANS OF RECORDS.
2. PROPERTY LIES IN FLOOD ZONE X SHOWN ON FIRM COMMUNITY NUMBER 510103 0181D DATED 12/9/14
3. MERIDIAN SOURCE: VIRGINIA STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD 83 (NSRS2007)

Area Table



TOTAL AREA OF
STREET CLOSURE
1,084 S.F. (0.0249 ACRE)

Sheet 1 of 2



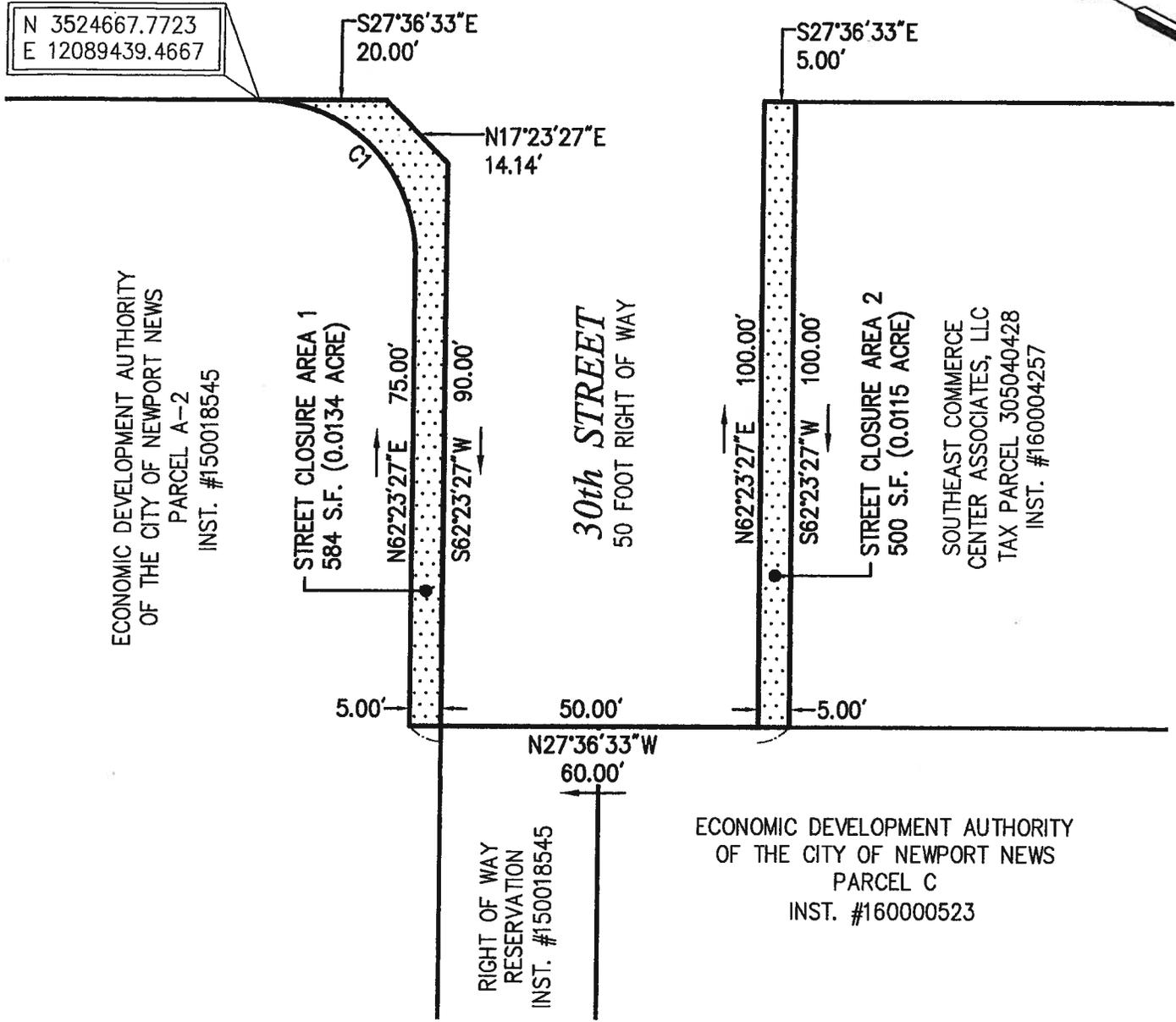
Transportation, Land Development
and Environmental Services
Two Columbus Center, 4500 Main Street
Suite 400, Virginia Beach, Virginia 23462
Phone 757/490-0132 • Fax 757/490-0136

**Exhibit Showing Right of Way Vacation
Portion of 30th Street
Adjacent to Jefferson Avenue
City of Newport News, Virginia**

Date	05/25/16
Scale	1" = 25'
VHBCad File Name	33530st-close
Project Number	33530.00

JEFFERSON AVENUE
 80' PUBLIC RIGHT OF WAY
 P.B. 1, PG. 3

SEE GENERAL NOTE 3



Sheet 2 of 2

Transportation, Land Development and Environmental Services
 Two Columbus Center, 4500 Main Street
 Suite 400, Virginia Beach, Virginia 23462
 Phone 757/490-0132 • Fax 757/490-0136

Exhibit Showing Right of Way Vacation
Portion of 30th Street
Adjacent to Jefferson Avenue
City of Newport News, Virginia

Date	05/25/16
Scale	1" = 25'
VHBCad File Name	33530st-close
Project Number	33530.00

E. Public Hearings

8. Resolution Authorizing the City Manager to Execute a Declaration of Restrictive Covenants for the Purpose of the Atkinson Boulevard Project and Required by the U.S. Army Corps of Engineers

ACTION: A REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DECLARATION OF RESTRICTED COVENANTS REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS TO OBTAIN PROPER PERMITTING FOR THE ATKINSON BOULEVARD PROJECT.

BACKGROUND:

- The Atkinson Boulevard project consists of a new four-lane divided roadway, including a 1,600 foot bridge, and will be a critical east/west connection between Warwick Boulevard and Jefferson Avenue.
- On November 22, 2011, City Council approved a resolution granting authorization to the City Manager to execute all agreements with the Virginia Department of Transportation (VDOT).
- On March 8, 2016 City Council approved a resolution granting authorization to the City Manager to execute any contract, memoranda of agreement with regulatory agencies as required.
- It is necessary to execute a Declaration of Restricted Covenants in order to obtain a U.S. Army Corps of Engineers permit for the project.
- The 30 foot restrictive covenant will protect 2.99 acres of environmentally sensitive wetlands from development along the project corridor.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Restrictive Covenants for Atkinson Blvd Proj
Attachment Location Map Atkinson Boulevard Project
sdm14428 Authorizing re Declaration of Restrictive Covenants

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

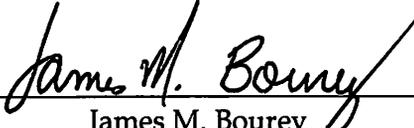
TO: The Honorable City Council
FROM: City Manager
SUBJECT: Declaration of Restrictive Covenants for the Atkinson Boulevard Project

City Council is requested to approve a resolution authorizing the City Manager to execute a declaration of restricted covenants in order to obtain a U.S. Army Corps of Engineers permit for the Atkinson Boulevard Project. The 30-foot restrictive covenant will protect 2.99 acres of environmentally sensitive wetlands from development along the project corridor.

This proposed roadway will be another critical east/west connection between Warwick Boulevard and Jefferson Avenue, similar to Bland Boulevard. The project consists of a new four lane divided roadway including a 1,600 foot bridge that spans both Interstate 64 and the CSXT rail lines, a multi-purpose shared use path, streetlights, landscaping, underground utilities, and improvements to the intersections at Jefferson Avenue and Warwick Boulevard.

On November 22, 2011, City Council approved a resolution granting authorization to the City Manager to execute all agreements with the Virginia Department of Transportation (VDOT). On March 8, 2016, City Council approved a resolution granting authorization to the City Manager to execute any contract and memoranda of agreement with regulatory agencies as required. It is requested that this resolution be in effect on and after the date of the approval on June 28, 2016.

I recommend approval of this resolution.


James M. Bourey

JMB:DEM:plw

Attachment

cc: Everett Skipper, Director, Department of Engineering



CITY OF NEWPORT NEWS, VIRGINIA

ATKINSON BOULEVARD EXTENSION



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, A DECLARATION OF RESTRICTIVE COVENANTS OF THE CITY OF NEWPORT NEWS, VIRGINIA.

WHEREAS, a Location Public Hearing was conducted on November 15, 2007, in the City of Newport News by representatives of the Commonwealth of Virginia, Department of Transportation after due and property notice for the purpose of considering the proposed location of the Atkinson Boulevard Project, UPC 4483 (“the Project”), in Newport News, at which hearing aerial photographs, drawings, and other pertinent information were made available for public inspection in accordance with state and federal requirements; and

WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and

WHEREAS, representatives of the City of Newport News were present and participated in said hearing; and

WHEREAS, the Council was presented information and recommendations from the City Manager concerning the Project; and

WHEREAS, on February 12, 2008, the Council adopted Resolution 11562-08 to program the Project; and

WHEREAS, on November 22, 2011, Council adopted Resolution 12226-11 to grant the City Manager authority to execute and the City Clerk to attest all agreements with the Virginia Department of Transportation; and

WHEREAS, on March 8, 2016, Council approved Resolution 12901-16 authorizing the City Manager to execute any documents required by the United States Army Corps of Engineers in order to obtain proper permitting for the project; and

WHEREAS, one of the requirements of issuing the permit is for the City to record a Declaration of Restrictive Covenants (“the Declaration”), a copy of which is attached, which will restrict uses that substantially impact water quality on and flowing from the site of the Project; and

WHEREAS, Virginia Code §15.2-1800(B) requires that the Declaration be approved by Council after a public hearing;

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

1. That, a public hearing having been conducted on June 28, 2016, it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, the Declaration.

2. That this resolution shall be in effect on and after the date of its adoption, June 28, 2016.

DECLARATION OF RESTRICTIVE COVENANTS

OF

THE CITY OF NEWPORT NEWS, VIRGINIA
(Owner)

THIS DECLARATION OF RESTRICTIVE COVENANTS (“Declaration”) is made this 28th day of June, 2016, by THE CITY OF NEWPORT NEWS, Owner.

RECITALS

WHEREAS, THE CITY OF NEWPORT NEWS is the owner (“Owner”) in fee of the real property, rights and interests (including in wetlands, submerged lands, uplands, and associated riparian/littoral rights) (“Property”), comprising of Parcel 1 and Parcel 2 with a total of 62.14 acres ± located in the City of Newport News, Virginia. Parcel 1 is known as 15402 Warwick Boulevard (25.15 acres), GPIN #078000401, it being the same property conveyed to the City by deed from Conoc Investments dated September 26, 1989 and duly recorded in the Clerk’s Office of the Circuit Court of the City of Newport News in Deed Book 1209, Page 2432 and Deed Book 1209, Page 2434. Parcel 2 is known as 13101 Jefferson Avenue (36.99 acres), GPIN #065000126, it being the same property conveyed to the City by deed from NewDunn Associates dated February 22, 2012 and duly recorded in the Clerk’s Office of the Circuit Court of the City of Newport News as Instrument No. 120003412 and both are shown on Exhibit A attached hereto.

WHEREAS, Owner plans a transportation project to be known as “Atkinson Boulevard,” completion of which will result in a discharge of dredged or fill material that requires authorization through a Department of the Army Permit (“DA Permit”);

WHEREAS, Owner obtained authorization for certain impacts to Waters of the U.S. through DA Permit Number NAO-2006-05076, issued on April 13, 2016, by the U.S. Army Corps of Engineers, Norfolk District (“USACE”) in accordance with Section 404 of the Clean Water Act, 33 U.S.C. § 1344;

WHEREAS, Owner obtained authorization through Virginia Department of Environmental Quality (DEQ) Permit Number 15-0421, issued on October 6, 2015, by the DEQ in accordance with State Water Control Law Sections 62.1-44.5 and 62.1-44.15:20 for impacts to State Waters.

WHEREAS, the Properties include a total of 2.99 acres of wetlands and upland buffers (the “Preservation Areas”) as shown on the map, dated November 20, 2015 and recorded with this Declaration of Restrictive Covenants as Exhibit B;

WHEREAS, DA Permit Number NAO-2006-05076 /DEQ Permit Number 15-0421 requires that Owner (i.e., Permittee) address the potential for secondary/indirect wetland impacts as a result of the construction of Atkinson Boulevard, and Owner (Permittee) has chosen to satisfy this requirement, in part, by preserving a 30-foot wide buffer along the road frontage on the Properties;

WHEREAS, the USACE and the DEQ have determined that the Owner's proposal to use portions of the Properties, the Preservation Areas, are acceptable to reduce the chance of secondary/indirect wetland impacts associated with DA Permit Number NAO-2006-05076 and DEQ Permit Number 15-0421;

WHEREAS, Owner has chosen to record this Declaration of Restrictive Covenants expressing Owner's intent to preserve 1.77 acres of the Property (the "Preservation Area") as shown on Exhibit B entitled "Atkinson Blvd. 30' Conservation Buffer" which is attached as Exhibit B, Sheet 1 of 2 and preserve 1.22 acres of the Property as shown on Exhibit B entitled "Jefferson 30' Conservation Buffer" which is attached as part of Exhibit B, Sheet 2 of 2 to comply with DA Permit Number NAO-2006-05076 and DEQ Permit Number 15-0421 as well as USACE and DEQ regulations;

NOW THEREFORE, for good and valuable consideration as set forth above, Owner does hereby declare, covenant and agree, for itself and its successors and assigns, that said Properties described as shown on Exhibit B entitled "Atkinson Blvd. 30' Conservation Buffer" which is attached as Exhibit B, Sheet 1 of 2 and as shown on Exhibit B entitled "Jefferson 30' Conservation Buffer" which is attached as part of Exhibit B, Sheet 2 of 2 shall be hereafter held, occupied, used, leased, transferred, and sold subject to the following Restrictive Covenants which shall run with the land and be binding on Owner and all of Owner's heirs, successors, assigns, lessees, and any other occupiers or users.

COVENANTS AND RESTRICTIONS

1. **Recordation.** Owner shall ensure that this Declaration is recorded in the land records of the office of the Clerk of the Circuit Court of the City of Newport News, Virginia, and shall ensure that this Declaration is indexed against the land records for the Property. Owner shall ensure that these Covenants and Restrictions run with the Property in perpetuity and be binding on Owner and its successors, assigns, lessees, and any other occupiers or users of the Property.
2. **Conservation Purpose.** Owner declares, for itself and its successors and assigns, that the Property shall hereafter be held exclusively for conservation purposes, unless otherwise provided herein.

3. **Restrictions on Owner's Activities.** The Property described as shown on Exhibit B entitled "Atkinson Blvd. 30' Conservation Buffer" which is attached as Exhibit B, Sheet 1 of 2 and as shown on Exhibit B entitled "Jefferson 30' Conservation Buffer" which is attached as part of Exhibit B, Sheet 2 of 2, attached hereto shall be preserved in perpetuity in its natural state, by **prohibiting** the following activities:

a. Destruction or alteration of the Preservation Areas shown on Exhibit B, provided that the following activities are not prohibited by this Declaration if Owner first obtains **USACE and DEQ approval**, which shall not be unreasonably delayed or withheld, and provided further that nothing in this Declaration shall be construed to provide any USACE or DEQ authorization that would normally be required by law or regulation:

i. Alteration and associated improvements, such as nature trails and interpretive stations, proposed to be built by The City of Newport News, or its successors;

ii. Alteration to construct structures such as walkways, boardwalks, foot trails, wildlife observation or management structures, benches, observation decks, picnic tables, fence posts, and ecological, biological, hydrological or chemical monitoring, observation or management equipment including, without limitation, monitoring wells, or interpretive stations, or other structures, provided that:

1. any such structures permit, and do not impede, the natural movement of water, and

2. structures and/or facilities do not significantly affect the chemical, physical, and biological integrity of other covered waters

3. such facilities are constructed and maintained in accordance with all applicable federal and state laws;

iii. Alteration for the construction, maintenance and operation of public facilities including utilities, franchise utilities, transportation projects, roads, widening of roads and appurtenant structures including ramps, driveways, sidewalks, vaults, poles, pipes, accessory buildings and related items.

iv. Addition of signs constructed in public right of ways by or on behalf of the Virginia Department of Transportation or other governmental agencies;

v. Removal of vegetation (where not precluded by federal or state law) when conducted for

1. Removal of noxious or invasive plants; or

2. Public safety purposes

- vi. Planting of native species of plants by hand for aesthetic landscaping or screening purposes; and
 - vii. Alteration as reasonably necessary to comply with state or federal law or appropriate court order.
- b. Construction, maintenance or placement of any structures including but not limited to buildings, building pads, and mobile homes, other than those which currently exist.
 - c. Substantial alteration of the physical, chemical, or biological properties of Waters of the U.S. or State Waters, including but not limited to the alteration of wetland acreage and their associated buffers, land clearing, ditching, draining, diking, damming, filling, excavating, grading, plowing, flooding/ponding, mining, drilling, placing of trash and yard debris or removing/adding topsoil, sand, or other materials, and the loss of functions in any surface waters or their associated buffer (except as may be necessary on a case-by-case basis with prior written approval by the USACE and DEQ;
 - d. Permitting livestock to graze, inhabit or otherwise enter the Preservation Area.
 - e. Harvesting, cutting, logging, and pruning of trees and plants, or using fertilizers and spraying with biocides;
 - f. Utilizing a non-reporting Nationwide Permit or State Program General Permit under Section 404 of the Clean Water Act or state general permits under VWPP regulations to impact any Water of the U. S., or any State Waters on the Preservation Area. Notification shall be required for the use of any Nationwide Permit, State Program General Permit, Regional Permit, or state general permit under VWPP regulations; and
 - g. Further subdividing the Preservation Area as shown on Exhibit B.
4. **Other Restrictions.** Owner represents and warrants that no restriction of record on the use of the Property, nor any presently existing future estate or interest in the Property, nor any lien, obligation, covenant, limitation, lease, mortgage, or encumbrance of any kind precludes the imposition or maintenance of this Declaration or the Restrictions established in this Declaration.
5. **Notice of Legal Action.** The USACE and DEQ shall be provided with a 60-day advance written notice of any legal action concerning this Declaration or of any action to extinguish, void or modify this Declaration in whole or in part. Any such notice period shall extend any applicable limitations of actions.

6. **Survival of Restrictions.** This Declaration is intended to survive foreclosure, bankruptcy, condemnation or judgments affecting the Property, to the extent of applicable law.
7. **Amendment.** This Declaration of Restrictive Covenants shall not hereafter be altered in any respect without the express written approval and consent of the Owner or its successor in interest and the USACE and DEQ. In order to vacate, modify, or amend this Declaration after recording, the Owner or its successor must (1) notify the USACE and DEQ of the intended vacation, modification, or amendment; and (2) obtain written approval from the USACE and DEQ, indicating that such vacation, modification, or amendment does not cause non-compliance with the compensatory mitigation requirements being satisfied by the Property. Any amendments must be recorded in the land records for the Property.
8. **Compliance Inspections and Enforcement.** The USACE, DEQ, and their authorized agents shall be allowed to enter and go upon the Property at reasonable times and under reasonable circumstances, to inspect the Property and take actions necessary to verify compliance with these restrictive covenants. Unless prior arrangements have been made with the property owner, any inspection and compliance verification activities undertaken during normal business hours shall be deemed reasonable time and circumstance. Nothing contained herein shall make an inspection time unreasonable during an emergency. The USACE and DEQ may enforce the Restrictions through any means permitted by law, including any proceeding at law or in equity, provided that no violation of the Restrictions contained in this Declaration shall cause a forfeiture or reversion of title. Failure by any agency (or owner) to enforce any covenant of restriction contained herein shall in no event be deemed a waiver of the right to do so thereafter.
9. **Effect of Prior Encumbrances.** Should a servitude, interest, right, or lease on or to the Property, not acknowledged herein, listed in Exhibit C, or identified on Exhibit B, and prior in time and recording to this Declaration of Restrictions, or unrecorded, or an alteration or amendment of this Declaration of Restrictions be exercised in such a manner that it conflicts with or voids the prohibited uses of the Property set out in this Declaration of Restriction, then the Owner and its successors, assigns, lessees, and any other occupiers or users of the Property, shall be responsible for providing alternative compensatory mitigation in such amounts and of such service and function as the USACE and/or DEQ (or their successors in interest) shall determine in their sole reasonable discretion, in accordance with the Clean Water Act and/or Sections 62.1-44.15:20-23 of the Code of Virginia.
10. **Eminent Domain.** The Owner shall notify the USACE and DEQ, within 30 days, if any party initiates eminent domain proceedings involving the Mitigation Area.
11. **Severability Provision.** The provisions hereof shall be deemed individual and severable and the invalidity or partial invalidity or unenforceability of any one provision or any portion thereof shall not affect the validity or enforceability of any other provision thereof.

12. **Notice to Government.** Any permit application or request made to any government entity, which would affect the Mitigation Area on the Property, shall provide notice and copy of this Declaration of Restrictions to the government entity.
13. **Property Transfers.** Owner covenants to provide notice of this Declaration of Restrictions on any legal instrument used to convey any interest in the Property, provided that failure to include such notice shall not extinguish or otherwise impair the validity or enforceability of the Restrictions and Covenants established by this Declaration.

WITNESS the following signature the day and year first above written.

City of Newport News

BY: _____
James A. Bourey, City Manager

Commonwealth of Virginia, City of _____, to wit:

I, _____, a notary public for the state and city aforesaid, do certify that James M. Bourey, City Manager, whose name was signed on _____, ____ in his capacity on that date to the foregoing document has acknowledged said document and signature before me in the city aforesaid.

Given under my hand and notary seal this _____ day of _____, _____.

Notary Public

My commission expires _____.

Approved as to Form

Attest

City Attorney

City Clerk

sdm14421



THIS DEED, made this 26th day of September, 1989, by and between CONCO INVESTMENT COMPANY, a Virginia limited partnership, party of the first part; and THE CITY OF NEWPORT NEWS, VIRGINIA, a municipal corporation, party of the second part.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the party of the first part does hereby grant and convey with GENERAL WARRANTY and with ENGLISH COVENANTS OF TITLE, unto the party of the second part, the following described property, to wit:

All that certain tract or parcel of land located in the City of Newport News, Virginia, containing 46.299 acres, designated and described as PARCEL "A" as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF CITY OF NEWPORT NEWS, PARCELS 'A', 'B', & 'C', 102.764 AC.", made by J. K. Alvis, Jr., Certified Land Surveyor, dated August 30, 1989, a copy of which said plat is attached hereto and hereby made a part of this description by this reference.

