

## 1. Planning Commission Meeting Documents

### Documents:

CPC AGENDA 9.7.16.PDF  
CPC MINUTES 8.3.16.PDF  
CU-16-370.PDF  
CU-16-372.PDF  
CZ-16-382.PDF



**NEWPORT NEWS CITY PLANNING COMMISSION**  
2400 WASHINGTON AVENUE  
NEWPORT NEWS, VIRGINIA 23607

MICHAEL F. CARPENTER  
Chairman

(757) 926-8761

SHEILA W. McALLISTER  
Executive Secretary

MARK W. MULVANEY  
Vice-Chairman

**- A G E N D A -**

**NEWPORT NEWS CITY PLANNING COMMISSION**  
**SEPTEMBER 7, 2016**  
**4:00 P.M.**  
**CITY COUNCIL CHAMBERS**

- A. CALL TO ORDER**
- B. INVOCATION**
- C. MINUTES OF AUGUST 3, 2016**

**A. RESOLUTION**

**Presented to Mr. H. Eugene Roberts**

**B. PUBLIC HEARING**

**CHANGE OF ZONING**

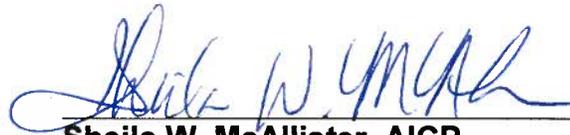
**CZ-16-382, Port Jefferson, LLC.** Requests a change of zoning from C2 General Commercial with proffers to C1 Retail Commercial with proffers on a 14.93 acre parcel located at 591 City Center Boulevard to allow for the development of a health center. The *Framework for the Future 2030* comprehensive plan recommends Neighborhood Commercial and Regional Commercial for the site. The Parcel No. is 183.00-01-29. **(Contact Planner: Saul Gleiser at 926-8076)(To be heard by City Council on September 27, 2016)**

**CONDITIONAL USE PERMITS**

**CU-16-370, 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 416 (Denbigh Village Shopping Center) on a 27 acre parcel zoned C1 Retail Commercial. The Parcel No. is 108.00-04-07. **(Contact Planner: David Watson at 926-3833)(To be heard by City Council on September 27, 2016)**

**CU-16-372, Stoney Run Village, LLC.** Requests a conditional use permit for off-premise sale of alcohol in an establishment of less than 1,600 square feet located at 620 Stoney Creek Lane, Suite 20 on a 10.67 acre parcel zoned R9 Mixed Use. The Parcel No. is 090.00-01-23. **(Contact Planner: David Watson at 926-3833)(To be heard by City Council on September 27, 2016)**

- E. EXECUTIVE SECRETARY REPORT**
- F. COMMITTEE REPORTS**
- G. UNFINISHED BUSINESS**
- H. NEW BUSINESS**
- I. ADJOURN MEETING**



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**Sheila W. McAllister, AICP**  
**Executive Secretary**

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

**PRESENT:** Michael F. Carpenter, Chairman; Mark Mulvaney, Vice-Chairman; Willard G. Maxwell, Jr.; Sharyn L. Fox; Robert B. Jones; Daniel L. Simmons, Jr.; Lorraine P. Austin; Elizabeth W. Willis; N. Steve Groce; (Staff: Sheila W. McAllister, Director of Planning; Claudia Cotton, Manager of Current Planning; Britta Ayers, Manager of Comprehensive Planning; Saul Gleiser, Senior Planner; David Watson, Planner; Johnnie Davis, Planner; Garrett Morgan, Senior Planner; Sandy Hitchens, Planner; Lynn Spratley, Deputy City Attorney; Christine Mignogna, Zoning Administrator; Marc Rodgers, Senior Project Coordinator)

**ABSENT:** None

**CALL TO ORDER**

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

**INVOCATION**

Mr. Maxwell presented the invocation.

**MINUTES**

The minutes of the June 1, 2016 public hearing were approved as presented.

**PUBLIC HEARING**

**CONDITIONAL USE PERMIT**

**CU-16-371, City of Newport News School Board.** Requests a conditional use permit to allow for the expansion of the lease area of an existing communications tower to accommodate a second service provider. The property is located at 259 Denbigh Boulevard (Denbigh High School) and zoned P1 Park. The Parcel No. is 117.00-01-02.

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

Mr. Carpenter opened the public hearing.