Together with all and singular the buildings and improvements thereon, rights and privileges, tenements, hereditaments, easements and appurtenances unto the said land belonging or in anywise appertaining.

Subject, however, to any and all covenants, restrictions, easements, rights of way, agreements and conditions of record affecting said property.

Whenever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall include all other genders.

WITNESS the following signature.

CONCO INVESTMENT COMPANY, a Virginia limited partnership

By: J. C. Harrison
J. C. Harrison, Sole General Partner

STATE OF VIRGINIA

CITY OF HAMPTON, to-wit:

The foregoing instrument was acknowledged before me this 26th
 day of September, 1989, by J. C. Harrison, Sole General Partner of
 Conco Investment Company, a Virginia limited partnership, for and on behalf of
 the partnership.

My commission expires 3/12/91

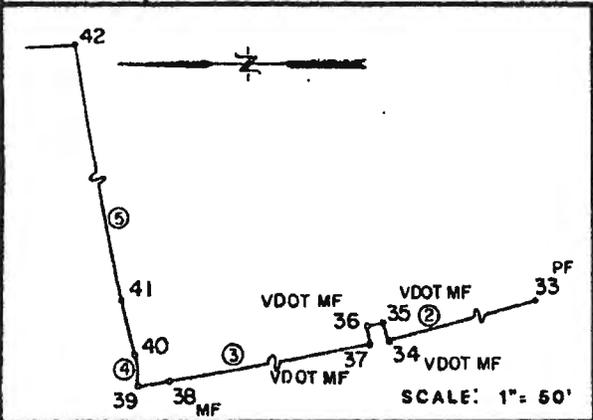
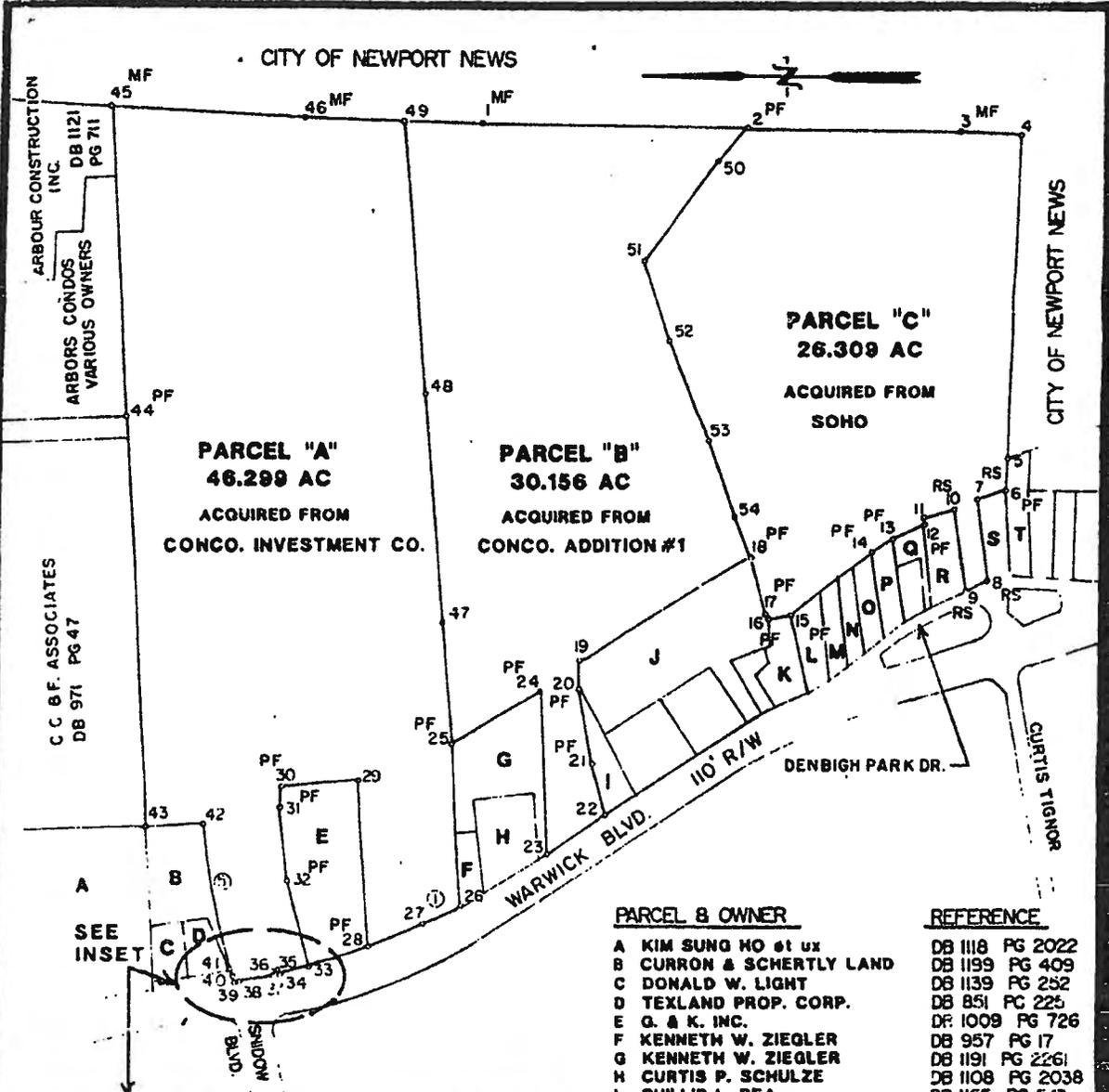
Victoria S. Gulbranson
 Notary Public

d:\rd1\109deed.29h
 89-209.32

VIRGINIA: City of Newport News, to-wit
 In the Clerk's Office of the Circuit Court for the City of Newport
 News, the 12 day of Dec., 1989. This Dced was
 presented with the certificate annexed, and admitted to record at
3:41 o'clock P. M.

Teste: REX A. DAVIS, Clerk

By [Signature]



PARCEL B OWNER

PARCEL B OWNER	REFERENCE
A KIM SUNG HO et ux	DB 1118 PG 2022
B CURRON & SCHERTLY LAND	DB 1199 PG 409
C DONALD W. LIGHT	DB 1139 PG 252
D TEXLAND PROP. CORP.	DB 851 PG 225
E G. & K. INC.	DF 1009 PG 726
F KENNETH W. ZIEGLER	DB 957 PG 17
G KENNETH W. ZIEGLER	DB 1191 PG 2261
H CURTIS P. SCHULZE	DB 1108 PG 2038
I PHILLIP L. REA	DB 1155 PG 543
J LEAGUE OF PRESBYTERY INC.	DB 1124 PG 785
K KENNETH R. WALLACE	DB 1100 PG 327
L LAMBERTO O. BRAZA	DB 1119 PG 2436
M RAYMOND D. NATIONS	DB 1187 PG 1141
N HARRY M. CAMPBELL	DB 1010 PG 387
O HARRY M. CAMPBELL	DB 1010 PG 387
P HARRY M. CAMPBELL	DB 1010 PG 387
Q ALBERT G. PULLIAM	DB 839 PG 358
R EARNEST PERKINS	DB 78 PG 155
S WILLIAM I. GARRETT	DB 807 PG 617
T LOUIS J. SCHUCK	DB 1098 PG 1712

LEGEND
 PF — PIPE FOUND
 MF — MONUMENT FOUND
 RS — ROD SET
 VDOT MF—VA DEPT. OF TRANSPORTATION MONUMENT FOUND

I certify that this perimeter survey is correct to the best of my knowledge and belief, subject to easements, servitudes, and townships boundaries.

J. K. ALVIS, JR.
 JAMES K. ALVIS, JR.
 CERT. NO. 54-17-3 (s) 1025
 C.L.S. 1025
 FB. 76 Pg. 12

COMMONWEALTH OF VIRGINIA
 CERTIFIED SURVEYOR

CITY OF NEWPORT NEWS
 DEPT. OF ENGINEERING

PLAT OF THE PROPERTY OF
CITY OF NEWPORT NEWS
PARCELS "A", "B", & "C"
102.764 AC

SCALE: 1" = 400'
 DATE: 8/30/89

DRN. BY: SWS
 APR. BY: [Signature]



BK 1209162435

1 TO 2 = S 01°23'30" W 777.16'
 2 TO 3 = S 00°26'43" W 606.26'
 3 TO 4 = S 02°23'20" W 181.74'
 4 TO 5 = N 88°07'17" W 956.89'
 5 TO 6 = N 87°38'54" W 95.25'
 6 TO 7 = N 22°57'39" W 84.74'
 7 TO 8 = S 84°14'33" W 254.20'
 8 TO 9 = N 18°57'32" W 61.03
 9 TO 10 = N 82°05'31" E 250.48'
 10 TO 11 = N 21°34'54" W 100.00'
 11 TO 12 = S 82°16'36" W 3.62'
 12 TO 13 = N 30°33'51" W 104.11'
 13 TO 14 = N 34°25'31" W 79.50'
 14 TO 15 = N 38°55'57" W 290.55'
 15 TO 16 = N 09°20'57" W 65.87'
 16 TO 17 = N 81°41'16" E 14.58'
 17 TO 18 = N 74°23'03" E 174.68'
 18 TO 19 = N 31°24'37" W 581.75'
 19 TO 20 = S 89°36'13" W 79.75'
 20 TO 21 = S 80°37'12" W 226.43'
 21 TO 22 = S 75°44'00" W 153.39'
 22 TO 23 = N 33°50'51" W 202.67'
 23 TO 24 = N 86°49'10" E 480.10'
 24 TO 25 = N 31°58'38" W 298.32'
 25 TO 26 = S 86°49'10" W 480.41'
 26 TO 27 SEE CURVE DATA # 1
 27 TO 28 = N 22°07'21" W 160.63'
 28 TO 29 = N 86°16'14" E 482.51'
 29 TO 30 = N 03°45'11" W 236.00'

30 TO 31 = S 86°17'35" W 62.08'
 31 TO 32 = S 86°10'09" W 224.10'
 32 TO 33 = S 73°44'35" W 254.66'
 33 TO 34 = SEE CURVE DATA # 2
 34 TO 35 = N 77°38'27" E 7.00'
 35 TO 36 = N 12°13'09" W 6.70'
 36 TO 37 = S 77°55'15" W 7.00'
 37 TO 38 = SEE CURVE DATA # 3
 38 TO 39 = N 07°27'06" W 10.64'
 39 TO 40 = SEE CURVE DATA # 4
 40 TO 41 = N 73°42'16" E 18.02'
 41 TO 42 = SEE CURVE DATA # 5
 42 TO 43 = N 03°32'04" W 165.00'
 43 TO 44 = N 86°27'56" E 1205.81'
 44 TO 45 = N 86°27'56" E 924.43'
 45 TO 46 = S 03°13'45" W 556.00'
 46 TO 1 = S 01°30'10" W 520.44'
 25 TO 47 = N 86° 50' 05" E 345.30'
 47 TO 48 = N 86°50'26" E 680.95'
 48 TO 49 = N 86°48'00" E 816.96'
 49 TO 1 = S 01°30'10" W 174.61'
 49 TO 46 = N 01°30'10" E 345.83'
 2 TO 50 = N 49°45'56" W 122.64'
 50 TO 51 = N 55°21'45" W 360.16'
 51 TO 52 = S 72°08'00" W 248.90'
 52 TO 53 = S 67°52'55" W 315.87'
 53 TO 54 = S 71°56'35" W 236.00'
 54 TO 18 = S 74°21'15" W 131.44'

No.	RADIUS	DELTA	CHORD	ARC	CHORD BEAR.
①	1377.39'	05°00'06"	120.20'	120.24'	N 24°37'24" W
②	1377.39'	03°53'33"	93.55'	93.57'	N 14°18'18" W
③	1377.39'	04°37'38"	111.20'	111.23'	N 09°45'56" W
④	25.00'	27°10'51"	11.75'	11.86'	N 87°17'24" E
⑤	1985.61'	12°45'40"	441.33'	442.24'	N 80°05'06" E
CURVE DATA TABLE					



CITY OF NEWPORT NEWS
DEPT. OF ENGINEERING

PLAT OF THE PROPERTY OF
CITY OF NEWPORT NEWS
PARCELS "A", "B", & "C"
102.764 AC

SCALE: AS SHOWN	DRN. BY: M J H
DATE: AUG. 29, 1986	APR. BY:

120003412

*This Document Prepared By:
David, Kamp & Frank, L.L.C.
739 Thimble Shoals Boulevard, Suite 105
Newport News, VA 23606*

*After Recording Return to:
City Of Newport News
2400 Washington Ave.
Newport News, VA 23607*

Tax Parcel No.: A portion of 065 00 01 19

**THIS TRANSACTION IS EXEMPT FROM GRANTOR'S TAXES
PURSUANT TO SECTION 58.1-811(A)(3) OF THE CODE OF VIRGINIA
1950, AS AMENDED.**

DEED

Consideration: \$950,000.00

THIS DEED, made this 22nd day of February, 2012, by and between **NEWDUNN ASSOCIATES, L.L.P.** (successor-in-interest to Newdunn Associates, a Virginia joint venture), a Virginia limited liability partnership, whose mailing address is 500 East Main Street, Suite 1424, Norfolk, Virginia 23510, Grantor, and the **CITY OF NEWPORT NEWS, VIRGINIA**, a municipal corporation organized and existing under the laws of the Commonwealth of Virginia, Grantee, whose mailing address is c/o City Attorney, City Hall, 2400 Washington Avenue, Newport News, Virginia 23607.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant and convey, with SPECIAL WARRANTY OF TITLE, unto City, its successors and assigns, in fee simple absolute, the following described property, to-wit:

All that certain, lot, piece of parcel of land situate, lying and being in the City of Newport News, Virginia, containing 37 acres, more or less, identified as Parcel D

on that certain subdivision plat entitled, "Subdivision Plat Newdunn Associates, L.L.P. prepared by Hoggard-Eure Associates, P.C." dated October 5, 2011, recorded in the Clerk's Office of the City of Newport News, Virginia, as Instrument No. 120002838 on February 21, 2012.

Together with all and singular the buildings and improvements thereon, rights and privileges, tenements, hereditaments, easements and appurtenances unto the said land belonging or in anywise appertaining.

Being the same property conveyed to Newdunn Associates, a Virginia joint venture, from Newjeff Corp. by Deed dated January 24, 1977, and duly recorded on February 15, 1977 in the Clerk's Office aforesaid in Deed Book 944, page 563, said Deed being corrected by Deed of Correction dated January 24, 1977, and duly recorded on February 17, 1977 in the Clerk's Office aforesaid, in Deed book 945, page 78.

Newdunn Associates, a Virginia joint venture, was a Virginia general partnership which was converted to Newdunn Associates, L.L.P., a Virginia limited liability partnership, pursuant to § 50-73.11:3, Code of Virginia, 1950, as amended, on August 11, 1997, on which date the State Corporation Commission of Virginia issued a Statement of Registration in the name of Newdunn Associates, L.L.P. § 50.73.11:4 provides, inter alia, as follows:

B. When such conversion takes effect:

1. The title to real estate and other property owned by the converting general partnership remains vested in the converted limited partnership;

TO HAVE AND TO HOLD the said property unto the City, its successors and assigns in fee simple absolute.

WITNESS the following signatures and seals:

NEWDUNN ASSOCIATES, L.L.P., a
Virginia limited liability partnership

By: [Signature] (SEAL)
James M. Caplan, Manager

By: [Signature] (SEAL)
Lawrence Fleder, Manager

COMMONWEALTH OF VIRGINIA
City of Roanoke, to wit:

The foregoing instrument was acknowledged before me this 20th day of February, 2012,
by James M. Caplan and Lawrence Fleder, Managers of Newdunn Associates, L.L.P., a Virginia
limited liability partnership, on behalf of said partnership.

[Signature]
Notary Public
Registration No.: 213995



ACCEPTED BY
[Signature]
Neil A. Morgan, City Manager

ATTESTED
[Signature]
City Clerk

APPROVED
[Signature]
Deputy City Attorney

DOC NO. 20003412
RECORDED

2012 MAR -1 AM 8:56
550

NEWPORT NEWS CIRCUIT COURT
REX A. DAVIS, CLERK BY

[Signature]

PROJECT MANAGER: JERRY DICKSON
 SURVEYED BY: DAVID FREDRICK ASSOCIATES, INC. 2/14/2016
 DRAWN BY: JERRY DICKSON
 SUBSEQUENT VISIT BY: DAVID FREDRICK ASSOCIATES, INC. 2/14/2016

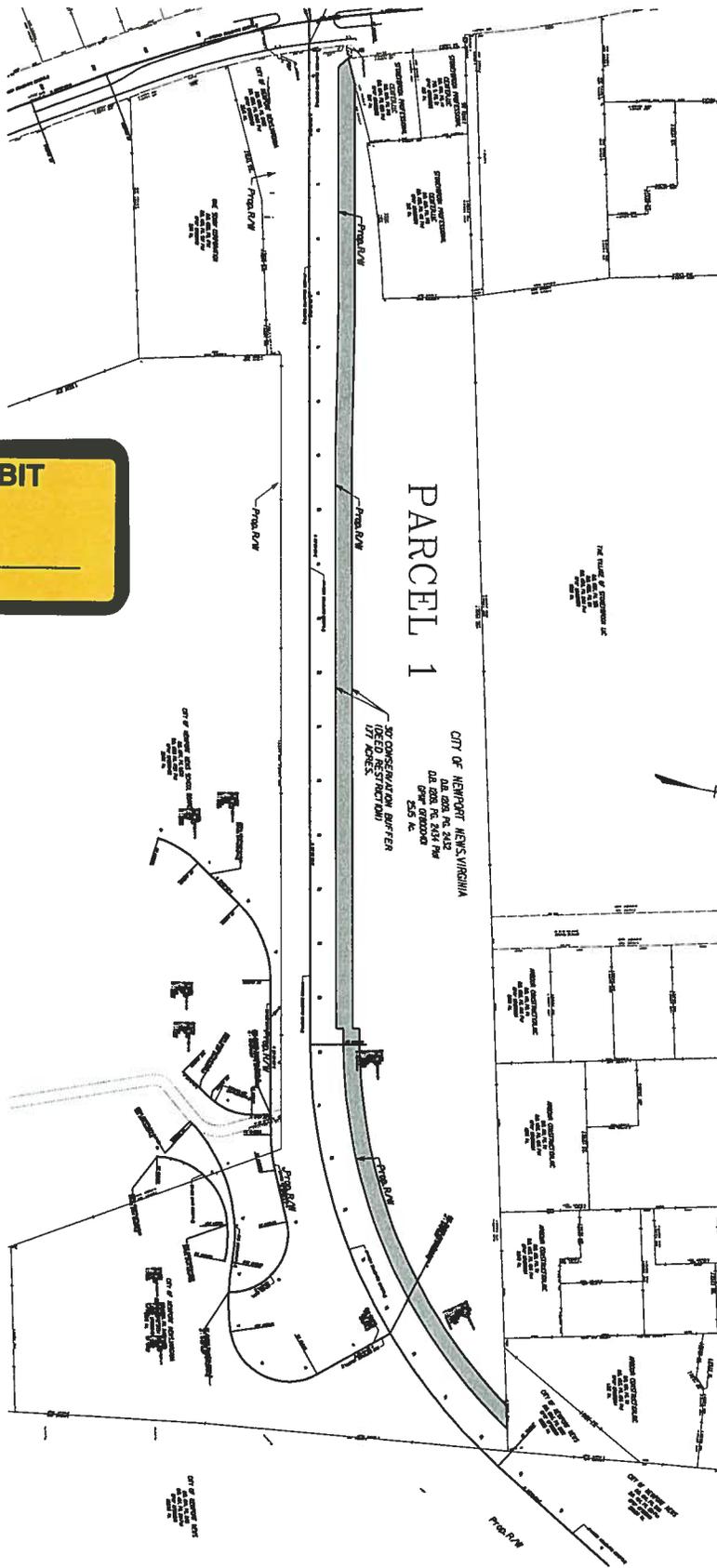


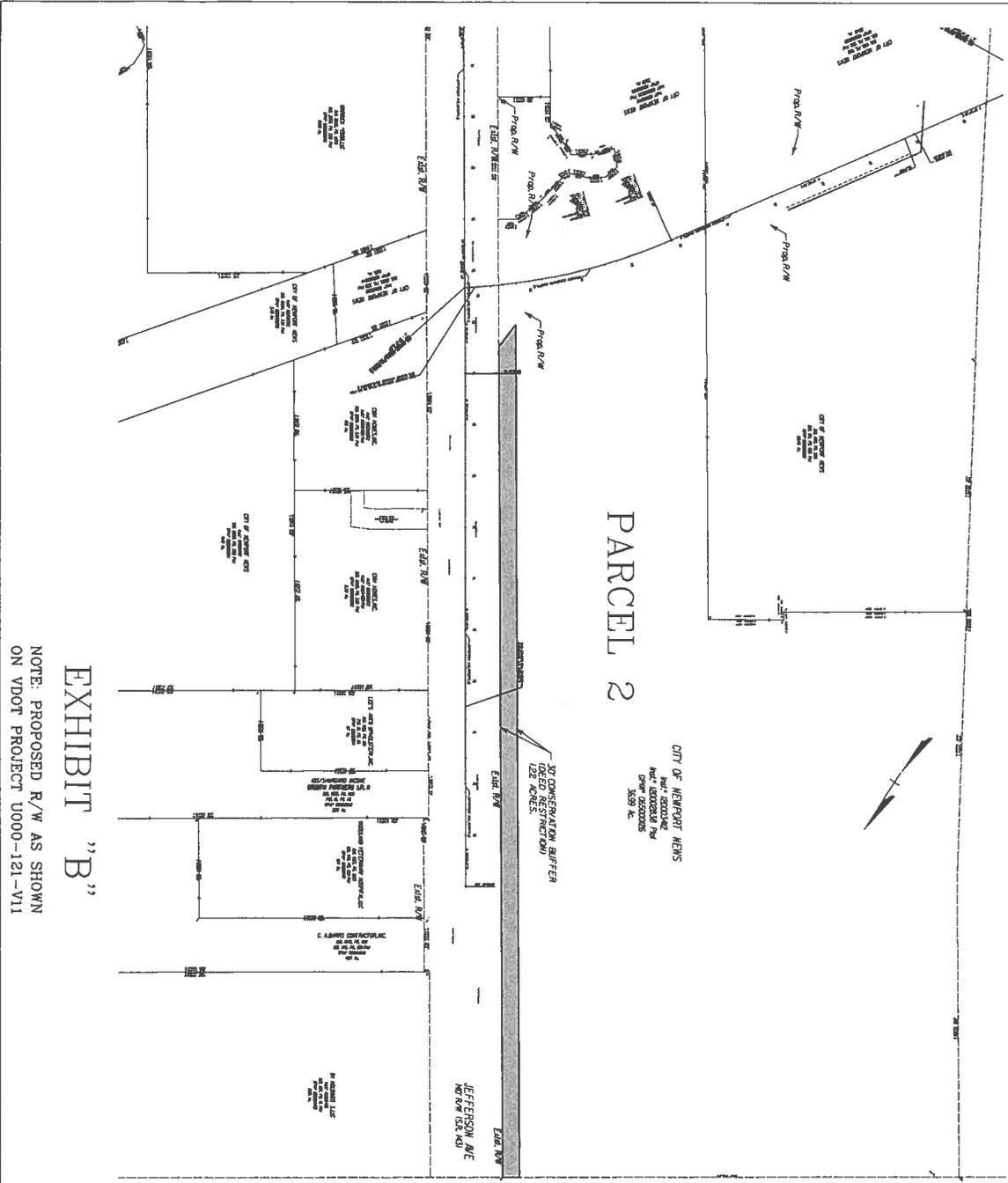
EXHIBIT
B

NOTE: PROPOSED R/W AS SHOWN
 ON VDOT PROJECT U000-121-V11



SHEET 1 OF 2	JOB TITLE ATKINSON BLVD. 30' CONSERVATION BUFFER VDOT PROJECT: U000-121-V11 UPC NO. 4483	CITY OF NEWPORT NEWS DEPARTMENT OF ENGINEERING 2400 WASHINGTON AVE. NEWPORT NEWS, VA. 8th FLOOR PHONE: 926-8611	DATE _____ _____ _____ _____	REVISIONS _____ _____ _____ _____	DESIGNED _____ DRAWN by _____ CHECKED _____ APPROVED: DIRECTOR OF ENGINEERING Date NOV. 20, 2015	
	PROJECT MANAGER: JERRY DICKSON SURVEYED BY: DAVID FREDRICK ASSOCIATES, INC. 2/14/2016 DRAWN BY: JERRY DICKSON SUBSEQUENT VISIT BY: DAVID FREDRICK ASSOCIATES, INC. 2/14/2016					