**CPC MINUTES**  
**PAGE 2**  
**August 3, 2016**

Mr. David Beniamino, 2411 E. Franklin Street, Richmond, applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Beniamino stated he was available for questions.

Mr. Carpenter stated a resident asked about the particular array that is going to be used. Mr. Beniamino stated the individual would like to see the full array taken down and flush-mounted antennae installed. He stated that, unfortunately, the applicant requires a full array because of the type of antennas they are using. Mr. Beniamino stated flush mount antennas do not have the capacity or range that antennas mounted on a low profile array can generate. He stated that the flush mounted model towers usually only have one or potentially two carriers. He stated in this instance we are providing one carrier to collocate with another as well as emergency service for the city of Newport News.

Mr. Groce asked how many carriers the tower can handle. Mr. Beniamino stated it can handle up to three; however, because it is 135 feet, it is generally two with emergency services. He stated there can be a third located on there, but the radial center will be quite low because they need to be able to get over the trees. Mr. Beniamino stated technically there can be three carriers with emergency services.

Mr. Carpenter closed the public hearing.

Ms. Austin made a motion to recommend approval of conditional use permit CU-16-371 to City Council, as recommended by staff. The motion was seconded by Mr. Simmons.

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-16-371 to City Council.

## **ZONING TEXT AMENDMENTS**

**ZT-16-380, City of Newport News.** Requests an amendment to the Zoning Ordinance to add a new section for rezoning, conditional use permit and special exception fee waivers for certain nonconforming uses (Section 45-2903).

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

Ms. Austin asked how many businesses fall into this category. She stated it seems it would be a pretty narrow number. Ms. Cotton stated she did not know.

**CPC MINUTES**  
**PAGE 3**  
**August 3, 2016**

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

Ms. Fox made a motion to recommend approval of zoning text amendment ZT-16-380 to City Council, as recommended by staff. The motion was seconded by Mr. Mulvaney.

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 approval of zoning text amendment ZT-16-380 to City Council.

**ZT-16-381, City of Newport News.** Requests an amendment to the Zoning Ordinance pertaining to a freestanding sign in the Lower Jefferson Avenue Urban Corridor Overlay District (Section 45-3161.1).

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

Ms. Willis stated in the plans that we see, there are five other buildings that are not on Jefferson Avenue. She stated the way this is written, they would not be allowed a sign on Jefferson Avenue. Ms. Cotton stated that is correct, but they would be able to have building signage. Ms. Willis asked if they would be able to rent a space on the sign for the shopping center. Ms. Cotton stated she does not believe the ordinance would allow that. She stated it does not contemplate that there would be space available for lease on the sign. Ms. Cotton stated it is essentially a sign for any buildings 50,000 square feet or larger in gross leasable area.

Ms. Austin asked what is the purpose of denying signage for these other buildings that are part of that structure, and clearly much smaller in square feet than what was just described. She stated they would be blocked by the buildings that are right at the street. Ms. Cotton stated any of the businesses in that building will be allowed to be on the sign because it is for the shopping center, and the 50,000 square feet or more refers to the entire shopping center.

Mr. Carpenter stated he thinks part of the explanation is that when they did the original overlay, this property and all of the properties underneath it being redeveloped, or will be redeveloped, or envisioned to be redeveloped in an urban style where the buildings are up closer to the street. He stated in the rendering, it shows a suburban development with a suburban shopping center with substantial parking in front and the buildings pushed back. Mr. Carpenter stated as recently envisioned, the buildings would be right against the street and then have no signage on the street. He stated we

**CPC MINUTES**  
**PAGE 4**  
**August 3, 2016**

are trying to make amends for that. Ms. Cotton stated it was not anticipated in the original ordinance.

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

Mr. Mulvaney made a motion to recommend approval of zoning text amendment ZT-16-381 to City Council, as recommended by staff. The motion was seconded by Ms. Willis.

**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 zoning text amendment ZT-16-381 to City Council.

**EXECUTIVE SECRETARY REPORT**

Ms. McAllister stated that on June 28, 2016, City Council approved five conditional use permits: the mini-storage warehouse at 12445 and 12447 Warwick Boulevard, the multimodal transportation center, the amusement arcade/indoor race track at 14347 Warwick Boulevard, the tattoo establishment at 12567 Warwick Boulevard and the group home at 28 Harpersville Road. She stated they also approved the O3 master plan for Phase 1 of Tech Center.