PROJECT: WATERWAY DESIGN STUDIES
 DRAWN BY: DATE: 05/13/2015
 CHECKED BY: DATE: 05/13/2015
 APPROVED BY: DATE: 05/13/2015
 SUBMITTER: VDOT PROJECT U000-121-V11



PARCEL 2

CITY OF NEWPORT NEWS
 MAP: 00000142
 MAP: 00000142 PA
 DATE: 05/13/2015
 3:59 PM

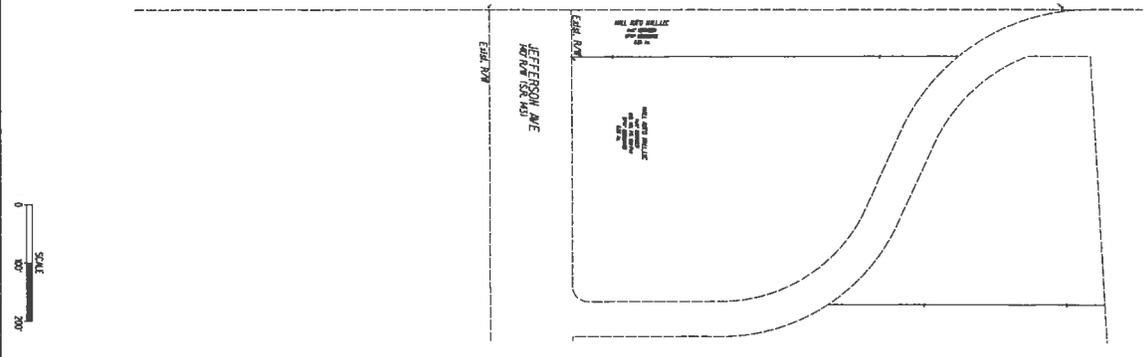
30' CONSERVATION BUFFER
 1.22 ACRES

JEFFERSON AVE
 NO. 10153-10

JEFFERSON AVE
 NO. 10153-10

EXHIBIT "B"

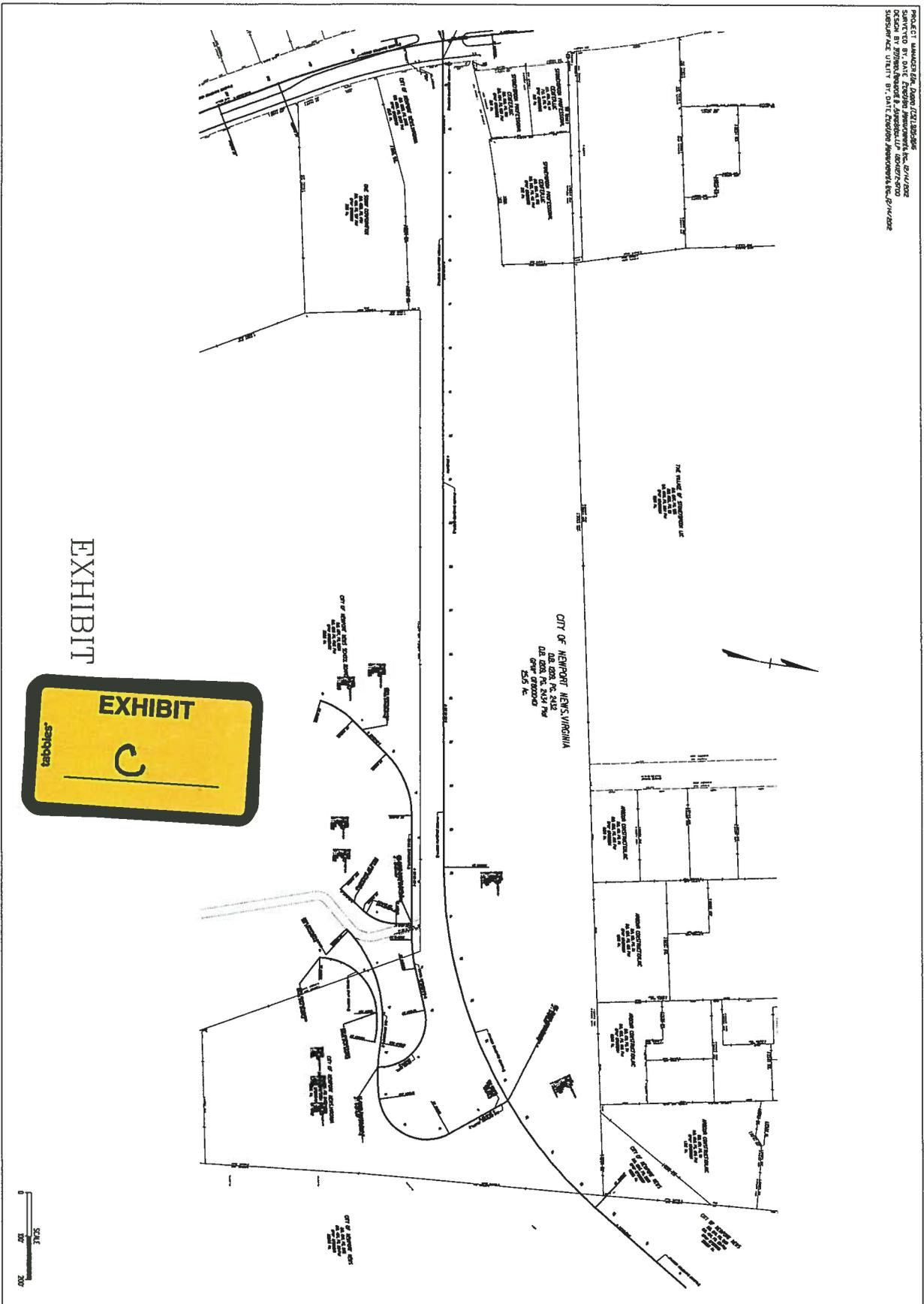
NOTE: PROPOSED R/W AS SHOWN
 ON VDOT PROJECT U000-121-V11



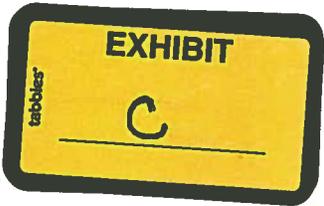
SHEET 2 of 2	JEFFERSON AVE. 30' CONSERVATION BUFFER VDOT PROJECT: U000-121-V11 UPC NO. 4483	CITY OF NEWPORT NEWS DEPARTMENT OF ENGINEERING 2400 WASHINGTON AVE. NEWPORT NEWS, VA. 8TH FLOOR PHONE: 926-8611	DATE	REVISIONS	DESIGNED
					DRAWN BY
					CHECKED
					APPROVED: DIRECTOR OF ENGINEERING
					Date: MAY 20, 2015



PROJECT: WASHINGTON BLVD. DRIVE/CDT 2805/2810
 SURVEYED BY: DATE: ENGINEER: APPROVED: DATE: 2012
 SUBMITTED: UTILITY BY: DATE: ENGINEER: APPROVED: DATE: 2012



EXHIBIT



SHEET 1 of 2	JOB TITLE ATKINSON BLVD. 30' CONSERVATION BUFFER VDOT PROJECT: U000-121-V11 UPC NO. 4483	CITY OF NEWPORT NEWS DEPARTMENT OF ENGINEERING 2400 WASHINGTON AVE. NEWPORT NEWS, VA. 8TH FLOOR PHONE 926-8511	DATE	REVISIONS	DESIGNED	
					DRAWN by	
		CHECKED				
		APPROVED: DIRECTOR OF ENGINEERING Date: NOV. 28, 2012.				

PROJECT MANAGER: Dave Frost
 DATE: 05/13/2016
 DRAWN BY: Dave Frost
 CHECKED BY: Dave Frost
 APPROVED BY: Dave Frost
 SUBMITTER: UTILITY BY DATE CREATION: 05/13/2016

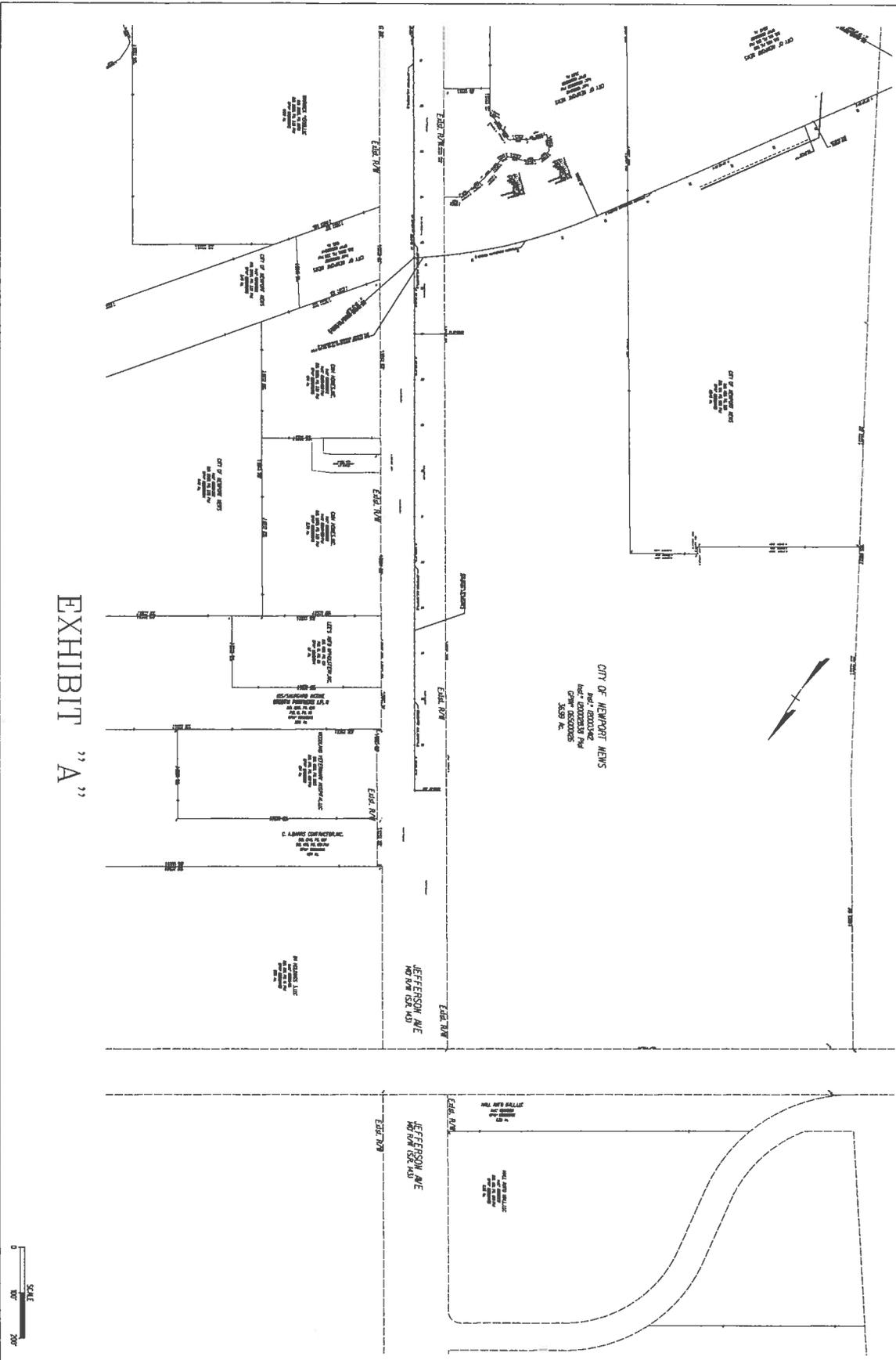


EXHIBIT "A"



SHEET 2 of 2	JOB TITLE JEFFERSON AVE. 30' CONSERVATION BUFFER VDOT PROJECT: U000-121-V11 UPC NO. 4483	CITY OF NEWPORT NEWS DEPARTMENT OF ENGINEERING 2400 WASHINGTON AVE. NEWPORT NEWS, VA. 8TH FLOOR PHONE: 926-8511	DATE REVISIONS	DESIGNED DRAWN by CHECKED APPROVED: DIRECTOR OF ENGINEERING Date: NOV. 20, 2013	
	(Empty space for additional information)				

F. Consent Agenda

1. Minutes of the Special Meeting of June 14, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Special Meeting of June 14, 2016

MINUTES OF SPECIAL MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE
JUNE 14, 2016
3:30 P.M.

PRESENT: McKinley L. Price; DDS; Sharon P. Scott; Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; Saundra N. Cherry, D. Min.; and Robert S. Coleman-----7

ABSENT: None-----0

OTHERS PRESENT: Councilman-Elect Marcellus L. Harris; James M. Bourey; Collins L. Owens, Jr.; Cynthia Rohlf; Mabel Washington Jenkins; Darlene Bradberry; Florence Kingston; Derek Perry; and Jennifer Walker.

After ascertaining that proper meeting notice had been provided to each member of City Council, Mayor Price called the meeting to order and stated the meeting was being held for the following purposes:

- (1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (1) a discussion, consideration or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, the subject of which is a discussion or consideration of prospective candidates for appointments to boards and commissions; (3) a discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, the subject of which is the acquisition of real property in the southern, central, and northern sections of the City; (5) a discussion of a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating a facility in the community, the subject of which is a prospective new business in the southern, central and northern sections of the City; and (7) a consultation with legal counsel pertaining to actual and probable litigation, where such consultation in open meeting would adversely affect the negotiating posture of the public body, the subjects of which are cases involving allegations of civil rights violations, contractual claims and tort claims.
- (2) To make appointments to fill vacancies on the City's various boards, commissions, and committees.

Vice Mayor Coleman moved for a closed meeting under sections and reasons cited above; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

(Closed Session 3:39 p.m. – 4:55 p.m.)

City Council engaged in a discussion to make appointments to fill vacancies on the following boards:

1. Finance Board (Health Reimbursement Arrangement) – Ms. Cynthia Rohlf (Citizen Member) for reappointment to serve a two-year term of office.
2. Human Services Advisory Board – Mr. Curtis Bethany (General Public Representative) and Mr. Owen Haughton (General Public Representative) each for appointment to serve a four-year term of office.
3. Newport News Arts Commission – Ms. Jailynn Gaines (Youth Representative – Woodside High School) and Mr. Miles McAllister (Youth Representative – Menchville High School) each for reappointment to serve a one-year term of office.
4. Newport News Human Rights Commission – Ms. Andrea Pierce (General Public Representative), Mr. Owen Haughton (General Public Representative), and Ms. Nath Amy Jones (General Public Representative) each for appointment to serve a four-year term of office. Mr. Curtis Bethany (General Public Representative) for appointment to fill the unexpired term of Father Ralph Haines, term will expire September 1, 2019. Mr. Sae Kim (Youth Representative – Woodside High School) and Ms. Sohila Elziny (Youth Representative – Woodside High School) each for appointment to serve a one-year term of office.
5. Newport News Public Library Board of Trustees – Ms. Theresa Hammond (General Public Representative), Ms. Kara Akins (General Public Representative), and Ms. Dola Maahs (General Public Representative) each for reappointment to serve a four-year term of office. Mr. Xavian Draper (General Public Representative), Mr. Vernon Woodard (General Public Representative), and Mr. Todd Wright (General Public Representative) each for appointment to serve a four-year term of office. Ms. Sabrina Capps (Youth Representative – Heritage High School) for reappointment to serve a one-year term of office; and Mr. Aaron Hodges (Youth Representative – Menchville High School) each for appointment to serve a one-year term of office.
6. Newport News Wetlands Board – Mr. Richard Barnes (General Public Representative) for appointment to serve a five-year term of office.
7. The Newsome House Musuem and Cultural Center Foundation, Inc. Board of Directors – Ms. DeVeda Owens (General Public Representative) and Ms. Vivian Ashlock (General Public Representative) each for reappointment to serve a three-year term of office. Mr. Christopher P. Brewer (General Public Representative), Ms. LaTonya Denson-Wallace (General Public Representative) each for appointment to serve a three-year term of office. One appointment (General Public Representative) deferred.

8. Peninsula Airport Commission – Mr. Robert S. Coleman (General Public Representative) for appointment to serve an unexpired term of Councilman Herbert S. Bateman, Jr., term will expire May 23, 2018.

9. Southeastern Virginia Health System – Ms. Dorothy Murray (General Public Representative) for reappointment to serve a three-year term of office.

10. USS Newport News Liaison Committee – Ms. Jean Barnhart Skorupa (General Public Representative) and Mr. Frederick W. Mays (General Public Representative) each for reappointment to serve a four-year term of office. The Honorable McKinley L. Price, DDS (General Public Representative) and Mr. Robert S. Coleman (General Public Representative) each for appointment to serve a four-year term of office. Three appointments (General Public Representatives) deferred.

11. Community Development Block Grant Application Committee – The Honorable Tina L. Vick and the Honorable Sharon P. Scott (City Council Representatives) each for reappointment to serve a two-year term of office.

12. Hampton Roads Planning District Commission – The Honorable McKinley L. Price, DDS (City Council Representative) and Mr. James Bourey (City Manager) for reappointment to serve a two-year term of office.

After reconvening in open session, Vice Mayor Coleman moved to certify that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the Council. Motion seconded by Councilwoman Vick.

Councilman Bateman filed a declaration in accordance with Section 2.2-3115H of the Virginia Code, that stated, pursuant to Subdivision A2 of Section 2.2-3112 of the Virginia Conflict of Interest Act, that for the City Council Closed Session Agenda of June 14, 2016, (i) the City Manager would discuss with the Newport News City Council the sale of private rights/ownership in City Center and some action by the City may be necessary to effectuate the sale; (ii) that TowneBank had the possibility of being the financing agent for the purchaser of the said property; (iii) that TowneBank was a group of three or more persons the members of which are indirectly affected by the transaction in question; (iv) that he was employed as an Executive Vice President of TowneBank, but would not receive any direct compensation from the TowneBank financing previously mentioned, and the purchaser was not a personal client of his at TowneBank; and (v) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council Meeting at which the transaction was considered – June 14, 2016; and is attached and made a part of these minutes).

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

DRAFT

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Vice Mayor Coleman moved that appointments discussed in the closed meeting be ratified pursuant to receipt of notification that a favorable background check was conducted; seconded by Councilwoman Scott.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 4:55 P.M.

Mabel Washington Jenkins

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk

DRAFT

CERTIFICATE OF CLOSED MEETING

MEETING DATE: June 14, 2016
MOTION: Vice Mayor Robert S. Coleman
SECOND: Councilwoman Tina L. Vick

WHEREAS, the City Council of the City of Newport News has convened a closed meeting on this date pursuant to an affirmative recorded vote as required under the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia, 1950, as amended, requires a certification by this City Council that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newport News does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City Council.

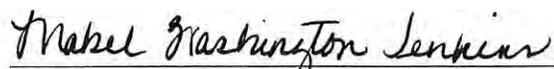
VOTE

AYES: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman
NAYS: None
ABSTENTION: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

ATTEST:



Mabel Washington Jenkins, MMC
City Clerk

DECLARATION IN ACCORD WITH SECTION 2.2-3115H OF THE VIRGINIA

I, Herbert H. Bateman, Jr., a member of the Newport News City Council, do hereby declare, pursuant to subdivision A 2 of § 2.2-3112 of the Virginia Conflict of Interest Act, that for the City Council Closed Session Agenda of June 14, 2016, (i) the City Manager will discuss with the Newport News City Council the sale of private rights/ownership in City Center and some action by the City may be necessary to effectuate the sale; (ii) TowneBank has the possibility of being the financing agent for the purchaser of the said property; (iii) TowneBank is a group of three or more persons the members of which are indirectly affected by the transaction in question; (iv) that I am employed as an Executive Vice President of TowneBank but will not receive any direct compensation from the TowneBank financing previously mentioned, and the purchaser is not a personal client of mine at TowneBank; and (v) that I am able to participate in the transaction fairly, objectively, and in the public interest.

This signed written declaration is filed with the City Clerk prior to the City Council meeting at which the transaction is considered, this 14th day of June, 2016, to be recorded in written minutes of the June 14, 2016 City Council meeting.

By: 
Herbert H. Bateman, Jr.

F. Consent Agenda

2. Minutes of the Work Session of June 14, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Work Session of June 14, 2016

**MINUTES OF WORK SESSION
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE 10TH FLOOR CONFERENCE ROOM
2400 WASHINGTON AVENUE**

June 14, 2016

3:30 p.m.

PRESENT: McKinley L. Price, DDS; Sharon P. Scott; Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; Saundra N. Cherry, D. Min.; and Robert S. Coleman -----7

ABSENT: None-----0

OTHERS PRESENT: James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf; Alan Archer; Councilman-Elect Marcellus Harris III; Darlene Bradberry; RoShaundra Ellington; Lisa Cipriano; Chad Pritchett; Cherry Croushore; Priscilla Bele; Marty Eubank; Sheila McAllister; Paula Hirsch; Chris Morello; Florence Kingston; Bill Bell; Ray Bagley; Lucas Hicks; Tom Cosgrove; Christie Miller; Wendy Drucker; Ray Suttle, Jr.; Cleder Jones; Kim Lee; Jerri Wilson; Jennifer Walker; and Dave Ress

I. Closed Meeting

3:39 p.m. – 4:55 p.m.

II. Elderly Property Tax Relief

Mr. James M. Bourey, City Manager, advised that concerns had been raised regarding challenges faced by citizens in going from a Real Estate Tax Exemption Program to a Real Estate Tax Deferral Program. One challenge dealt with Reverse Mortgage requirements and the problem it presented to mortgage companies. Reverse Mortgage holders were not allowed to participate in the Real Estate Tax Deferral Program because it resulted in the City holding an interest in the property which superseded the mortgage company’s interest. Staff was looking into the issue and considering a program fit for all residents. The cost to institute such a program would be expensive, and staff was considering a program that would target those who were in true need of real estate tax exemption. It would be wise to begin with a narrow program with the option to expand should City Council decide to reinstitute the Real Estate Tax Exemption Program. City Manager Bourey introduced Ms. Lisa Cipriano, Director, Department of Budget & Evaluation, to report on a strategy to implement a Real Estate Tax Exemption/Deferral Program (a copy of the presentation, “Real Estate Tax Deferral Program,” is attached and made a part of these minutes).

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Ms. Cipriano advised that Real Estate Tax Exemption and/or Real Estate Tax Deferral had been studied over time and was a very complex issue. She noted the three types of Real Estate Tax Exemption programs handled in the City of Newport News: 1) Age-Deferral Program; 2) Disabled Exemption Program; and 3) Disabled Veteran's 100% Program.

Councilwoman Scott understood that the City continued to offer the Disabled Exemption Program and the Disabled Veteran's 100% Program. Ms. Cipriano replied yes, and indicated staff was amending the Age-Deferral Program.

Ms. Cipriano reminded that Ordinance 6786-11 adopted May 10, 2011 and effective July 1, 2012, authorized a shift from a total exemption program for age and disability to a deferral program. The shift was due to the number of participants projected by the year of 2030 and the amount of permanent real estate tax revenue lost over same time period.

Ms. Cipriano explained that the Deferral Program allowed the postponement of real estate tax for eligible property owners to be paid at a later time. She advised the Newport News City Code, Section 40-52, stated that the accumulated amount of taxes deferred shall be paid, without penalty or interest, to the treasurer of the city immediately upon the sale or transfer of the property, or within one year after the death of the owner of the property that qualified for tax deferral. The said real estate taxes constituted a lien upon the real estate as if it had been assessed without regard to the permitted deferral.

Ms. Cipriano noted the eligibility requirements to qualify for the Deferral of Real Estate Tax:

- Qualifying owner must be at least 65 years of age
- Total combined income of the applicant, spouse and all relatives and non-relatives who live in the dwelling may not exceed \$50,000. Bona Fide Caregivers must meet other requirements.
- Combined assets of the applicant and spouse may not exceed \$200,000, excluding the value of the residence and up to one acre of land upon which it is situated.
- Applicant must own the home as of July 1 of the qualifying tax year with name on the deed and must reside in the home. Eligible applicants may reside in a nursing home, mental institution or institution for physical and/or mental care as long as they continue to own the home and the home is not used or leased to others.

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Ms. Cipriano explained that a reverse mortgage was a loan available to homeowners, 62 years or older that allowed a homeowner to convert part of the equity in their homes into cash (as a lump sum payment, payments over time, or a line of credit). The product was conceived as a means to help retirees, with limited income, use the accumulated wealth in their homes to cover basic monthly living expenses and pay for health care. There was no restrictions on how reverse mortgage proceeds could be used. The lender was paying the homeowner, instead of the homeowner paying the lender. The homeowner was not required to pay back the loan until the home was sold or vacated. The homeowner was not required to make any monthly payments towards the loan balance as long as they resided in the home; however, the borrower had to remain current on property taxes, homeowner's insurance, and homeowner's association dues (if applicable).

Ms. Cipriano reminded that City Council changed the income level to participate in the exemption program between FY 2006 – FY 2007 from \$14,000 to \$20,000; and between FY 2007 – FY 2008 to approximately \$32,000 with an asset level of \$200,000 to be consistent with the State Code. The asset level did not include the residence or up to one acre of the land. Ms. Cipriano noted how the above-noted changes negatively impacted real estate tax revenue from 2006 to 2011 (see graphs noting the number of tax exemption participants and the exemption impact on tax revenue on page 6 and 7 in the presentation attached to these minutes).

Ms. Cipriano advised that two matters happened after the City switched to a Real Estate Tax Deferral Program: 1) the 100% Disabled Veteran's Exemption came into play, which was a better choice for some individuals because it included the surviving spouse of the disabled veteran; and 2) the City anticipated that a two year notice to individuals would offer property owners enough time to review their resources and assets to determine whether to continue or drop out of the Real Estate Tax Deferral Program. Over time, individuals dropped out of the deferral program as the disabled veteran exemption program grew. Also, individuals with Reverse Mortgages found that they were ineligible to participate in the Real Estate Tax Deferral program because their taxes could not be deferred. Ms. Cipriano noted the revenue loss before and during the deferral years (see information on page 9 of the attached presentation). The increase in FY 2017 had to do with the projected increase in real estate values.

Ms. Cipriano noted what neighboring localities offered in regards to Real Estate Tax Exemption and Real Estate Tax Deferral:

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- Chesapeake Exemption
- Gloucester Exemption
- Hampton Freeze/Deferral
- James City County Exemption
- Norfolk Exemption/Deferral
- Poquoson Exemption/Deferral
- Portsmouth Exemption/Freeze
- Suffolk Exemption
- Virginia Beach Freeze/Exemption
- Williamsburg Deferral
- York County Exemption

Ms. Cipriano noted the proposed revisions to qualify for the Age 65+ Tax Relief (Exemption or Deferral) Program:

- Tax Exemption
 - Age 65+
 - Annual Income must be equal or less than \$25,000
 - Assets must equal or be less than \$10,000, excluding the value of the home and up to one acre of land upon which it was situated
 - 40% of Annual Income must go to housing costs (Mortgage, Homeowner's Insurance, Water, Electricity, Gas, etc.)
 - Must own and occupy the dwelling (No change to current ownership requirements)
- Tax Deferral
 - Must be age 65+ (No change)
 - Income must be equal or less than \$50,000
 - Assets must equal or be less than \$200,000, excluding the value of the home and up to one acre of land upon which it is situated
 - No requirement regarding Housing Costs
 - Must own and occupy the dwelling (No change to current ownership requirements)

Councilwoman Woodbury felt that the asset value to qualify for Real Estate Tax Exemption was dramatic as opposed to the \$200,000 asset value to qualify for Real Estate Tax Deferral.

Councilman Bateman inquired whether assets that one assigned to a trust would be assessed in the exemption/deferral programs. Ms. Cipriano replied that trusts were a part of the asset value. She noted the income and asset criteria:

- Income criteria – wages; self-employment; unemployment compensation; social security; railroad retirement; non-taxable Veteran’s benefits; military pensions; other pensions; annuity & IRA disbursement; interests; dividends; rental income; capital gains; gift/lottery/gambling; royalties; government assistance; other
- Asset criteria - checking accounts; savings accounts; savings certificates; CDs; cash value of life insurance; stocks; bonds; IRAs/401Ks/Annuities; Estate (Thrift Savings Plans and Other Real Estate); Autos; Boats; Campers/RVs; and similar items

Councilwoman Woodbury believed it was a real discrepancy to go from an asset level of \$200,000 to \$10,000. Ms. Cipriano replied that it seemed that way until one looked at the information. She recognized Ms. Pricilla Bele, Commissioner of the Revenue, and indicated that she provided the information to staff in working out the requirements to qualify for tax exemption.

Ms. Cipriano reiterated the criteria to qualify for Age 65+ Real Estate Tax Exemption:

- Income equal or less than \$25,000
- Assets equal or less than \$10,000
- 40% of Annual Income was used for Housing Costs

Ms. Cipriano advised that 188 households (32% of FY 2016 applicants/participants of the Real Estate Deferral Program) would qualify for Real Estate Tax Exemption in FY 2017. The City would lose approximately \$255,000 or more in real estate tax revenue to cover the 188 households. The estimated 188 households were calculated before applying the 40% housing costs criteria. There was no way of knowing how many of the 188 households had at least 40% of the income going towards their housing costs. City Manager Bourey stated, when considering the income level, most of the 188 households would qualify. He pointed out that the 188 households were those that currently participated in the Real Estate Tax Deferral Program. There could be many additional citizens who had not chosen to participate in the Real Estate Tax

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Deferral Program, but would qualify for the Real Estate Tax Exemption program, which meant the 188 household estimation could increase twofold. Staff recommended caution in moving forward with the program, as the \$255,000 could increase significantly.

Councilwoman Scott inquired whether the income of young adults who still lived at home counted as part of the income criteria. City Attorney Owens replied yes, unless the young adult was a caregiver. Caregiver income was excluded from the criteria.

Councilman Bateman inquired whether additional staff would be needed to implement the Real Estate Tax Exemption Program. Commissioner Bele replied that current staff should be able to handle a gradual increase; however, her challenge was the detail needed to verify the 40% housing costs criteria.

Councilwoman Scott inquired about the highest amount that it cost the City to administer the prior Real Estate Tax Exemption Program. Ms. Cipriano replied, including the Disability, the cost was approximately \$3.3 million. The highest cost to administer the Age Exemption Program was approximately \$2.4 million. City Attorney Owens pointed out that the amount was proposed to increase by millions as the Baby Boomer generation retired and was able to qualify for tax exemption. Ms. Cipriano replied it was proposed to increase by \$8 million per year by 2030; however, that was in 2011 dollars.

Vice Mayor Coleman inquired whether there was an estimation of the number of households that would qualify for the Real Estate Tax Exemption Program that were not in the Real Estate Tax Deferral Program. Commissioner Bele replied no, because it was a gradual change as word got out to the public. The residents were not captured unless they applied for the program.

Vice Mayor Coleman inquired whether the years of ownership could be included as criteria to qualify for tax exemption rather than the cost of housing. City Attorney Owens replied that there was a State Code provision, in addition to constitutional issues, that stated a jurisdiction could not limit a person from applying for tax exemption based on the number of years such person owned a home in a particular City.

Ms. Cipriano reiterated the criteria and number of people that staff believed they would reach was one-third of the current Real Estate Deferral applicants. Staff anticipated the number of qualified individuals would increase. She stated the changes would be effective for FY 2017 – FY 2018.

Councilwoman Cherry voiced concern about how the 40% of housing costs would be gathered to determine whether a person qualified for real estate tax exemption. Ms. Cipriano replied staff would consider a number of matters to determine the exemption criteria. Staff came up with reasonable costs for a home worth \$250,000 (mortgage, taxes, insurance, utilities, etc.) to determine the 40% criteria. Staff felt that was a reasonable cost, but would work further on the matter.

Councilwoman Scott inquired whether it was feasible to include the cash value of one's life insurance as income criteria. City Manager Bourey replied it was done today with the deferral program, so it would be the same thing.

Vice Mayor Coleman inquired whether the City could wait a year to implement the program to determine the impact and whether it could be expanded. A sweet spot needed to be found. City Manager Bourey stated that he believed there would be many who would want to apply.

Councilman Bateman advised that this was something that all the members of City Council had interest in. Staff met many of the goals set by City Council to assist those who truly needed assistance. This was a good opportunity to institutionalize a program that included deferral, exemption, and tax abatement to those who invested in their homes. The City of Newport News had the oldest housing stock in the Hampton Roads region. At some point, we want people to reinvest in their homes to increase their value and function.

Councilwoman Scott interjected that some people may have purchased insurance policies when they were very young and the cash value may exceed \$10,000 or \$20,000. She voiced concern about including the cash value of a life insurance policy because it was not an asset until the homeowner died. She asked staff to look into the matter further. City Manager Bourey advised that the cash value of a life insurance policy was like having cash in the bank. It was the cash that one could take out of the policy; not the value of the policy.

Councilwoman Woodbury commended the City Manager, Commissioner Bele and staff who worked on the matter. She had asked that something be done to assist the elderly for more than a year and she was delighted that staff was taking a first step. She wished that the program could be implemented sooner as there were so many who were facing financial difficulties. She appreciated the matter being looked into, and would like to see the asset value of \$10,000 be increased.

III. Defense Production Zone Performance Agreement

City Manager Bourey advised that the City had been actively engaged with Huntington Ingalls Industries/Newport News Shipbuilding (NNS) leadership over the past year. The City had a 130 year partnership with NNS and they were a tremendous asset and taxpayer. NNS was also the largest industrial employer in Virginia, with over 20,000 employees. The City had a tremendous opportunity, to make a local investment, combined with State funding, to help the Shipyard build additional facilities. He introduced Mr. Bill Bell, Vice President of Human Resources & Administration, NNS, to provide introductory comments, followed by Mr. Tom Cosgrove, Manager of Corporate Citizenship & Government Relations, NNS, to report on the Defense Production Zone Performance project.

Mr. Bell thanked the City Manager and the members of City Council for the opportunity to speak. He advised that the Shipyard had received \$700 million in commitments for a new project. Mr. Bell asked City Council to assist NNS with a project related to the Ohio Replacement Program to include improvements and expansions at their existing foundry and an expansion of the Joint Manufacturing & Assembly Facility (JMAF facility) in the North Yard. He introduced Mr. Cosgrove to explain the scope of the project (a copy of presentation, "Project Boat, and Defense Production Zone Briefing, City Council Work Session, June 14, 2016," are attached and made a part of these minutes).

Mr. Cosgrove stated that much of what NNS did required a long lead time. He advised that NNS had to be ready to go when the Navy came to them with a contract to build a ship. NNS could not wait until they received a contract to make capital investments that were necessary to move forward with the ships that they built.

Mr. Cosgrove advised that the NNS was building Ford Class carriers. He noted what the following acronyms meant:

- CVN - Nuclear Aircraft Carrier. NNS was building Ford Class carriers CVN 78 and 79 and starting material acquisition for CVN 80
- VCS – Virginia Class Submarines. NNS continued to build Virginia Class attack submarines in a teaming arrangement with General Dynamics Electric Boat
- OR – Ohio Replacement. A plan to build 12 new ballistic missile submarines to replace the Ohio Class boats now in service
- JMAF – Joint Manufacturing & Assembly Facility. A potential \$500 million dollar investment in the future construction of all three ships in Virginia

Mr. Cosgrove reported that NNS was the sole builder and re-fueler of CVN products. He stated NNS was going to deliver the Gerald Ford, the first of the fourth class air carriers, later this year. NNS recently signed a contract to build CVN 79 (John F. Kennedy) and received a planning contract for the CVN 80 (Enterprise). NNS was under pressure from Congress to drive down construction costs to remain competitive. NNS was driving down costs by teaming with General Dynamics Electric Boat (EB) to build certain pieces of ships. The NNS and EB would deliver one complete VCS submarine each year. NNS was currently building third and fourth blocks of VCS subs. The Navy anticipated acquiring VCS through 2040.

Mr. Cosgrove stated the Navy was excited about the new Ohio Replacement submarines. He stated the Navy planned 12 ballistic missile submarines to be built between 2021 and 2039, replacing the Ohio Class boats, costing \$96 billion or more. The Navy announced in March that EB would be the prime contractor and NNS would be the largest subcontractor. NNS would build about 40% of the modules that made up each hull, with final assembly and delivery at EB. The work would require more than 1,000 fulltime jobs and massive capital investments in the North Yard. The Navy had planned to go back to one VCS submarine per year while Ohio Replacement (OR) boats were being acquired, but was now considering additional VCS subs in addition to OR boats.

Mr. Cosgrove noted the division of work on OR Submarines with NNS and EB (see page 6 in presentation attached to these minutes).

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Mr. Cosgrove noted the Capital Plan to support the CVN, VCS and OR projects included:

- Joint Manufacturing and Assembly Facility (JMAF) in North Yard, with three APCO fixtures and new blast and coat facility (see renderings of JMAF on page 8 and information regarding APCO fixtures on page 9 of presentation attached to these minutes)
- Upgrade existing VCS facilities and piers
- Upgrade Foundry (see rendering of Foundry on page 10 of presentation attached to these minutes) to new Navy standards for HY castings
- Other capital needs bring total planned close to \$1 billion by 2020, with additional projects into the 2020s

Mr. Cosgrove stated that no other American Shipbuilder had a Foundry. He stated the Foundry was founded in 1856 and acquired by NNS in 1902. The Foundry was capable of providing a wide range of large specialty metal castings for all Navy ship classes, not just NNS products. Foundry-related apprentice programs were re-established more than a decade ago and more than \$30 million was invested to modernize production. The Foundry employed approximately 120 (direct and indirect) employees. Approximately, \$50 million was planned over the next several years – just to maintain current output and standards.

Mr. Cosgrove advised that the \$30 million invested and the \$50 million that was planned would not meet new Navy standards for critical submarine parts. NNS needed \$43 million in additional upgrades to meet new Tech Pub 300 requirements to continue castings for VCS submarines and begin castings for OR boats to keep the work in Virginia. Expanding the capacity of the Foundry would cost substantially more. Absent the upgrades, the remaining casting work may not justify continuing to operate the Foundry and maintaining its 120 jobs. NNS looked to the Navy, the Commonwealth and the City for help.

Mr. Cosgrove introduced Ms. Florence Kingston, Director, Department of Development, to report on what the State had done and what NNS would like to receive from the City.

Councilwoman Vick inquired whether the reason for the huge amount to renovate the Foundry was because the NNS did not maintain the Foundry over time. Mr. Cosgrove replied NNS had kept the Foundry operational as there were many upgrades that were required to remain in business. NNS decided a decade ago that they would continue with the Foundry. NNS decided to invest \$30 million to bring the Foundry up to par and in line with current standards. New federal requirements were imposed which required funding that they did not have.

Councilwoman Cherry inquired whether NNS was the only business with a Foundry. Mr. Cosgrove replied the NNS Foundry was the only US-owned Foundry. The Navy qualified a Foundry, and the upgrades were needed so that NNS could continue to qualify to make components for Navy ships.

Councilwoman Cherry inquired about the emphasis to upgrade the Foundry. Mr. Cosgrove replied the emphasis to upgrade the Foundry was so that NNS could continue to qualify to make parts for Navy ships and perform on their contracts to avoid the need to outsource work. They hoped to partner with the State and City to make the needed upgrades.

Councilwoman Cherry understood NNS's request for assistance would only be used for the upgrade. She inquired about long-term maintenance, once the upgrade was done. Mr. Cosgrove replied that funding for long-term maintenance of \$50 million was in NNS's capital plan. NNS had spent \$30 million and was prepared to spend an additional \$50 million over the next decade.

Councilwoman Cherry inquired whether the upgrades would allow NNS to qualify for Navy work. Mr. Cosgrove replied yes.

Ms. Kingston reported that the area of the local Defense Production Zone (DPZ) [see area on page 14 of the presentation attached to these minutes]. She reported that the planned \$750 million in capital investment being made by NNS would result in an increase of approximately \$12 million in new annual tax revenue to the City. NNS was a major contributor to the City's tax base (a copy of Ms. Kingston's remarks are attached and made a part of these minutes). NNS paid approximately \$20 million in taxes as reported by the City's FY15 Comprehensive Annual Financial Report (CAFR).

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Ms. Kingston reminded that City Council authorized the creation of a local Defense Production Zone (DPZ) earlier in 2016. DPZ was a tool enabled by the State that allowed localities to offer incentives based off taxes generated by new capital investment within the zone. Any incentives would be governed by a performance agreement with details of how the City supported the company, which would be through the Industrial Development Authority (IDA). The zone that was established included both the Foundry and the North Yard of the shipyard facility.

Ms. Kingston advised that concurrent with the establishment of the DPZ, the General Assembly passed legislation creating an Advanced Shipbuilding Production Facility Grant Program. The legislation received support from both the House and Senate and was approved by the Governor in April 2016. The grant program allowed for up to a \$6 million cash grant to assist the Foundry project and an additional \$40 million, which would be delivered over five years between 2022 and 2026 to support the investment in the JMAF.

Ms. Kingston stated the IDA, in coordination with the State, decided to use a similar framework and the same performance requirements outlined in the State's bill to craft local incentives being offered through the DPZ. The DPZ only included a portion of the real estate occupied by NNS, which meant that incentives only arose from the taxes generated within the DPZ. No incentives arose from taxes generated outside the DPZ. The DPZ incentive would not diminish NNS's existing and ongoing contributions to the City's general fund, nor would the NNS's tax payments be reduced. NNS would continue to invest in the rest of the Shipyard outside the DPZ and there would be significant comparable growth in the taxes paid that were not included in the DPZ incentive delivery.

Ms. Kingston reiterated that the City would capture and use new Shipyard taxes that were generated on new investment located only within the DPZ. The local incentive would have performance requirements that had to be met and were aligned with the State's requirements to include:

- Creation of at least 1,000 new full-time equivalent positions by the end of 2025; ramp up beginning in 2021
- Retention of 120 Foundry jobs
- Investment at shipyard of at least \$750 million by the end of 2020
- Shipyard must receive a share of the contract work for the OR project

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- NNS must receive funding from the Commonwealth and the Navy
 - City funding was contingent upon support from both the Commonwealth and the Navy

All of the above-noted performance conditions must be met or full repayment of the DPZ incentives would be required.

Ms. Kingston noted that the local incentive would parallel with that being provided by the State:

- A Foundry Grant of up to \$6 million – Issuance of \$6 million in IDA Bonds, which may be supported by the Moral Obligation of the City to achieve a favorable rate. Timing would be December 2017 or January 2018. Repayment would occur over four years and be supported by new incremental tax revenue paid by Huntington Ingalls Industries (HII) on new capital investment within the DPZ.