Ms. McAllister stated the September 7, 2016 public hearing will include a conditional rezoning at 591 City Center Boulevard, a conditional use permit for an amusement arcade/breakout rooms in the same shopping center as the racetrack at 14346 Warwick Boulevard, and a conditional use permit for off-premise alcohol sales in an establishment of less than 1,600 square feet in the Villages of Stoney Run.

Ms. McAllister stated we have no cases for the August 17, 2016 meeting. Ms. Fox asked if there was any need for work session for the conditional rezoning. Ms. McAllister stated no.

Ms. Fox made a motion to cancel the August 17, 2016 meeting. The motion was seconded by Mr. Maxwell. The Planning Commission voted by acclamation.

Ms. McAllister stated the city of Newport News received a Choice Neighborhood Initiatives planning grant of \$500,000. She stated we will be developing a transformation plan for the Marshall/Ridley Choice Neighborhood. Ms. McAllister stated that neighborhood runs from Hampton Roads Harbor to 39<sup>th</sup> Street, from Marshall Avenue to Interstate 664. She stated it includes a lot of the area along Jefferson Avenue that we are currently looking at redeveloping, with the main focus being the

public housing project, Ridley Place. Ms. McAllister stated we will be presenting the planning process to City Council at their work session on August 9, 2016 and Planning Commission is welcome to attend. She stated we will be working to see how we can engage the Planning Commission in this process.

Mr. Carpenter congratulated the Planning Department and the Newport News Redevelopment and Housing Authority, and Ms. Britta Ayers for the successful grant award.

### **COMPREHENSIVE PLAN UPDATE**

Ms. Ayers stated we are reconvening the Comprehensive Plan Citizen Advisory Committee (CPCAC) this month. She stated we will be meeting on August 11 and August 25, 2016 at City Center in the James Room from 4:00 to 6:00 P.M. Ms. Ayers stated we will be focusing on a preliminary draft of the comprehensive plan. She stated staff has been working diligently on incorporating feedback received from the CPCAC regarding existing conditions. Ms. Ayers stated because it took us some time, we were able to update all of our data with the new census data, and the plan has been updated to reflect the most current information. She stated we have been working toward developing recommendations based on the direction received by the CPCAC and all of the input from the community engagement process. Ms. Ayers stated we will be going over all of the information with the CPCAC in the month of August, and likely into September. She stated the focus for the CPCAC is to complete the list of recommendations, establish priorities, and help develop the implementation plan. Ms. Ayers stated that in the past there has not been an implementation plan, which is a bit challenging when we have to prioritize investments for the capital improvement program. She stated that, moving forward, it is our recommendation that we do include an implementation plan, and that it be a near term to mid-term type of plan so that every five years when we go back, we can evaluate what we have accomplished to date. Ms. Ayers stated anything that we have accomplished will be removed from that list, and then we move to the next set of priorities. She stated that will help us track what we are doing, as well as keep us focused on moving ahead to achieve the vision. Ms. Ayers stated everyone is welcome to attend the CPCAC meetings. She stated the agenda will be sent out August 4 and will be posted on the Planning Department website.

Ms. Ayers introduced Mr. Garrett Morgan, Senior Planner, the newest member of the Comprehensive Planning Division. She shared Mr. Morgan's resume and accomplishments.

### **COMMITTEE REPORTS**

Mr. Mulvaney stated that, on July 20, 2016, the Regulations Committee met and the two zoning text amendments that were presented to Planning Commission today were reviewed and approved.

**NEW BUSINESS**

Ms. Fox stated she attended the Virginia American Planning Association conference in July and it was an excellent conference. She stated it is always good to share perspectives. Ms. Fox stated we had some nice presentations and it was definitely a worthwhile trip. She encouraged her fellow Planning Commissioners to try to attend the conference next year.