Councilwoman Cherry inquired about the number of years it would take the City to provide the \$6 million grant and additional grants of \$40 million to the NNS, as the State would pay the additional \$40 million in 8 grants over five years beginning in 2022. Ms. Kingston replied NNS would receive up to a total of \$12 million (\$6 million from the City and \$6 million from the State) for the Foundry project, depending on the amount of funding provided by the Navy.

Councilwoman Cherry inquired whether the City would pay the \$6 million over a set number of years. Ms. Kingston replied the City would use IDA financing to provide the \$6 million to NNS for their Foundry project. City Manager Bourey replied that the \$6 million would be paid at one time. Ms. Kingston replied that the \$6 million debt would be paid out in a short term of four years. The City would then move to support the \$40 million for the JMAF project as follows:

- JMAF Grants totaling \$40 million – Delivered as semi-annual payments equal to 100% of the net new taxes paid over the 2016 Base Year level by HII on investment within the DPZ, beginning 2022 and to be paid over approximately six years.

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- The incentive would be based exclusively upon performance
- The incentive would be paid out sooner if the Shipyard exceeded investment

Ms. Kingston reiterated that the incentives to NNS would be based on their performance. She stated that the City was using 2016 as the base year to determine what the incremental increase would be. NNS would be required to annually report on performance related to the capital investment and the job creation. The City was in coordination with the Assessor, the Commissioner of the Revenue and the Budget department on how to track the assessments on taxable investment within the DPZ.

Ms. Kingston advised that while the new tax revenue would be generated by the project, the City was solidifying NNS's future. The City and State incentives were an investment in the Shipyard and secured its presence and success in coming years. The Shipyard was the City and Commonwealth's largest industrial employer. The Navy and the Commonwealth were integral stakeholders in the important expansion and would help to achieve the projects. A Resolution outlining the support of City Council for the project would be provided at the June 28, 2016 Regular Meeting of City Council. Once adopted, the IDA would move to enter into a Defense Production Zone Performance Agreement by July 2016.

Councilman Bateman inquired whether the IDA would administer the program in conjunction with the State. He inquired how a cooperative arrangement would work. Ms. Kingston replied that the State was comfortable with delivering their grant. The City would deal with its local incentive, but discussions were held about the Performance Agreement and Performance Standards.

Councilman Bateman inquired whether the State was involved and engaged with the City as they went through the reporting process. Ms. Kingston replied yes; the City worked closely with the Shipyard to help the Commonwealth determine how to structure the grants. The Commonwealth was very happy to work with the City.

Vice Mayor Coleman inquired whether there was a percentage beginning in 2020 of how much the City would receive and the amount of time it would take NNS to repay the \$40 million. Ms. Kingston replied it was estimated to take up to six years.

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Councilwoman Cherry understood that the City's overall investment in the project would be approximately \$46 million, wherein the City would pay \$6 million up front and \$40 million over a six-year period. Ms. Kingston replied, yes, but the timeframe could be shorter depending on the Shipyard's investment.

Mayor Price pointed out that City Council had an additional two weeks to study the matter. He asked the members of City Council to contact the City Manager should they have additional questions about the matter.

IV. Comments/Ideas/Suggestions

Councilwoman Woodbury inquired about an update regarding the reduction made to the personal property tax rate on aircraft located at the Newport News/Williamsburg International Airport that was implemented in 2015. She wanted to know whether the reduction benefitted the City. City Manager Bourey replied that he would offer a report on the additional airplanes gained by implementing the tax reduction. He pointed out that there would be a lag because of the way the program was instituted. There were 17 additional planes at Newport News/Williamsburg Airport since the program was instituted. Two projects were underway that would have a dramatic increase on that as well.

Councilwoman Woodbury advised that she received a call from a constituent who resided at 16 Briar Patch Road, about the upkeep of a city easement since the closure of the City Farm. The constituent indicated that she had taken care of the easement for 40 years by planting flowers and trees. The City Farm had assisted her with the purchase of plants, mulch and maintenance of the easement. The area was looking terrible and she had called 3-1-1 several times who indicated something would be done, but nothing had taken place thus far. She was 85 years old and could no longer maintain the area. This had been going on since early 2016. City Manager Bourey stated he would have staff follow-up on the matter.

Councilwoman Woodbury advised that she had attended the Grand Opening of Dudley's Driving Center, Inc. (10828 Warwick Boulevard) on May 28, 2016, where she observed that the owners had received a resolution from the Mayor of the City of Hampton. The owners indicated that they had asked for a resolution from the City of Newport News, but received no response. The founder of the center had once taught driver's education in the City of Newport News. The owners planned to open additional locations in the States of Maryland and

North Carolina in the near future. The owners would like to receive some type of recognition from the City of Newport News, especially since they had received recognition from the Mayor of Hampton. She inquired whether the history of mother, son, sister and grandmother could be looked into, and would like to see something done for them. They had been in business for some time and relocated from the City of Hampton to Newport News. She asked that the members of City Council make a decision on the type of recognition to offer.

Councilwoman Scott stated that she sent an e-mail to the City Manager asking how the members of City Council could forward the Newport News Now e-mail to their constituents. She tried following the instructions that the City Manager provided, by clicking the bottom of the e-mail; however, it did not work. The e-mail was forwarded to the City's website. She was not able to forward the mail to her Facebook or Twitter accounts. She tried it several times and it was rerouted to the City's website. She felt it would be important for City Council to be able to send the e-mail to their constituents. City Manager Bourey stated he would check on the matter.

Ms. Mabel Washington Jenkins, City Clerk, reminded that the Statement of Economic Interest Forms were due on June 15, 2016.

City Clerk Jenkins announced the Institute for Local Officials was scheduled for July 22 – 23, 2016. She asked that members of City Council let her know if they were interested in attending the institute.

City Clerk Jenkins advised of a number of events on the City Council's calendar. She asked that members of City Council review their calendars.

Mr. Collie Owens, City Attorney, advised that a Letter of Withdrawal had been received from the attorney representing the developer of Wegmans, withdrawing the Plaza at Jefferson Rezoning Application. He stated the matter was dead. The developer would have to file a new application with the Department of Planning if they were to revisit the matter in the future.

Councilwoman Cherry inquired about the revenue sharing application that the City had applied for, from the State, for the road extension at the airport and whether the road

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would be built as it was in the CIP and was needed. She thanked the City Manager and the Department of Engineering for the video presentation. City Manager Bourey responded that the matter needed to be discussed further as the revenue sharing did not come through as intended. There was not \$2 million or 50% of the project cost available. The State Transportation Board acted today and he would have a conversation about how to spend and use the revenue sharing funding. Another challenge was that the anticipated \$1 million from the airport would not be used unless it benefitted the airport.

Councilwoman Vick inquired whether that meant that another \$1 million was needed from the City. City Manager Bourey replied that it would be \$3 million or could amount to approximately \$5 million with the revenue sharing.

Councilwoman Cherry inquired whether the City would continue to look at the matter. City Manager Bourey replied, yes. He stated the first piece was to see what the Federal Aviation Administration (FAA) decided regarding the roadway and the Runway Protection Zone. The FAA would have to approve the roadway for the City to move forward with the project. An opinion should be received from the FAA within the next 30 days.

Councilwoman Cherry inquired whether the State had appropriated funding for the project. City Manager Bourey replied that the state reduced the percentage of funding for the project.

Councilwoman Cherry inquired whether the road would have to be approved by the FAA. City Manager Bourey replied yes, FAA approval was needed to construct the new roadway.

Councilman Bateman thanked staff for the presentation on the Real Estate Tax Exemption/Deferral program.

Vice Mayor Coleman advised that a letter (attached) was received from Mr. Elton Brown, President, Shutdown Academy, requesting a contribution of \$20,000 from the City to assist the Falcon Football team with the procurement of essential equipment associated with youth football for their 2016 Season.

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Mayor Price stated that he was impressed with the football and mentoring programs offered by Shutdown Academy. He felt the \$20,000 would be beneficial to assist the Academy with its programs.

Vice Mayor Coleman agreed that Shutdown Academy offered a great program. He stated the program was run by local individuals that returned from the NFL and wanted to help out in the community.

Councilwoman Scott inquired about the difference in the Shutdown 757 Falcon Football League and the City's Department of Parks, Recreation and Tourism football league. Vice Mayor Coleman replied it was probably the mentoring and tutoring that the Shutdown Academy offered. They actually had tutors come in to ensure team members were keeping up with their school work. The team members were required to do their homework before being able to participate in practice. They stayed in contact with the school administrators and teachers to ensure that the team members' grades were kept up. They had to maintain good grades to be able to play football. Mayor Price replied that the program was free. City Manager Bourey indicated the program was geared to low income families.

Councilwoman Scott inquired whether they had done this before and whether it was a pilot program. Vice Mayor Coleman replied it was a pilot program.

Councilwoman Vick felt it would be a slap in the face to the school system.

Councilwoman Woodbury agreed that it would be a slap in the face to the school system.

Councilwoman Scott stated she liked the concept; however, voiced concern that Shutdown Academy was a new organization that was beginning a Pilot program. She stated there were other organizations who had worked for years without receiving any funding from the City. Such organizations had asked for funding and were shut-out of receiving any funding, time and time again. She was concerned about the matter, and wanted to receive additional information.

Councilman Bateman stated he was open to the matter, but wanted to learn more about the program.

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Councilwoman Cherry stated she was open to the program, but would like more research done.

Mayor Price felt it would be helpful for City Council, as a group, to attend the Institute for Local Officials scheduled for July 22 - 23, 2016. He believed many of the matters to be discussed would not only benefit new members of City Council, but also veteran members.

City Clerk Jenkins pointed out that the Hilton Richmond Downtown was booked and if members of City Council desired to go, they would not be able to reserve a room at the conference hotel.

Mayor Price asked that members of City Council contact the City Clerk to let her know whether they were interested in attending the Institute.

THERE BEING NO FURTHER BUSINESS
ON MOTION, COUNCIL ADJOURNED AT 6:55 P.M.


Jennifer D. Walker, MMC
Chief Deputy City Clerk

McKinley L. Price
Mayor
Presiding Officer

A true copy, tested:

City Clerk

F. Consent Agenda

3. Minutes of the Regular Meeting of June 14, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

Minutes of the Regular Meeting of June 14, 2016

**MINUTES OF REGULAR MEETING
OF THE NEWPORT NEWS CITY COUNCIL
HELD IN THE CITY COUNCIL CHAMBERS
2400 WASHINGTON AVENUE
JUNE 14, 2016
7:00 P.M.**

PRESENT: McKinley L. Price; DDS; Sharon P. Scott; Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; Saundra N. Cherry, D. Min.; and Robert S. Coleman-----7

ABSENT: None-----0

A. Call to Order

Mayor Price called the meeting to order and welcomed all. He extended a special welcome to Mr. Shawn O’Keefe, Youth Program Specialist, and members of the Mayor’s Youth Commission, who would lead the Pledge. Mayor Price stated that he was impressed with the young people on the Mayor’s Youth Commission, who had great ideas, were full of energy, and represented the City well.

Mayor Price advised that application CZ-16-379, for the Peninsula Airport Commission, had been withdrawn by the applicant, but citizens were more than welcome to speak on the matter if present. The issue was not under consideration at this time.

Mayor Price stated the City Code identified the procedure for citizen participation regarding items on the Council agenda, as well as the opportunity for citizens to address City Council on matters germane to the business of the Council. He explained matters that were germane to the business of Council meant matters that the City Council, by law, were empowered to act upon. This did not include announcements that were personal to an individual, business, or organization. He pointed out copies of the ordinance highlighting citizen participation and encouraged citizens to review the document.

Mayor Price requested that cell phones and/or pagers be silenced or turned off.

Mayor Price asked the audience to join him in a moment of silence to honor the victims of the June 12, 2016 shooting in Orlando (49 people were killed at the Pulse, a gay nightclub in Orlando, Florida, in what has been described as the nation’s worst terror attack since 9/11).

B. Invocation

The invocation was rendered by Mr. Caleb McClure, Pastoral Assistant, Hidenwood Presbyterian Church.

C. Pledge of Allegiance to the Flag of the United States of America

The Pledge of Allegiance to the Flag of the United States of America was led by members of the Mayor’s Youth Commission. Members participating in leading the Pledge were Mr. Sae Kim; Ms. Taylor Williamson; Mr. Quintin Lassiter, and Mr. Aaron Hodges.

D. Presentations

1. Resolution of Appreciation for Colonel William S. Galbraith

Colonel Galbraith accepted the resolution.

Mayor Price advised that Colonel William S. Galbraith had served as the Commander of the 733rd Mission Support Group Army Element – Joint Base Langley-Eustis (JBLE) since June 15, 2013, and was scheduled to transfer command on June 28, 2016. He stated the personnel of the 733rd Mission Support Group Army Element – JBLE provided continuous mission support and quality of life for the U. S. Army Training and Doctrine Command Headquarters, 7th Transportation Brigade (Expeditionary), 128th Aviation Brigade, 597th Transportation Brigade, and over 15 other tenant units.

Mayor Price advised that Colonel Galbraith was commissioned in 1990, and his service included various logistics positions at the platoon, company, battalion, and division staff levels. He participated in contingency operations twice in Iraq and twice in Afghanistan. He oversaw facility maintenance, environmental and cultural resource programs, base security, housing, installation supply, transportation and personnel support services for a post community hosting over 22,000 active duty, civilian, and retired personnel. As Commander of the 733rd Mission Support Group, Colonel Galbraith served the City of Newport News, and the Hampton Roads area, by providing leadership and support to military members at all levels, and their families assigned to JBLE.

Mayor Price reminded that Colonel Galbraith had provided expertise, wisdom, and guidance to the military and civilian members of the 733rd Mission Support Group and tenants assigned in the efforts to improve the implementation of JBLE from two separate military installations into one. Due to Colonel Galbraith's unwavering commitment and call to excellence, he left the 733rd Mission Support Group, Army Element JBLE, well positioned to support the Department of Defense and to remain active on the Virginia Peninsula.

Mayor Price, on behalf of the members of the Newport News City Council, recognized and honored Colonel William S. Galbraith for his dedicated and effective service as the 733rd Mission Support Group Army Element-JBLE to the City of Newport News and the Virginia Peninsula. Mayor Price expressed sincere appreciation to Colonel Galbraith for his service to the citizens of Newport News.

E. Public Hearings

None submitted.

F. Consent Agenda

Councilwoman Vick moved adoption of the Consent Agenda, Items 1 through 4, both inclusive, as shown below; seconded by Vice Mayor Coleman.

F. Consent Agenda Continued

1. Minutes of the Work Session of May 24, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

2. Minutes of the Special Meeting of May 24, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

3. Minutes of the Regular Meeting of May 24, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

4. Ordinance Amending City Code, Chapter 42, Water Supply; Article I., In General; Section 42-15, Stopping Service through Cut Off or Removal of Water Meter, Generally; and Article III., Water Rates and Fees; Section 42-40, When and Where Bills are Due and Payable; Delinquency

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 42, WATER SUPPLY, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., IN GENERAL, SECTION 42-15, STOPPING SERVICE THROUGH CUT OFF OR REMOVAL OF WATER METER, GENERALLY; ARTICLE III., WATER RATES AND FEES, SECTION 42-40, WHEN AND WHERE BILLS ARE DUE AND PAYABLE; DELINQUENCY. This ordinance amended the City Code to make certain changes to Chapter 42 to bring it into compliance with the State Code, as a result of the passage of House Bill 919 through the State Legislature. Sections 42-15(a)(4) and 42-40(a) reflect changing the words "two months" to "60 days" in reference to the length of time before which water service would be stopped for non-payment. Additionally, Chapter 42-40(a) showed a change to specify when notification would be sent to the customer that a payment was delinquent. Chapter 42-40(a) would specify that at least 10 days prior to cessation of the water supply for non-payment, written notification would be sent to the customer. The Waterworks Department was in compliance with each of the aforementioned changes, and requested adoption of these changes be made effective July 1, 2016. The City Manager recommended approval.

F. Consent Agenda Continued

4. Ordinance Amending City Code, Chapter 42, Water Supply; Article I., In General; Section 42-15, Stopping Service through Cut Off or Removal of Water Meter, Generally; and Article III., Water Rates and Fees; Section 42-40, When and Where Bills are Due and Payable; Delinquency Continued

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

G. Other City Council Actions

1. Resolution Authorizing the City Manager to Execute an Amended Grant Agreement between the City of Newport News, Virginia and the Virginia Department of Environmental Quality (DEQ) for the Stoney Run Regional BMP Project

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, AN AMENDMENT TO THAT CERTAIN GRANT AGREEMENT BY AND BETWEEN THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY OF NEWPORT NEWS, VIRGINIA, DATED THE 26TH DAY OF JANUARY, 2016, FOR STORMWATER PROJECTS TO ADD ADDITIONAL GRANT FUNDS FOR THE COMPLETION OF THE STONEY RUN BMP PROJECT. This resolution authorized the City Manager to execute an amended Grant Agreement between the City and the Virginia Department of Environmental Quality (DEQ) for the Stoney Run Regional BMP Project. The project was located northeast of Warwick Boulevard in an area formerly known as the Stoney Run Sand Pits near Courthouse Green. The improvements were intended to expand the capacity of the existing Stoney Run BMP to meet current Stormwater regulations. The City entered into the original Grant Agreement with DEQ in January, 2016. The original Agreement, which previously included improvements at the Glen Allen and Turnberry Channels, were amended to include the Stoney Run BMP project. The City was required to execute the amended Grant Agreement to utilize the SLAF grant funds. City Council previously appropriated a total of \$4,550,400; \$2,275,200 of SLAF grant funds and \$2,275,200 in City matching funds for this project. The City Manager recommended approval.

(No registered speakers)

Vice Mayor Coleman moved adoption of the above resolution; seconded by Councilwoman Cherry.

G. Other City Council Actions

1. Resolution Authorizing the City Manager to Execute an Amended Grant Agreement between the City of Newport News, Virginia and the Virginia Department of Environmental Quality (DEQ) for the Stoney Run Regional BMP Project Continued

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

2. Ordinance Amending City Code, Chapter 31, Pensions and Retirement; Article II., Employees' Retirement Fund, Division 4., Sections 31-40 and 31-42; Division 5., Sections 31-54, 31-62, and Adding New Section 31-64.2, Lump Sums; Article III., Employees' Post-Retirement Health and Welfare Benefits Fund, Division 4., Sections 31-111, 31-112; and Division 5., Sections 31-116 and 31-117

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 31, PENSIONS AND RETIREMENT, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., EMPLOYEES' RETIREMENT FUND, DIVISION 4., CREDITED SERVICE, SECTION 31-40, CREDITED SERVICE AS A FIREFIGHTER OR POLICE OFFICER AND SECTION 31-42, PORTABILITY OF SERVICE; DIVISION 5., ELIGIBILITY FOR, RECEIPT AND AMOUNTS OF, RETIREMENT BENEFITS, SECTION 31-54, RETIREMENT ALLOWANCES; SECTION 31-62, BENEFITS UPON DEATH AFTER RETIREMENT AND BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 31-64.2, LUMP SUMS; ARTICLE III, EMPLOYEES' POST-RETIREMENT HEALTH AND WELFARE BENEFITS FUND, DIVISION 4., CITY RETIREES' POST-RETIREMENT MEDICAL BENEFITS, SECTION 31-111, FUND'S CONTRIBUTION, SECTION 31-112, FUND'S CONTRIBUTION SCHEDULE AND DIVISION 5., CITY RETIREES' POST-RETIREMENT DENTAL BENEFITS, SECTION 31-116, FUNDS CONTRIBUTION AND SECTION 31-117, FUND'S CONTRIBUTION SCHEDULE. This resolution amended Chapter 31, Pensions and Retirement; Article II., Employees' Retirement Fund; Division 4., Sections 31-40 and 31-42; Division 5., Sections 31-54, 31-62, and added new Section 31-64.2, Lump Sums; Article III., Employees' Post-Retirement Health and Welfare Benefits Fund, Division 4., Sections 31-111, 31-112; and Division 5., Sections 31-116 and 31-117. Four proposed changes were recommended by the Retirement Board, to become effective July 1, 2016. The first change, recommended by Police and Fire Chiefs, would increase the mandatory retirement age for Public Safety officers from age 63 to 67. The second recommendation would provide a lump sum option for retirees with small retirement annuities. The third recommendation would eliminate the "alternate schedule" for the City's contribution to retirees' health insurance premiums. The fourth recommendation was a technical correction to address the "Porting" of credited service from one jurisdiction to another. The City Manager recommended approval.

(No registered speakers)

G. Other City Council Actions Continued

2. Ordinance Amending City Code, Chapter 31, Pensions and Retirement; Article II., Employees' Retirement Fund, Division 4., Sections 31-40 and 31-42; Division 5., Sections 31-54, 31-62, and Adding New Section 31-64.2, Lump Sums; Article III., Employees' Post-Retirement Health and Welfare Benefits Fund, Division 4., Sections 31-111, 31-112; and Division 5., Sections 31-116 and 31-117 Continued

Councilwoman Vick moved adoption of the above ordinance; seconded by Vice Mayor Coleman.

Councilwoman Woodbury inquired whether the above mentioned suggestions were proposed by the Retirement Board (Board of Trustee – Pensions and Retirement). City Manager Bourey responded yes, the aforementioned suggestions were proposed by the Board of Trustees – Pensions and Retirement.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

H. Appropriations

Councilwoman Vick moved adoption of Appropriations, Items 1 through 4, as shown below; seconded by Vice Mayor Coleman.

1. Department of Engineering – FY 2016 Bond Authorization, Sanitary Sewer Rehabilitation Category for the HRSD Jefferson Avenue Interceptor Force Main Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$700,000.00) TO HRSD JEFFERSON AVENUE INTERCEPTOR COST PARTICIPATION REIMBURSEMENT (\$700,000.00). This resolution appropriated \$700,000.00 from the FY 2016 Bond Authorization, Sewer Rehabilitation Category for the Hampton Roads Sanitation District (HRSD) Jefferson Avenue Interceptor Force Main Project. On June 25, 2013, the City and HRSD entered into a cost sharing agreement for the construction of a 30-inch diameter HRSD interceptor force main on Jefferson Avenue between Oyster Point Road and City Center Boulevard. The new HRSD interceptor force main would replace a failing City force main. The construction was being expedited by the City's contribution of \$700,000.00, which was budgeted for the replacement. The agreement stipulated the City's reimbursement was to be made upon the substantial completion of the project's construction, which was scheduled for July 2016. The City Manager recommended approval.

(No registered speakers)

H. Appropriations Continued

1. Department of Engineering – FY 2016 Bond Authorization, Sanitary Sewer Rehabilitation Category for the HRSD Jefferson Avenue Interceptor Force Main Project Continued

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

2. City of Newport News – Self Insurance Reserves: to Fund FY 2016 General Liability for Settlement Costs and Associated Attorney Fees

A RESOLUTION APPROPRIATING FUNDS FROM SELF INSURANCE RESERVE (\$1,600,000.00) TO GENERAL LIABILITY FUND – OTHER CLAIMS (\$1,600,000.00). This resolution appropriated \$1,600,000.00 from Self-Insurance Reserves to fund FY 2016 settlements. Claims and associated attorney fees indicated the need to transfer funds to support the expense from Self-Insurance Reserves. No future financial needs or operational responsibilities were required for these settlements. Approval of this resolution would reduce the Self-Insurance Reserves by \$1,600,000.00 from \$13,154,483.00 to 11,554,483.00. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

3. City of Newport News – General Fund Reserves: Line of Duty Act (LODA) Liability

A RESOLUTION APPROPRIATING FUNDS FROM LODA – GENERAL FUND RESERVE (\$2,672,719.00) TO LODA RESERVE (\$2,672,719.00). This resolution appropriated \$2,672,719.00 from the fully funded Line of Duty Act (LODA) Liability in General Fund Reserves to a new Fiduciary Fund to separate and recognize the City's management of the fund. The City became self-insured for the Line of Duty Act responsibilities in June 2012. As part of being self-insured, the City fully funded the liability for the LODA expenses in the General Fund Reserves. The City's external auditors recommended that the annual LODA expenses and corresponding liability be established as a fund separate from the General Fund. It was requested that the full LODA Liability of \$2,672,719.00 be transferred from the General Fund to the LODA fund. The City Manager recommended approval.

(No registered speakers)

H. Appropriations Continued

3. City of Newport News – General Fund Reserves: Line of Duty Act (LODA) Liability Continued

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

4. City of Newport News – General Fund Reserves: Emergency Fund for August 2012 Unnamed Storms

A RESOLUTION APPROPRIATING FUNDS FROM GENERAL FUND CASH (\$5,285,755.00) TO EMERGENCY CONTRACTUAL SERVICES – AUGUST 2012 (\$5,285,755.00). This resolution appropriated \$5,285,755.00 from the General Fund Reserves to the Emergency Fund to cover the expenses of the August 2012 unnamed storms. In August 2012, the City experienced two unnamed storms that caused substantial flooding and damage, which included the destruction of two sanitary sewer pump stations. The State determined that the storms were local, and that the City would be responsible for the full cost of damage. The City had been reserving cash to fund the replacement and preventative upgrades to the two pump stations. On advice of the City's external auditors, it was recommended that the fully funded emergency reserve for these storms, in the amount of \$5,285,755.00, be reported in the Emergency Fund to close this event. This action would not have an effect on the General Fund Reserves, as it had been recognized in prior fiscal years. The City Manager recommended approval.

(No registered speakers)

Regarding the Emergency Fund for August 2012 unnamed storms, Councilwoman Vick inquired whether the City had been paying for the Emergency Funds all along, or whether this was the first time addressing the issue. City Manager Bourey responded that the money had been paid so this could be allocated officially to this line item. The City waited to see what would be reimbursed for the unnamed storms from FEMA. He advised that the City of Newport News would not receive funds for any of the storms. The cost had already been allocated.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

I. Citizen Comments on Matters Germane to the Business of City Council

Ms. Vanita Banks, 203 Old Bridge Court, Newport News, commented about mental health issues she experienced within her community and at work, based on voices she heard, alleged discriminatory practices, threats to harm her, etc. She expressed concerns and requested extra police patrols in her neighborhood.

I. Citizen Comments on Matters Germane to the Business of City Council
Continued

Mayor Price instructed Mr. Alan Archer, Assistant City Manager, to meet with Ms. Banks, get her information and determine whether there was anything the City could do to assist her.

Councilwoman Vick inquired whether the voices Ms. Banks heard were clear. Mr. Banks responded yes, she could hear some of what was being said, and advised that she was able to record some of the voices.

Councilwoman Scott inquired whether the voices Ms. Banks heard were inside of her home. Ms. Banks replied that the voices were on the property. She was denied service at grocery stores in her neighborhood.

Mr. Antonio Thompson, 1211-25th Street, Newport News, addressed City Council on the topic of the City's treasury enrichment, public safety and security, as well as the importance of recycling. He indicated that 2017 would be a prosperous year in recycling. He encouraged everyone to get involved in the Green Revolution of Recycling.

Mr. Thompson warned of more massacres, similar to the terror in Orlando, Florida. He quoted a scripture from the Bible (Leviticus 20:13).

Minister Curtis Harris, Founder/Executive Director, Original B.R.O.T.H.A.S., 1904 Jefferson Avenue, Newport News, representing the youth and the advisory board and staff of Original B.R.O.T.H.A.S., announced that the organization would have a Grant Writer in November 2016. On June 2, 2016, the organization had served the City of Newport News for more than nine years, standing against illiteracy, gang violence, and bullying in the schools, homes, and the streets. He shared that the Original B.R.O.T.H.A.S. began in his house on Orcutt Avenue, moved to Beulah Tabernacle (5862 Orcutt Avenue), then to their first facility on Wickham Avenue, on to Chestnut Avenue, and finally to their on "the front line" at 1904-A Jefferson Avenue. They dealt with a great deal of violence and stress. He received encouragement from Sheriff Gabe Morgan and Mayor McKinley Price. Blood, sweat, tears, time, sacrifice and love had been put into the community. The Original B.R.O.T.H.A.S. was dedicated and passionate, and had earned the right to be called "beacons of the community." They requested financial support from the City Council in the amount of \$6,000.00 to cover expenses and supplies; as well as to help start their summer program on Monday, June 20, 2016, and the streets awaited. Mr. Harris shared the words of his son, Mr. Andre Ford, President and Co-Founder, of the Original B.R.O.T.H.A.S., "We are here to stay, and we are not going anywhere." Minister Harris stated, "This is not what we do, this is who we are." He expressed appreciation to Mayor Price and members of City Council for their continued support.

Ms. Keuneshia Bacon, 1904 Jefferson Avenue, Newport News, spoke on behalf of the Original B.R.O.T.H.A.S. mentoring and youth outreach program, and the parents that had children in the program. She shared the purpose of the program and how it reached at-risk

I. Citizen Comments on Matters Germane to the Business of City Council
Continued

children to keep them off of the street, and to keep them occupied and more productive. The program offered many opportunities to the children, taught them life skills, accountability and responsibility. They also received a sense of security. It was her prayer that the Original B.R.O.T.H.A.S. would continue in the community – reaching children in many different ways.

J. New Business and Councilmember Comments

City Manager Bourey personally thanked Colonel William S. Galbraith for his tremendous work during the three years he served as the Commander of the 733rd Mission Support Group Army Element – Joint Base Langley-Eustis (JBLE) since June 15, 2013.

Councilwoman Scott advised that she and Councilman-Elect Marcellus Harris III attended Books on Bikes on Saturday, June 11, 2016, at 10:30 a.m., at Grissom Library (366 Deshazor Drive). She applauded Epes Elementary School for the initiative, which would go through the summer months. Book donations were welcomed and always needed.

Councilwoman Scott congratulated all of the graduates from Newport News Public Schools. She attended two of the commencement ceremonies. The youth were excited and the ceremonies were beautiful.

Councilwoman Scott met with members of the Newport News School Board between graduation ceremonies. The topic of discussion was the S.C.O.T. Center. Councilwoman Scott asked the City Manager to consider a Joint Meeting between the members of the Newport News City Council and the Newport News School Board regarding the S.C.O.T. Center. She felt it was important that the exchange occur. Councilwoman Scott felt a mutual resolution could be reached sooner together, rather than numerous individual meetings with the City Manager and City staff.

Councilwoman Scott questioned the reasoning behind the Newport News Fire Department wearing the same color as the Newport News Police Department. Their dress shirts were identical to those worn by the Police Department. She indicated, at a glance, one could not tell which was which. City Manager Bourey replied that was an issue which he never had a conversation about. Councilwoman Scott indicated that she had discussed the matter with the Chief of the Newport News Fire Department, and suggested their shirts be red, or any other color other than the color identical to what was worn by the Police Department.

Councilwoman Scott announced that the North District Town Hall Meeting would resume on Monday, June 27, 2016, 7:00 p.m., at the Denbigh Community Center (15198 Warwick Boulevard). There would be no guest speaker. The agenda would include Open Discussion and Citywide Updates from the City's Department of Planning. All citizens were encouraged to attend and share their concerns.

J. New Business and Councilmember Comments

Councilwoman Vick thanked all of the citizens for their attendance and participation at the meeting to express their points of view.

Councilwoman Vick congratulated all of the graduates from Newport News Public Schools. She attended the graduation ceremony of Heritage High School, on Saturday, June 11, 2016. She further congratulated the students that graduated from 8th grade in Middle School, moving up to high School; as well as the students that graduated from 5th grade and would move up to Middle School.

Councilwoman Vick extended special thanks to Mr. Michael Poplawski, Director, Department of Parks, Recreation, and Tourism, and all City staff that were involved in the games and activities during King-Lincoln Park Day, on Saturday, June 4, 2016, at King Lincoln Park (600 Jefferson Avenue). She indicated it was a wonderful event with a great turnout, to include well over 500 participants. She also enjoyed the collaboration with the numerous non-profit agencies throughout the Cities of Newport News and Hampton. They disseminated a great deal of information to the citizens throughout Hampton Roads. The entertainment was great with tremendous bands participating.

Councilwoman Vick extended thanks to all of the citizens that exercised their right to vote during the Primary election earlier on June 14, 2016. She reminded that voting is a privilege that should not be taken lightly.

Councilwoman Woodbury shared that she missed the May 24, 2016 Regular Meeting of City Council while leading a Delegation of 11 people to Newport News' Sister City in Greifswald, Germany, from May 18 -26, 2016. It was a great delegation. She hoped to be able to have the members of the delegation share some of the trip's highlights with the City Council. She advised that the delegation was treated royally.

Councilwoman Woodbury commented about the Books on Bikes Initiative, which began in 2015. It was a tremendous program and she was delighted to see the program being continued.

Councilwoman Woodbury commented on the Original B.R.O.T.H.A.S. mentoring and youth outreach program. She had visited with Minister Harris and the individuals participating in the program. She stated it was a marvelous program and commended Minister Harris and the board of the Original B.R.O.T.H.A.S. for everything they do for the students. She was in support of providing the needed funds to continue the program. Councilwoman Woodbury understood some of the challenges faced and the problems the program helped solve.

Councilwoman Woodbury agreed with comments made by her colleague, Councilwoman Scott, regarding the uniforms for the Newport News Fire Department. She had several citizens express the same. Both were wonderful organizations and served the City well, but it was a little confusing to distinguish between the two.

J. New Business and Councilmember Comments Continued

Councilwoman Woodbury attended the graduation ceremony for Menchville High School, on Saturday, June 11, 2016. She was very impressed with the Valedictorian's speech, who spoke about integrity and its importance going through life.

Councilwoman Woodbury congratulated all of the graduates from Newport News Public Schools. She was impressed by the amount of wisdom shown by all of the young people.

Councilman Bateman spoke about the City Council's investment in the Newport News School Division as numerous editorials and articles had been written on the topic. He expressed appreciation regarding the editorial in the Sunday, June 12, 2016 issue of the Daily Press (a copy is attached and made a part of these minutes). He felt the Newport News City Council had shown a great deal of sensitivity and cooperation in working with the School Division. He reminded when the City moved forward to build Woodside High School and Heritage High School, as well as remodel Deer Park Elementary School, and made investments in the Achievable Dream Academy, and the Aviation Academy. He stated the members of the Newport News City Council and the Newport News School Board had worked together. It was difficult to serve on the School Board and look at the aging investments and the assets in some of the buildings (he, Mayor Price, and Councilwoman Woodbury had each previously served on the Newport News School Board). There was no doubt that there were investments that needed to be made. Councilman Bateman reminded, while working through the Capital Improvement Plan earlier in 2016, that the Newport News City Council had expressed to the School Board that more meetings should be held to discuss these issues and items. He believed that the Newport News City Council could work together with the School Division to understand their priorities and to move the School Division forward in a manner to produce great products for the workforce of the future. Despite articles written to the contrary, Councilman Bateman stated the Newport News City Council and the Newport News School Board could and would work together. The City Manager and the current City Council were committed to doing so, which was the measure of their success. It was vitally important for the City to remain together.

Councilwoman Cherry thanked all of the citizens for their attendance and participation at the meeting to express their points of view. She reiterated that their voices mattered. She stated that City Council was committed and they did care. She stated that City Council needed citizens to be involved, to be engaged, and to be informed.

Councilwoman Cherry thanked the members of the Chesapeake Bay Foundation for hosting the 28th Annual Clean the Bay Day on Saturday, June 4, 2016, 9:00 a.m. – 12 noon, on Chesapeake Avenue, and Petersen Yacht Basin.

Councilwoman Cherry thanked Ms. Florence Kingston, Director, Department of Development, and staff for celebrating the businesses in Newport News during the 2016 Business Appreciation Barbeque, hosted by the Economic Development Authority, on Tuesday, June 7, 2016, at the Newport News Marriott at City Center (740 Town Center Drive). She thanked all of the organizations who provided tax dollars, as well as jobs, for doing business in the City of Newport News.

J. New Business and Councilmember Comments Continued

Councilwoman Cherry and colleagues had a great time at “Coffee with a Cop,” at Jim’s Local Market, on Wednesday, June 8, 2016. She encouraged citizens to visit and shop at Jim’s Local Market and see the great things that were happening there. Councilwoman Cherry thanked Mr. and Mrs. Jim Scanlon, who were contributing a great deal to the community.

Councilwoman Cherry and Councilwoman Vick attended the graduation ceremony for Heritage High School, on Saturday, June 11, 2016. The students were very excited. She thanked Dr. Ashby Kilgore, and all of the teachers, staff, and counselors in the Newport News Public Schools for doing such a great job and helping the students to be successful.

Councilwoman Cherry announced a pre-kickoff event for Juneteenth, on Friday, June 17, 2016, 7:00 p.m. at Downing-Gross Cultural Arts Center (2410 Wickham Avenue). She thanked Ms. Druscilla Pair for heading this event. She announced that the Annual Juneteenth Freedom Festival would be held on Saturday, June 18, 2016, 11:00 a.m. – 4:00 p.m. at the Farmer’s Market (28th Street and Jefferson Avenue). The event would be free and open to the public.

Councilwoman Cherry announced that the South District “Your Voice Matters” Town Hall Meetings would be held on Thursday, June 16, 2016, 6:00 – 7:30 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue) for residents from Mercury Boulevard South to the waterfront. There would be a panel made up of representatives from eight to ten of the City’s Operating Departments. The panelists would share their role and functions. All residents were invited to attend. She reminded that these meetings were a collaborative effort of the Newport News Police Department, the Newport News School Board, and the Newport News City Council.

Councilwoman Cherry extended congratulations to her niece, Ms. Shaylin Britt, who graduated from kindergarten at Aberdeen Elementary School (1424 Aberdeen Road, Hampton).

Councilwoman Cherry reminded all residents that we were “One City,” and asked each to be alert and remember their recycling and bulk waste pick-up days.

Vice Mayor Coleman congratulated all of the graduates from Newport News Public Schools. He wished them the best in their future endeavors and reminded, wherever they may go, that they return home to Newport News to start their careers, raise their children, and live out their lives. He congratulated the other students in the School Division, indicating Council looked forward to their progress. His son, Jacob, graduated from first grade at Yates Elementary School (73 Maxwell Lane).

Vice Mayor Coleman reminded that the City had a multitude of programs for youth through the Department of Parks, Recreation, and Tourism. He reminded of the SPARK program and STEP, both were great successes in 2015. There was a 17% reduction in juvenile crime. It showed the power of engagement.

DRAFT

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June 14, 2016

J. New Business and Councilmember Comments Continued

Vice Mayor Coleman wished City Attorney Collie Owens, Happy Belated Birthday! He celebrated his 60th birthday on June 2, 2016.

Vice Mayor Coleman asked the City Attorney to explain the withdrawal of the application by the Developer of the Wegmans grocery store.

City Attorney Owens explained that the Developer filed a letter, more than three days prior to the June 14, 2016 Regular Meeting of City Council, addressed to Ms. Sheila McAllister, Director, Department of Planning, withdrawing the application. The application was no longer pending. If it were to be refiled, the developer would be required to go to the Planning Department to file a new application, pay the filing fee, and appear before the Planning Commission, before coming before City Council. The application was no longer pending.

Vice Mayor Coleman reminded residents about the City's curfew for children under 18 years of age.

Vice Mayor Coleman congratulated Delegate Monty Mason on his victory in the Primary Election on June 14, 2016.

K. Adjourn

Mayor Price adjourned the meeting by addressing the citizens. He stated, "May what you say and do uplift the City of Newport News."

THERE BEING NO FURTHER BUSINESS,
ON MOTION, COUNCIL ADJOURNED AT 7:58 P.M.



Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor
Presiding Officer

A true copy, teste:

City Clerk

F. Consent Agenda

4. Resolution of Recognition: Honoring Mr. Julius Green

ACTION: A REQUEST TO APPROVE A RESOLUTION OF RECOGNITION HONORING MR. JULIUS GREEN

- BACKGROUND:
- Julius Green only completed the 10th grade, but went on to have a successful military and civilian career, earned two college degrees, and made history as the U.S. Army's first African-American Master Diver.
 - After joining the Army in 1951, he was stationed in Germany and then Fort Jackson, South Carolina where he applied and was accepted to train as an Army diver, even though he did not know how to swim at the time.
 - In 1956, after completing his training in the U.S. Army Diving School at Fort Eustis, Mr. Green became the Army's first African-American diving officer.
 - Mr. Green served as an instructor in the Army Diving Training Program at Fort Eustis until his retirement as a Chief Warrant Officer 3 in 1973.
 - Following his retirement after 22 years of military service, Mr. Green was employed by the College of William & Mary for 23 years, retiring as Director of Operations for the College.
 - In addition to his military service and civilian employment, Mr. Green is very active in his community.
 - This Resolution recognizes the history-making service of Mr. Julius Green and expresses sincere appreciation for his dedicated service.
 - The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

sdm14432 Recognition re Julius Green

RESOLUTION NO. _____

RESOLUTION OF RECOGNITION

WHEREAS, Julius Green, having only completed a 10th grade education, went on to have a successful military and civilian career, earn two college degrees, and make history as the U.S. Army's first African-American Master Diver; and

WHEREAS, Julius Green joined the U.S. Army in 1951 and after basic training was stationed in Germany for three years. Following his time in Germany, he was stationed at Fort Jackson, South Carolina where he applied and was accepted to train to become a U.S. Army Diver, even though at the time he did not know how to swim; and

WHEREAS, in 1956, upon completing his training at the U.S. Army Diving School in Fort Eustis, Virginia, Julius Green became only the second African American diver in the U.S. military and the first in the U.S. Army; and

WHEREAS, after 12 years as an Sergeant First Class (E-7), Julius Green applied and was accepted to the U.S. Army Marine Engineering Warrant Officer Basic Course. Upon his graduation, Julius Green became the Army's first African American diving officer; and

WHEREAS, Julius Green served as an instructor in the Army Diving Training Program at Fort Eustis until his retirement as a Chief Warrant Officer 3 in 1973. His U.S. Army service also included two tours in Vietnam from 1967-1968 and 1970-1971; and

WHEREAS, following his retirement after 22 years of service in the U.S. Army, Julius Green was employed by the College of William & Mary in Williamsburg, Virginia for 23 years, retiring as Director of Operations for the College. During that time, he earned an Associates Degree and Bachelors Degree from Saint Leo University; and

WHEREAS, in addition to his military service and civilian employment, Julius Green has been active in his community. He is a Deacon at Wesley Grove United Church of Christ in Newport News, Virginia, where he has served as Chairman of the Deacon Board. He is a life member of the Sigma Delta Chapter of Phi Beta Sigma Fraternity, Inc. and has been a Freemason since 1956, and is a Past Master of Pioneer Lodge No. 315, Free & Accepted Masons, Prince Hall Affiliation and has held other local, state and national offices. He has also served as President of the U.S. Army Divers Association; and

WHEREAS, Julius Green and his wife, Rosalyn, have two children, two grandchildren and three great-grandchildren.

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

1. That it hereby recognizes the history making service of Julius Green who was the first African-American U.S. Army diver and the first African-American U.S. Army diving officer.
2. That it expresses its sincere appreciation to Julius Green for his dedicated service to the City of Newport News and to the United States of America.
2. That a copy of this resolution be spread upon the records of this body and that a copy be delivered to Julius Green.
3. That this resolution take effect on and after the date of its adoption, June 28, 2016.

F. Consent Agenda

5. Resolution of Recognition: Honoring Mr. Michael Motley

ACTION: A REQUEST TO APPROVE A RESOLUTION OF RECOGNITION HONORING MR. MICHAEL MOTLEY

BACKGROUND:

- Michael Motley is a volunteer at the Newport News Police Department's (NNPD) Community Education and Outreach Center located in the Hilton Village neighborhood.
- Mr. Motley retired from Marva Maid Dairy after 45 years of service and began volunteering at the NNPD Community Education and Outreach Center.
- In 2005, Mr. Motley assisted with the transition of the Outreach Center when it moved from Patrick Henry Mall to its current site in Hilton Village.
- A centerpiece of the Community Education and Outreach Center is the Police Museum where Mr. Motley serves as its curator.
- With his storytelling ability and vast knowledge about the history of the NNPD, Mr. Motley helps bring history to life as he shares facts and his knowledge with visitors.
- For his dedication, Mr. Motley has been recognized by NNPD as Volunteer of the Quarter (October-December 2012) and Volunteer of the Year for 2012.
- Mr. Motley has volunteered over 5,800 hours of his time at the NNPD Community Education and Outreach Center helping the police department accomplish their mission.
- This Resolution recognizes Mr. Motley for his dedicated service to the citizens of Newport News and his commitment to the mission of the NNPD.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

sdm14436 Recognition re Michael Motley

RESOLUTION NO. _____

RESOLUTION OF RECOGNITION

WHEREAS, Michael Motley is a volunteer at the Newport News Police Department's (NNPD) Community Education and Outreach Center located in the Hilton Village neighborhood of the City of Newport News; and

WHEREAS, Michael Motley retired from Marva Maid Dairy after 45 years of service and began volunteering at the NNPD Community Education and Outreach Center in 2004 at its original location in Patrick Henry Mall; and

WHEREAS, in 2005, Michael Motley assisted with the transition when the NNPD Community Education and Outreach Center moved from its original location in Patrick Henry Mall to its current location, a site in Hilton Village that once housed a gas station. In 2011-2012, a renovation project occurred to refurbish the museum and to create meeting space that now serves as a meeting area that can be used by civic and community groups; and

WHEREAS, a centerpiece of the Community Education and Outreach Center is the Police Museum where Michael Motley serves as its curator. At the Police Museum, visitors can view uniforms, photographs, equipment, and other items that illustrate the history of the Newport News Police Department from 1896 to present; and

WHEREAS, with his storytelling ability and vast knowledge about the history of the Newport News Police Department, Michael Motley helps bring history to life as he shares facts and his knowledge with visitors at the Center. An example of this can be seen in the November 10, 2011 edition of Newport News Television's *Behind the Badge* program. In that program, Michael Motley was interviewed about the NNPD Community Education and Outreach Center and he narrated a tour of the Police Museum; and

WHEREAS, as a volunteer of the NNPD Community Education and Outreach Center, Michael Motley has consistently made himself available, even after hours, when groups have requested evening tours or use of the meeting space at the Center. For his dedication, Michael Motley has been recognized by NNPD as Volunteer of the Quarter (October-December 2012) and Volunteer of Year for 2012; and

WHEREAS, Michael Motley has volunteered over 5,800 hours of his time at the NNPD Community Education and Outreach Center and the citizens of Newport News helping the police department accomplish their mission "[t]o work in partnership with citizens and government to provide excellence in police services"; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Newport News,

Virginia:

1. That is recognizes Michael Motley for volunteering over 5,800 hours of his time at the Newport News Police Department Community Education and Outreach Center.
2. That it expresses its sincere appreciation to Michael Motley for his service to the citizens of Newport News and his commitment to the mission of the Newport News Police Department.
3. That a copy of this resolution be spread upon the records of this body and that a copy be delivered to Michael Motley.
4. That this resolution take effect on and after the date of its adoption, June 28, 2016.

G. Other City Council Actions

1. Resolution of Support for a Major Advanced Shipbuilding Project by Huntington Ingalls Incorporated/Newport News Shipbuilding (Joint Manufacturing Assembly Facility)

ACTION: A REQUEST TO APPROVE A RESOLUTION OF SUPPORT FOR A MAJOR ADVANCED SHIPBUILDING PROJECT BY HUNTINGTON INGALLS INCORPORATED/NEWPORT NEWS SHIPBUILDING TO INCLUDE AT LEAST \$750 MILLION IN CAPITAL INVESTMENT AND THE CREATION OF AT LEAST 1,000 NEW FULL-TIME EQUIVALENT POSITIONS AT THE SHIPYARD'S NEWPORT NEWS FACILITY ("THE PROJECT").

BACKGROUND:

- Huntington Ingalls Incorporated/Newport News Shipbuilding is engaged in a major advanced shipbuilding project that will include significant improvements to both the foundry and the North Yard.
- The project will support a new type of warship and directly strengthen the Shipyard and its ability to produce world-class aircraft carriers and submarines now and into the future.
- The Resolution outlines the details and components of the City's and IDA's participation and affirms City Council support of this immensely important project.

FISCAL IMPACT:

- The Project will include at least \$750 million in capital investment and the creation of at least 1,000 new full-time equivalent positions.
- The City, through the IDA, intends to offer an incentive through the Defense Production Zone program, up to \$46 million, which will provide support for the planned improvements.
- The Commonwealth of Virginia passed legislation authorizing an incentive, also up to \$46 million to support the project.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re Support of Shipbuilding Proj by HII

sdm14423 Support for Joint Manufacturing Assembly Facility

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Resolution in Support of Major Advanced Shipbuilding Project -
Huntington Ingalls Incorporated/Newport News Shipbuilding

At the June 14, 2016 Work Session, City Council received a detailed presentation on a strategically important project by Huntington Ingalls Incorporated/Newport News Shipbuilding that will include significant improvements to both the foundry and the North Yard, and will include at least \$750 million in capital investment and the creation of at least 1,000 new full-time equivalent positions. I am now requesting City Council approval of a Resolution outlining City Council support of this project.

This project will support a new type of warship and directly strengthen the Shipyard and its ability to produce world-class aircraft carriers and submarines now and into the future. Understanding the importance of the project and its significant public benefit, the City, through the Industrial Development Authority of the City of Newport News, Virginia (IDA), intends to offer an incentive through the Defense Production Zone program, up to \$46 million, which will provide support for the planned improvements. Similarly, the Commonwealth of Virginia passed legislation authorizing an incentive, also up to \$46 million, to support the project.

I recommend that City Council approve the Resolution, prepared and provided to you by the City Attorney's Office, outlining the details and components of the City's and IDA's participation and affirming City Council support of this immensely important Huntington Ingalls Incorporated/Newport News Shipbuilding project.


James M. Bourey

JMB:dep

cc: Florence G. Kingston, Director, Department of Development
Carol U. Meredith, Assistant Director, Department of Development

RESOLUTION NO. _____

A RESOLUTION OF SUPPORT FOR A MAJOR ADVANCED SHIPBUILDING PROJECT BY HUNTINGTON INGALLS INCORPORATED/NEWPORT NEWS SHIPBUILDING TO INCLUDE AT LEAST \$750 MILLION IN CAPITAL INVESTMENT AND THE CREATION OF AT LEAST 1,000 NEW FULL-TIME EQUIVALENT POSITIONS AT THE SHIPYARD'S NEWPORT NEWS FACILITY (THE PROJECT)

WHEREAS, Newport News Shipbuilding, a division of Huntington Ingalls Incorporated (the Shipyard), located in Newport News, Virginia, is the largest industrial employer in the Commonwealth of Virginia and is an important corporate citizen of the City of Newport News (City); and

WHEREAS, the City is aware of the Navy announcement that the Shipyard will receive a share of the future construction contract work for the Ohio Replacement Submarine Program, the details of which are outlined in the Submarine Unified Build Strategy; and

WHEREAS, the Shipyard has informed the City Council of the City of Newport News, Virginia (Council) that certain foundry improvements and an expansion of the new Joint Manufacturing Assembly Facility (JMAF) are necessary to support and sustain the new Ohio Replacement Submarine Program (ORP) and all existing Shipyard operations; and

WHEREAS, the Shipyard has reported it plans to make a capital investment of at least \$750 million at its Newport News facility by the end of 2020 and to create at least 1,000 new full-time equivalent positions in support of the ORP and Shipyard operations by the end of 2025; and

WHEREAS, the Commonwealth of Virginia has authorized funding under an Advanced Shipbuilding Production Facility Grant Program, valued at up to \$46 million and to be delivered over multiple years to the Shipyard, for the purpose of upgrading and modernizing foundry improvements and supporting the expansion of JMAF, subject to Shipyard performance, the conditions of which will be outlined in a memorandum of understanding between the Shipyard and the Virginia Economic Development Partnership; and

WHEREAS, the Shipyard has requested funding from the United States Navy to support a portion of the Shipyard's foundry facility improvements; and

WHEREAS, Council wholly supports the Commonwealth grant and Navy funding to facilitate the necessary foundry improvements and JMAF expansion, as it will support a new type of warship and directly strengthen the Shipyard, the City's single largest employer and taxpayer, enhance the Shipyard's ability to continue producing world-class aircraft carriers and submarines now and into the future and preserve the only American-owned foundry in the United States; and

WHEREAS, Council recognizes that the Project will result in numerous important benefits to the City, such as generating increased tax revenues, supporting an established, critical Newport News company, and generating a significant number of jobs for the citizens of Newport News and the region as a whole; and

WHEREAS, Council has evaluated the above described Project, and determined that it is in the best interests of the citizens of the City for the City to support the Project on certain, limited terms generally outlined herein; and

WHEREAS, Council established a Defense Production Zone (DPZ) allowing the City, through the Industrial Development Authority of the City of Newport News, Virginia (IDA), to provide support to expanding defense production businesses making investments in the City, thus enhancing public revenues, and creating employment opportunities through the use of DPZ incentives; and

WHEREAS, the City and the IDA, in consideration of the capital investment to be made and the new full-time equivalent positions to be created and maintained, intends to offer certain incentives through the DPZ; and

WHEREAS, as part of the incentives, the IDA intends to issue bonds, in an amount up to \$6 million, which bond issuance will be competitively financed on the most advantageous terms and may include a request for the moral obligation support of the City, in support of the foundry improvement portion of the Project, if needed, and to deliver \$40 million in grants, over multiple years, based upon the incremental new tax revenues generated by the Project within the DPZ in support of the JMAF portion of the Project; and

WHEREAS, to further the implementation of the Project, Council is requesting the IDA to serve as the conduit for any local Project incentives as enabled through the DPZ program and as outlined in a Defense Production Zone Performance Agreement; and

WHEREAS, it is the Council's expectation that the IDA will negotiate comprehensively and in good faith the terms and conditions of any agreements with the Shipyard to detail the responsibilities of each respective party, and that the IDA will advise Council of the material terms and conditions prior to IDA authorization and execution of such performance agreement; and

WHEREAS, Council acknowledges that a portion of the future new tax revenues generated within the DPZ by the Project will be appropriated annually to the IDA through the City's operating budget to fund grants by the IDA over multiple years, consistent with such Defense Production Zone Performance Agreement.

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

1. That it hereby supports the Project, advanced by the Shipyard to include at least \$750 million in capital investment and the creation of at least 1,000 new full-time equivalent positions at its Newport News facility.

2. That it directs the City Manager to proceed and to undertake the necessary steps/actions to accomplish the City's participation in the Project, which includes identifying the necessary funding for grant payments to the IDA under the Defense Production Zone Performance Agreement and including such funding in the City Manager recommended budget provided to City Council for the appropriate fiscal years.

3. That based on the reasons stated in this Resolution, the totality of which clearly demonstrates that the City's participation in the Project is in the best interests of the citizens of the City, Council hereby requests that the IDA serve in the role outlined herein with respect to the Project, and directs the City Manager to ensure the implementation of the City's participation in the Project as set forth herein, including scheduling, as appropriate, all necessary City Council actions to accomplish the City's participation in the Project in a timely fashion.

4. That this resolution shall be in effect on and after the date of its adoption, June 28, 2016.

G. Other City Council Actions

2. Resolution for Approval of the Modification of a Revenue Bond Previously Issued by the Economic Development Authority of James City County (JCC EDA) for the Benefit of Christopher Newport University Education Foundation, Inc.

ACTION: A REQUEST TO APPROVE A RESOLUTION FOR APPROVAL OF THE MODIFICATION OF A \$8 MILLION, SERIES 2001 REVENUE BOND PREVIOUSLY ISSUED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA (JCC EDA), FOR THE BENEFIT OF CHRISTOPHER NEWPORT UNIVERSITY EDUCATION FOUNDATION INC.

- BACKGROUND:**
- In 2001, JCC EDA issued a bond for the benefit of the Christopher Newport University (CNU) Education Foundation in the original principal amount of \$8 million for the purpose of financing the acquisition of properties, mainly along Warwick Boulevard, for student housing, parking and other facilities associated with CNU; financing the costs of furnishing and developing the properties and other costs associated with issuing the bond (Bond).
 - The original Bond was modified and reissued in 2011 and the CNU Education Foundation now plans to again modify the Bond to extend the final maturity for an additional period of ten (10) years and to adjust its interest rate from a floating rate to a fixed rate.
 - The Industrial Development Authority of the City of Newport News, Virginia (IDA) held the necessary public hearing at its June 3, 2016 meeting and adopted a Resolution recommending that City Council provide the required jurisdictional approval for the modification of the Bond.
 - The JCC EDA approved a resolution on the Bond modification at its Board of Directors meeting on June 9, 2016.
 - The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:
Description

CM Memo re Revenue Bond Modification for CNU Education

Attachment 2: Excerpt of 6/3/2016 IDA Minutes

Attachment 3: Resolution of JCC EDA

Attachment 4: NNIDA Fiscal Impact Statement

sdm14422 Reso re Modification of Bond by James City County EDA

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council

FROM: City Manager

SUBJECT: Modification of a Revenue Bond for Christopher Newport University Education Foundation

A revenue bond was previously issued in the original principal amount of \$8 million for the benefit of Christopher Newport University (CNU) Education Foundation and was used to assist in: (a) the acquisition of properties for student housing, parking and other facilities associated with CNU, (b) financing the costs of issuing the bond and (c) financing the costs of furnishings and other costs associated with the development of the properties. The original Bond, Series 2001, was issued by the Economic Development Authority of James City County, Virginia (JCC EDA) (Bond). The Bond was modified and reissued in 2011. The CNU Education Foundation now wishes to modify the Bond to extend the final maturity date for an additional ten (10) years and to adjust the interest rate from a floating rate to a fixed rate.

Since the facilities financed by the Bond are located in Newport News, the Industrial Development Authority of the City of Newport News, Virginia (IDA) held a required public hearing at its Board of Directors meeting on June 3, 2016, and adopted a resolution recommending that City Council approve the Bond modification. Information provided by CNU adequately demonstrated that the requested modification would provide continued educational and other benefits to the inhabitants of the Commonwealth, including the residents of the City of Newport News and James City County. The JCC EDA approved a resolution on the matter at its Board of Directors meeting on June 9, 2016. City Council is now required to take public action providing jurisdictional approval of the second modification of the Bond.

The Honorable City Council

Page 2

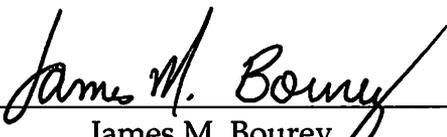
Modification of a Revenue Bond for Christopher Newport University
Education Foundation

June 22, 2016

The approval of the Bond modification for the benefit of CNU and supporting documents shall continue to provide that neither the City, nor the IDA shall be obligated to pay the bond or the interest thereon or other costs incident thereto except from funds and properties pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, IDA or the City shall be pledged thereto.

For your convenience of reference, a copy of the IDA Resolution and an Excerpt of Minutes from the IDA's public hearing held on June 3, 2016 are attached, as are a copy of the JCC EDA Resolution and required Fiscal Impact Statement.

I recommend that City Council support this request for the benefit of the CNU Education Foundation and approve the Resolution approved by the City Attorney's Office for jurisdictional approval of the Bond modification.


James M. Bourey

JMB:tfw

Attachments (4)

cc: Wendy C. Drucker, Chair, Industrial Development Authority (IDA)
Florence G. Kingston, Director, Department of Development

RESOLUTION NO. 16-2

RESOLUTION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
THE CITY OF NEWPORT NEWS, VIRGINIA, FOR THE CHRISTOPHER
NEWPORT UNIVERSITY EDUCATION FOUNDATION

WHEREAS, there has been described to the Industrial Development Authority of the City of Newport News, Virginia (the "Authority"), the plan of the Christopher Newport University Education Foundation (the "Foundation"), whose principal place of business is located at 1 Avenue of the Arts, Newport News, Virginia 23606, for the modification by the Economic Development Authority of James City County, Virginia (the "James City County EDA"), of its \$8,000,000 Revenue Bond (Christopher Newport University Project) Series 2001 (the "Bond"), to extend the final maturity of the Bond for an additional period of ten (10) years and to adjust its interest rate from a floating rate to a fixed rate;

WHEREAS, the proceeds of the Bond were used to assist the Foundation in (a) the acquisition of properties for student housing, parking and other facilities associated with Christopher Newport University (the "Project") located within the City of Newport News, Virginia (the "City") (the current addresses of such properties are 12304 Warwick Boulevard, 12368 Warwick Boulevard (formerly known as 12346, 12352, 12366 and 12372 Warwick Boulevard), 12386 Warwick Boulevard, 39 Sweetbriar Drive, 411 University Place, and 414 University Place), (b) financing the cost of issuing the Bond and (c) financing the costs of furnishings and other costs associated with the development of the properties;

WHEREAS, the Authority approved the modification and reissuance of the Bond in 2011;

WHEREAS, the Foundation (a) has described to the Authority the continued educational and other benefits to the City and the County of James City, Virginia, derived from the Project, and (b) has requested that the Authority recommend to the City Council of the City (the "Council") that it approve the modification of the Bond pursuant to the Amended and Restated Bond, a form of which has been presented to this meeting (the "Amended Bond"), as required by the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, public hearings have been held by the Authority and by the James City County EDA with respect to the modification of the Bond, as required by Section 15.2-4906 of the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act") and by Section 147(f) of the Code, on the date hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA:

1. It is hereby found and determined that the modification of the Bond will benefit the inhabitants of the City and the Commonwealth of Virginia and promote their education, welfare, convenience and prosperity.
2. In order to assist the Foundation, the Authority hereby recommends to the Council that it approve the issuance of the Amended Bond as required by the Code, and hereby directs the Chairman or Vice Chairman of the Authority to submit to the Council the statement in the form prescribed by Section 15.2-4907 of the Act, a reasonably detailed summary of the comments expressed at the public hearing as required by Section 15.2-4906 of the Act, and a copy of this resolution.
3. This resolution does not constitute an endorsement to any owner of the Bond of the creditworthiness of the Foundation or any other person, and the Bond shall continue to provide that neither the Authority nor the City shall be obligated to pay the Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the City nor the Authority shall be pledged thereto.
4. All costs and expenses incurred in connection with the modification of the Bond shall be paid by the Foundation and the Authority shall have no responsibility therefor.
5. The delivery of the Amended Bond shall not occur until all governmental approvals as required by the Act and the Code have been obtained, including the approval and concurrence by the Council as requested hereby.
6. All acts of the officers and agents of the Authority which are in conformity with the purposes and intent of this resolution are hereby ratified, approved and confirmed.
7. This resolution shall take effect immediately upon its adoption.



Wendy C. Drucker, Chair
Industrial Development Authority of
the City of Newport News, Virginia



Florence G. Kingston, Secretary/Treasurer
Industrial Development Authority of
the City of Newport News, Virginia

The undersigned hereby certifies that the above resolution was duly adopted by a majority of the directors of the Industrial Development Authority of the City of Newport News, Virginia, at a meeting duly called and held on June 3, 2016, and that such resolution is in full force and effect on the date hereof.

Dated: June 3, 2016

INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF NEWPORT NEWS, VIRGINIA



Florence G. Kingston, Secretary/Treasurer

(EXCERPT)

**MINUTES OF THE REGULAR MEETING OF THE ECONOMIC DEVELOPMENT
AUTHORITY OF THE CITY OF NEWPORT NEWS, VIRGINIA AND THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT
NEWS, VIRGINIA**

June 3, 2016

Chair Drucker called the meeting to order at 8:00 a.m. on Friday, June 3, 2016 in the EDA/IDA Board Room at Two City Center, 11820 Fountain Way, Suite 301, Newport News, Virginia.

Those members present were:

Wendy Drucker, Chair
Cary Epes
Cassandra Greene
Arthur P. Henderson, Jr.
Thomas P. Herbert
Jennifer Smith-Brown
James Bourey, City Manager, ex-officio
Florence G. Kingston, Secretary/Treasurer, ex-officio

Absent:

C. Gary Minter, Vice Chair, Excused

Legal Counsel:

Raymond H. Suttle, Jr., Esquire

Staff:

Cherry Croushore, Assistant Secretary
Janice Jones, Recording Secretary

Also present:

George Consolvo, Kaufman and Canoles, IDA Bond Counsel

At 8:00 a.m. on June 3, 2016, the Chair of the Industrial Development Authority of the City of Newport News, Virginia (the "Authority") announced the commencement of a public hearing in Suite 301 of Two City Center, 11820 Fountain Way, Newport News, Virginia 23606, on the plan of refinance of the Christopher Newport University Education Foundation, a Virginia nonstock corporation (the "Foundation"), the location and mailing address of which is 1 University Place, Newport News, Virginia 23606, for the amendment of a Revenue Bond (Christopher

Newport University Project) Series 2001 (the "Bond"), issued by the Economic Development Authority of James City County, Virginia, in the original principal amount of \$8,000,000, to assist the Foundation in (a) the acquisition of properties for student housing, parking and other facilities associated with Christopher Newport University (the "Project"), (b) financing the cost of issuing the Bond and (c) financing the costs of furnishings and other costs associated with the development of the properties. The Project, which is owned by the Foundation, consists of certain real estate located adjacent to or in the immediate vicinity of the campus of Christopher Newport University in the City of Newport News, Virginia. The Bond will be amended to extend its maturity for an additional term of ten (10) years and to adjust its interest rate from a floating rate to a fixed rate.

Mr. Consolvo, IDA Bond Counsel, described to the Authority the nature of the plan of refinance and the process for its approval. No other member of the public spoke at the public hearing in support of or opposition to the plan of refinance and the Chair asked for a motion to close the public hearing at 8:10 a.m. Mr. Herbert so moved and Mr. Epes seconded the motion, which passed unanimously on a roll call vote.

Chair Drucker then asked for a motion approving IDA Resolution Number 16-2 as presented. Mr. Epes so moved and Mr. Herbert seconded the motion, which passed unanimously on a roll call vote.



Florence G. Kingston
Secretary/Treasurer

RESOLUTION OF
ECONOMIC DEVELOPMENT AUTHORITY OF
JAMES CITY COUNTY, VIRGINIA

WHEREAS, on May 18, 2001, the Economic Development Authority of James City County, Virginia (the "Authority"), issued, for the benefit of the Christopher Newport University Education Foundation (the "Foundation"), the Authority's \$8,000,000 Revenue Bond (Christopher Newport University Project) Series 2001 (the "Bond"), and pursuant to a Bond Purchase and Financing Agreement dated as of May 1, 2001, among the Authority, the Foundation and Bank of America, N.A. (the "Lender"), the Authority sold the Bond to the Lender and applied the proceeds of the Bond to assist the Foundation in (a) the acquisition of properties for student housing, parking and other facilities associated with Christopher Newport University (the "Project") (the current addresses of such properties are 12304 Warwick Boulevard, 12368 Warwick Boulevard (formerly known as 12346, 12352, 12366 and 12372 Warwick Boulevard), 12386 Warwick Boulevard, 39 Sweetbriar Drive, 411 University Place, and 414 University Place), (b) financing the cost of issuing the Bond and (c) financing the costs of furnishings and other costs associated with the development of the properties;

WHEREAS, the Authority approved the modification and reissuance of the Bond in 2011;

WHEREAS, the entire principal amount of the Bond will come due on the final maturity date of the Bond of June 1, 2016; and

WHEREAS, the Foundation and the Lender desire to extend the final maturity of the Bond for an additional period of ten (10) years and to adjust its interest rate from a floating rate to a fixed rate, and have been informed by bond counsel that such changes to the Bond must be approved by the Authority;

WHEREAS, the Foundation has described to the Authority the continued educational and other benefits to the City of Newport News (the "City") and the County of James City (the "County") derived from the Project and has requested that the Authority agree to approve the extension of the final maturity of the Bond and its adjusted interest rate in accordance with the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"); and

WHEREAS, a public hearing has been held by the Authority with respect to the modification of the Bond, as required by the Act and by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), on the date hereof; and

WHEREAS, the Foundation has requested that the Authority proceed with the modification of the Bond by the execution and delivery of (a) a Second Modification Agreement (the "Modification Agreement") among the Authority, the Foundation, the Christopher Newport University Real Estate Foundation, as guarantor, and the Lender, and (b) an Amended and Restated

Bond (the "Amended Bond"), forms of which have been prepared by bond counsel and reviewed by counsel to the Authority and have been presented to this meeting.

BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA:

1. It is hereby found and determined that the modification of the Bond will benefit the inhabitants of the County and the Commonwealth of Virginia and promote their education, welfare, convenience and prosperity, and the Authority hereby agrees to undertake the modification of the Bond.

2. The Modification Agreement is hereby approved in substantially the form submitted to this meeting, with such changes, insertions or omissions as may be approved by the Chairman or Vice Chairman of the Authority, either of whom may act, upon advice of counsel to the Authority, which approval shall be evidenced conclusively by the execution and delivery of the Modification Agreement.

3. The Chairman or Vice Chairman of the Authority, either of whom may act, is hereby authorized and directed to execute the Amended Bond, and the Secretary or Assistant Secretary of the Authority, either of whom may act, is authorized and directed to affix and attest the seal of the Authority. Such officers of the Authority are further authorized and directed to deliver the Amended Bond to the Lender upon the terms provided in the Modification Agreement; provided, however, that delivery of the Amended Bond shall not occur until the modification of the Bond has been approved by the Board of Supervisors of James City County, Virginia (the "Board"), and until the City Council of the City, by resolution (the "City Resolution"), approves the modification of the Bond in accordance with the Code. All terms of the Amended Bond are by this reference incorporated herein as a part of this resolution. The Chairman or Vice Chairman of the Authority, either of whom may act, is hereby authorized and directed to execute the Modification Agreement.

4. The officers of the Authority are hereby authorized and directed to execute and deliver all such certificates and instruments, including, without limitation, Internal Revenue Service Form 8038, and to take all such further action, as they may consider necessary or desirable in connection with the modification of the Bond as described herein.

5. The Authority hereby ratifies and agrees to the appointment of Kaufman & Canoles, a Professional Corporation, as bond counsel to supervise the proceedings with respect to the modification of the Bond.

6. All costs and expenses incurred in connection with the modification of the Bond, including the fees and expenses of bond counsel, counsel for the Authority and counsel for the Lender, shall be paid by the Foundation. If for any reason the Amended Bond is not issued, it is understood that all such expenses shall be paid by the Foundation and that the Authority shall have no responsibility therefor. The Foundation shall also pay the Authority's fees.

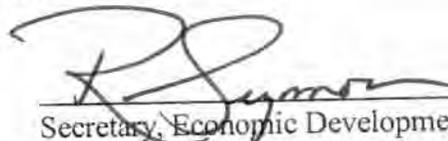
7. The Authority's officers shall perform such other acts and adopt such further resolutions as may be required to implement its undertakings as set forth herein.

8. The Authority hereby recommends that the Board approve the modification of the Bond and hereby directs the Chairman or Vice Chairman to submit to the Board the statement in the form prescribed by Section 15.2-4907 of the Act, a reasonably detailed summary of the comments expressed at the public hearing as required by Section 15.2-4906 of the Act, a copy of this resolution, and a copy of the City Resolution.

9. This resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above resolution was duly adopted by a majority of the directors of the Economic Development Authority of James City County, Virginia, at a meeting duly called and held on June 9, 2016, and that such resolution is in full force and effect on the date hereof.

Dated: June 9, 2016



Secretary, Economic Development Authority of
James City County, Virginia

FISCAL IMPACT STATEMENT*

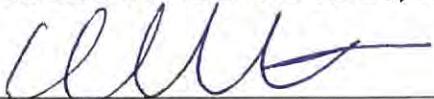
Public Hearing Date: June 3, 2016

**INDUSTRIAL DEVELOPMENT AUTHORITY OF THE
CITY OF NEWPORT NEWS, VIRGINIA**

Applicant: Christopher Newport University Education Foundation
Facility: CNU Project- Series 2001**

1. Maximum amount of financing sought	\$	2,643,000
2. Estimated taxable value of the facility's real property within in Newport News	\$	13,250,000
3. Estimated real property tax per year in Newport News using present tax rates	\$	13,000
4. Estimated personal property tax per year in Newport News using present tax rates	\$	0
5. Estimated merchants' capital tax per year in Newport News using present tax rates	\$	0
6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within Newport News	\$	*
(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within Newport News	\$	*
(c) Estimated dollar value per year of services that will be purchased from Virginia companies within Newport News	\$	*
(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within Newport News	\$	*
7. Estimated number of regular employees on year round basis		*
8. Average annual salary per employee	\$	*

**INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF NEWPORT NEWS, VIRGINIA**

By 
Wendy C. Drucker, Chairman

The information in this Fiscal Impact Statement was supplied to the Authority by the Applicant.

* There is minimal fiscal impact from the student rental properties financed with the Bond and no Foundation employees work at the properties. The University pays for what goods and services are required. The fiscal impact for the University's operations in the City is substantial.

** Approval of second modification of Revenue Bond, Series 2001, issued by Economic Development Authority of James City County, Virginia.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA,
FOR THE CHRISTOPHER NEWPORT UNIVERSITY EDUCATION FOUNDATION, INC.**

WHEREAS, the City Council of the City of Newport News, Virginia (the "Council"), has been advised that there has been described to the Industrial Development Authority of the City of Newport News, Virginia (the "Authority"), the plan of the Christopher Newport University Education Foundation (the "Foundation"), whose principal place of business is located at 1 Avenue of the Arts, Newport News, Virginia 23606, for the modification by the Economic Development Authority of James City County, Virginia (the "James City County EDA"), of its \$8,000,000 Revenue Bond (Christopher Newport University Project) Series 2001 (the "Bond"), to extend the final maturity of the Bond for an additional period of ten (10) years and to adjust its interest rate from a floating rate to a fixed rate; and

WHEREAS, the proceeds of the Bond were used to assist the Foundation in (a) the acquisition of properties for student housing, parking and other facilities associated with Christopher Newport University (the "Project") located within the City of Newport News, Virginia (the "City") (the current addresses of such properties are 12304 Warwick Boulevard, 12368 Warwick Boulevard (formerly known as 12346, 12352, 12366 and 12372 Warwick Boulevard), 12386 Warwick Boulevard, 39 Sweetbriar Drive, 411 University Place, and 414 University Place), (b) financing the cost of issuing the Bond, and (c) financing the costs of furnishings and other costs associated with the development of the properties; and

WHEREAS, the Authority and the Council approved the modification and reissuance of the Bond in 2011; and

WHEREAS, the Council has been advised that the Foundation, in its appearance before the Authority, (a) described the continued educational and other benefits to the City and the County of James City, Virginia, derived from the Project, (b) requested that the Authority recommend to the Council that it approve the issuance of the Amended and Restated Bond, a form of which has been presented to this meeting (the "Amended Bond"), as required by the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Council has been advised that public hearings were held by the Authority and the James City County EDA with respect to the modification of the Bond, as required by Section 15.2-4906 of the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended ("the Act") and by Section 147(f) of the Code, and that after its hearing the Authority (a) found and determined that the modification of the Bond will benefit the inhabitants of the City and the Commonwealth of Virginia and promote their education, welfare, convenience and prosperity, and (b) recommended that the Council approve the issuance of the Amended Bond as required by the Code; and

WHEREAS, a copy of the Authority's resolution, the James City County EDA's resolution

approving the modification of the Bond, a reasonably detailed summary of the comments expressed at the public hearing held by the Authority with respect to the modification of the Bond and a statement in the form prescribed by Section 15.2-4907 of the Act have been filed with the Council.

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

1. That the Council approves the modification of the Bond by the James City County EDA to the extent required by the Code.

2. That the approval of the modification of the Bond to the extent required by the Code, does not constitute an endorsement to any owner of the Bond or of the creditworthiness of the Foundation or any other person, and the Bond shall continue to provide that neither the City nor the Authority shall be obligated to pay the Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the City nor the Authority shall be pledged thereto.

3. That this resolution shall be in effect on and after the date of its adoption, June 28, 2016.

G. Other City Council Actions

3. Ordinance Amending City Code, Chapter 27, Obscenity; Article I., In General; Section 27-10, Indecent Exposure

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING CITY CODE, CHAPTER 27, OBSCENITY; ARTICLE I., IN GENERAL; SECTION 27-10, INDECENT EXPOSURE, TO EXEMPT INDIVIDUALS WHO ARE BREASTFEEDING.

BACKGROUND:

- Chapter 27, Obscenity, includes Section 27-10, Indecent exposure. The ordinance is being updated to exempt individuals who are breastfeeding a child.
- The amendment is in accordance with the *Code of Virginia*.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Ord Amdmnt to Chapt 27

sdm14385 Amending Sec. 27-10, Indecent exposure

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: City Code Amendment to Chapter 27, Obscenity

Chapter 27 of the City Code deals with Obscenity. Section 27-10, Indecent exposure, currently reads as follows:

“Every person who intentionally makes an obscene display or exposure of his or her person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself or herself, shall be guilty of a misdemeanor.”

The language in this section needs to be updated to comply with language in section 18.2-387 of the *Code of Virginia*. The proposed ordinance adds language to exempt individuals who are breastfeeding in public from being in violation of the code.

I recommend approval of this ordinance.


James M. Bourey

JMB:LBT:slr

cc: Alan K. Archer, Assistant City Manager
Richard W. Myers, Chief, Newport News Police Department (NNPD)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 27, OBSCENITY, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I., IN GENERAL, SECTION 27-10, INDECENT EXPOSURE.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 27, Obscenity, of the Code of the City of Newport News, Virginia, Article I., In General, Section 27-10, Indecent exposure be, and the same hereby is amended and reordained as follows:

CHAPTER 27

OBSCENITY

ARTICLE I. IN GENERAL

Sec. 27-10. Indecent exposure.

Every person who intentionally makes an obscene display or exposure of his or her person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself or herself, shall be guilty of a misdemeanor. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.

2. That this ordinance shall be in effect on and after July 1, 2016.

G. Other City Council Actions

4. Ordinance Amending City Code, Chapter 32, Police; Article I., In General; Section 32-4, Charges for Certain Records and Services

ACTION: A REQUEST TO ADOPT AN ORDINANCE AMENDING CITY CODE, CHAPTER 32, POLICE; ARTICLE I., IN GENERAL; SECTION 32-4, CHARGES FOR CERTAIN RECORDS AND SERVICES, TO ALIGN THE CODE WITH RECENT CHANGES TO THE *CODE OF VIRGINIA*.

BACKGROUND:

- Section 32-4, charges for certain records and services and authorizes the Police Department to collect fees for the various services it provides.
- In 2015, the *Code of Virginia* was amended to require all Special Conservators of the Peace (SCOP) to submit to a background investigation.

FISCAL IMPACT:

- The amendment to Chapter 32 will allow the Police Department to charge \$200 for each non-City SCOP background investigation.
- The City Manager recommends approval.

ATTACHMENTS:

Description

CM Memo re Ord Amdmnt to Chapt 32

sdm14384 Amedning Sec. 32-4, Charges for certain records and services

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: City Code Amendment to Chapter 32, Police

Chapter 32, Section 32-4, Charges for certain records and services, specifies the charges the Police Department can charge for services unique to the Police Department. In 2015, the section of the *Code of Virginia* dealing with Special Conservators of the Peace was amended. The 2015 revision requires any Special Conservator of the Peace appointed by the Circuit Court of a locality to have a background investigation performed by any state or local law enforcement agency. The State Code allows the law enforcement agency to charge a reasonable fee to the application.

The Police Department, as a result of the State Code amendment, must now conduct a background investigation on all City Special Conservators of the Peace (SCOPs), as well as SCOPs for private businesses. There are approximately 180 City SCOPs. Until the applicants for private businesses apply under the 2015 State Code provision, the Police Department does not have a good estimate for the number who will be applying. However, the applications are now beginning to be submitted to the Police Department. It takes approximately 20 hours to conduct a background investigation, which involves reference checks with previous employers and a local criminal history check. The \$200 charge requested in this code amendment will be charged to non-City SCOP applicants.

In addition to the initial background requirement, SCOPs must renew their application in four years, again requiring a background investigation.

I recommend approval of the ordinance.


James M. Bourey

JMB:LBT:slr

cc: Alan K. Archer, Assistant City Manager
Richard W. Myers, Chief, Newport News Police Department (NNPD)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 32, POLICE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, BY AMENDING ARTICLE I., IN GENERAL, SECTION 32-4, CHARGES FOR CERTAIN RECORDS AND SERVICES.

BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 32, Police, of the Code of the City of Newport News, Virginia, Article I., In General, Section 32-4, Charges for certain records and services, be, and the same hereby is, amended and reordained as follows:

CHAPTER 32

POLICE

ARTICLE I. IN GENERAL

Sec. 32-4. Charges for certain records and services.

(a) Unless otherwise prohibited by law, the police department is authorized to furnish photostatic copies of accident reports, offense reports, photographs of motor vehicle accidents and other photographs and to make record checks and reports (local record only) and take fingerprints of individuals on request.

(b) For the above services, a fee shall be charged as follows:

- (1) Photostatic copy of accident report\$10.00
- (2) Photostatic copy of offense report10.00
- (3) Criminal history check by name (with copy) (local record only)10.00
- (4) Fingerprinting of individuals (when voluntarily requested by any person for purposes other than criminal violations):
 - a. For the first card10.00
 - b. For each successive card5.00
- (5) Photographs, each print10.00

(c) For special conservator of the peace applicants, a fee in the amount of two hundred dollars (\$200.00) shall be charged for background investigations performed by the police department.

2. That this ordinance shall be in effect on and after July 1, 2016.

G. Other City Council Actions

5. Ordinance Approving a Transfer of Ownership of PAPCO, Inc., Lessee of Parcel 9 in the Newport News Seafood Industrial Park (SIP)

ACTION: A REQUEST TO ADOPT AN ORDINANCE APPROVING THE TRANSFER OF OWNERSHIP OF PAPCO, INC., (PAPCO) TENANT OF SEAFOOD INDUSTRIAL PARK (SIP) PARCEL 9, TO ASCENT AVIATION GROUP, INC., (ASCENT) A WHOLLY-OWNED SUBSIDIARY OF WORLD FUEL SERVICES CORPORATION (WORLD FUEL SERVICES).

BACKGROUND:

- Papco, the current lessee of SIP Parcel 9 at 407 Jefferson Avenue, has reached an agreement with Ascent, for World Fuel Services' purchase of 100% of Papco stock.
- Both Ascent and World Fuel Services have extensive, successful histories in domestic and global petroleum distribution.
- Ascent will continue to operate as Papco at SIP Parcel 9 providing employment and quality petroleum products to the SIP seafood harvesting fleet and vessels elsewhere in the City.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

ATTACHMENTS:

Description

CM Memo re Ownership Trxfr of Parcel 9 in SIP - PAPCO
Map Attachment of SIP Parcel 9 for Transfer
sdm14427 Approving a Transfer of Ownership of Papco, Inc

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

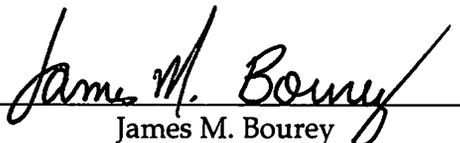
June 22, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Transfer of Ownership of Papco, Inc., Tenant for Seafood Industrial Park (SIP) Parcel 9

Papco, Inc. (Papco), current lessee of SIP Parcel 9, in accordance with the provisions of its existing Lease, is seeking City Council approval to transfer 100% ownership of Papco stock to Ascent Aviation Group, Inc., a wholly-owned subsidiary of World Fuel Services Corporation (World Fuel Services). World Fuel Services and Ascent Aviation Group have an extensive successful history in domestic and global petroleum distribution. Having reviewed the proposed business plan for the leased premises and financial records of the principal corporation, staff is confident that under the ownership of Ascent Aviation Group, operations at Papco will continue to provide employment and quality petroleum products to businesses at the SIP and throughout the City. For your convenience of reference, SIP Parcel 9, located at 407 Jefferson Avenue, is outlined in yellow on the attached map.

World Fuel Services was founded in 1984 with corporate offices located in Miami, Florida. World Fuel Services does business in over 200 countries and territories, is traded on the New York Stock Exchange (under the symbol INT), and is listed as a Fortune 100 company. Ascent Aviation Group's principle office is located in Parish, NY and is actively registered with the Virginia State Corporation Commission to conduct business in Virginia.

I recommend City Council approve the Ordinance, prepared and provided to you by the City Attorney's Office, authorizing transfer of ownership of Papco, Inc. to Ascent Aviation Group, Inc., and authorize me to execute any documents necessary to effectuate the transaction.


James M. Bourey

JMB:dpk

Attachment

cc: Florence G. Kingston, Director, Department of Development

SIP-Parcel 9

407 Jefferson Avenue



ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING A TRANSFER OF OWNERSHIP OF PAPCO, INC., LESSEE OF PARCEL 9 IN THE NEWPORT NEWS SEAFOOD INDUSTRIAL PARK.

WHEREAS, PAPCO, Inc., formerly known as Tank Lines, Inc., presently leases Parcel 9 of that property owned by the City of Newport News and located at the Newport News Seafood Industrial Park (NNSIP); and

WHEREAS, the above referenced lease requires approval by the Newport News City Council prior to the transfer of more than 20% of the ownership of the lessee corporation; and

WHEREAS, PAPCO, Inc. proposes to transfer 100% of its outstanding capital stock to Ascent Aviation Group, Inc., a wholly owned subsidiary of World Fuel Services Corporation; and

WHEREAS, the Council of the City of Newport News, Virginia does not object to the transfer of ownership as presently proposed.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That in accord with the terms of the lease, it approves of the proposed transfer of 100% of the outstanding capital stock of PAPCO, Inc. to Ascent Aviation Group, Inc., a wholly owned subsidiary of World Fuel Services Corporation.

2. That this ordinance shall be in effect on and after the date of its adoption, June 28, 2016.

H. Appropriations

ACTION: A REQUEST FOR A MOTION OF CITY COUNCIL TO APPROVE AS A BLOCK THE FOLLOWING APPROPRIATIONS.

1. Newport News Fire Department (NNFD) – Federal Emergency Agency (FEMA), Department of Homeland Security (DHS): Staffing for Adequate Fire and Emergency Response (SAFER) Grant Amendment – \$299,190

H. Appropriations

1. Newport News Fire Department - Federal Emergency Agency (FEMA) Department of Homeland Security (DHS): Staffing for Adequate Fire and Emergency Response (SAFER) Grant Amendment - \$299,190

ACTION: A REQUEST TO APPROVE A RESOLUTION APPROPRIATING \$299,190 FROM THE FEDERAL EMERGENCY AGENCY (FEMA), DEPARTMENT OF HOMELAND SECURITY (DHS): STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT AMENDMENT FOR THE NEWPORT NEWS FIRE DEPARTMENT (NNFD).

BACKGROUND:

- The City has been awarded additional funding in the amount of \$299,190 from FEMA and DHS, obligated through the SAFER Grant Program.

FISCAL IMPACT:

- The additional amount of \$299,190 represents an amendment to the original SAFER Grant amount of \$1,742,490 appropriated in August 2013.
- This federal grant provides NNFD funding for salary and associated benefits for 15 firefighter/medic recruits.
- This grant requires no local matching funds
- The City Manager recommends approval

ATTACHMENTS:

Description

CM Memo re SAFER Grand Amdmnt for NNFD

sdm14435 Appropriation re SAFER Grant Amendment

CITY OF NEWPORT NEWS

OFFICE OF THE CITY MANAGER

June 22, 2016

TO: The Honorable City Council
FROM: City Manager
SUBJECT: Staffing for Adequate Fire and Emergency Response (SAFER) Grant

The City of Newport News has received an additional grant award of \$299,190 from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program.

The SAFER grant program was created to provide funding directly to fire departments to help increase or maintain the number of trained "front line" firefighters available in their communities. The goal of SAFER is to enhance the ability of local fire departments to comply with staffing response and operational standards established by the NFPA 1710 - Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations for the Public by Career Fire Departments.

The federal award has allowed the Fire Department to employ additional recruits. The grant provides funding for salary and benefits and requires no commitment on the part of the City to continue funding these positions after the performance period concludes.

I would like to commend the Fire Department for its continued efforts to identify and secure external funding to support its mission. No local funding is required for this grant and approval of this resolution is recommended.


James M. Bourey

JMB:RBA:cp

cc: R.B. Alley, Chief, Newport News Fire Department (NNFD)
Lisa Cipriano, Director, Office of Budget and Evaluation

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING FUNDS FROM FEDERAL REVENUE-F-DHS-FEMA-SAFER-14 TO FIREFIGHTER MEDIC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

That it hereby appropriates funds from Federal Revenue-F-DHS-FEMA-SAFER-14 to Firefighter Medic, as follows:

Appropriation From:

Federal Revenue - F-DHS-FEMA-SAFER-14	
2611-000-25-0000-483000-000000-0000-25S14-25S14	\$ 299,190.00

Appropriation To:

Firefighter Medic	
2611-000-25-0000-513364-000000-0000-25S14-25S14	\$ 299,190.00

*I. Citizen Comments on Matters Germane to the Business of City Council

J. New Business and Councilmember Comments

City Manager
City Attorney
City Clerk

Scott
Vick
Woodbury
Bateman
Cherry
Coleman
Price

K. Adjourn

***THE BUSINESS PORTION OF THE MEETING WILL BE CONCLUDED NO LATER THAN 10:00 P.M. TO ALLOW PERSONS TO ADDRESS CITY COUNCIL UNDER "CITIZEN COMMENTS ON MATTERS GERMANE TO THE BUSINESS OF CITY COUNCIL."**