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



Recording Secretary



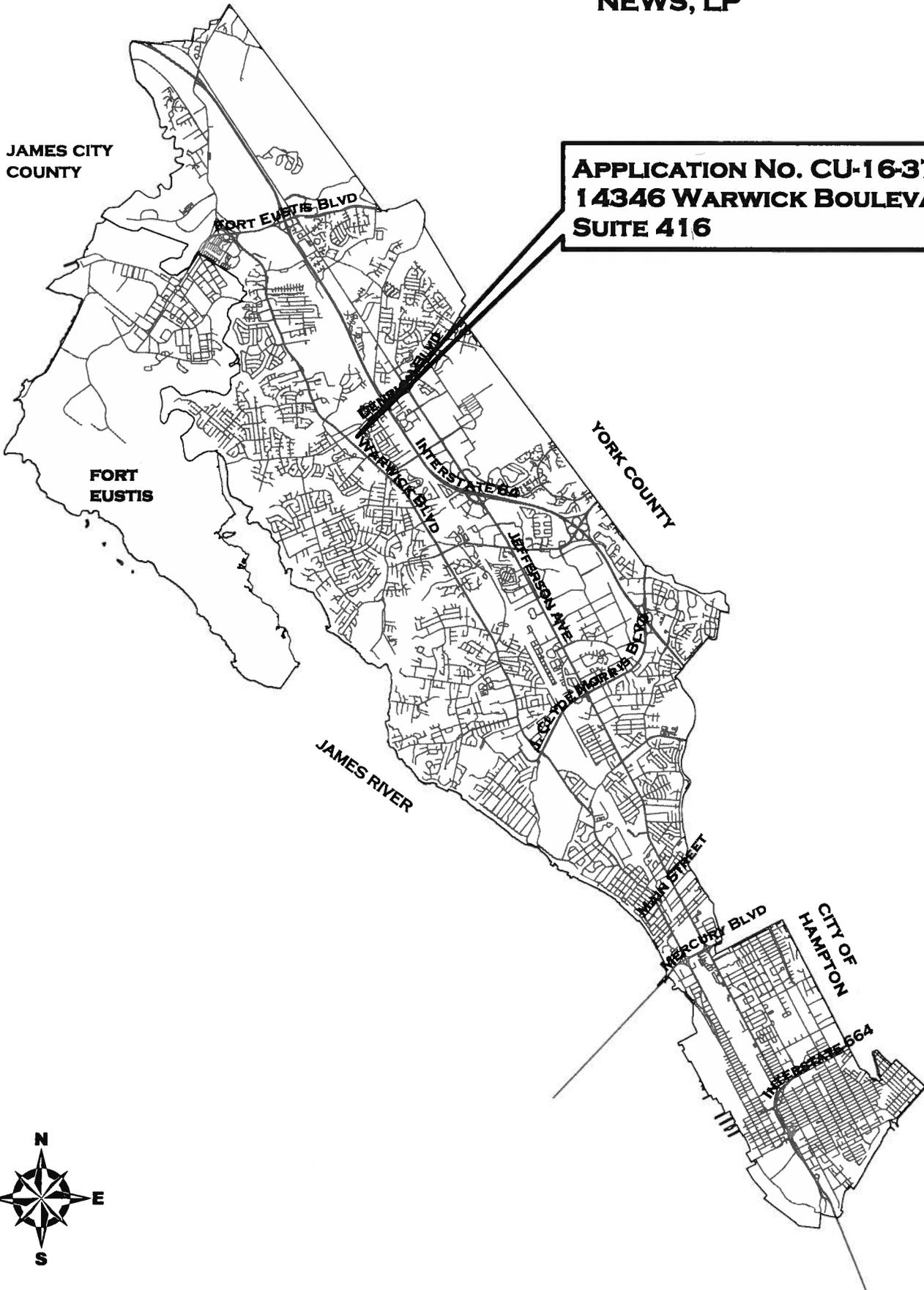
Executive Secretary

**CITY OF NEWPORT NEWS  
PLANNING COMMISSION  
SEPTEMBER 7, 2016**

**CONDITIONAL USE PERMIT  
APPLICATION NO. CU-16-370  
MIRSHORIM GOLD NEWPORT  
NEWS, LP**

JAMES CITY  
COUNTY

**APPLICATION No. CU-16-370  
14346 WARWICK BOULEVARD  
SUITE 416**



FORT  
EUSTIS

YORK COUNTY

JAMES RIVER

CITY OF  
HAMPTON



# CONDITIONAL USE PERMIT NO. CU-16-370

## MISHORIM GOLD NEWPORT NEWS, LP

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<b>OWNER/APPLICANT</b>	Mishorim Gold Newport News, LP/Breakout, LLC.	<b>ZONING</b>	C1 Retail Commercial (Appendix A-1)
<b>LOCATION</b>	14346 Warwick Blvd. Suite 416	<b>FRAMEWORK</b>	Neighborhood Commercial (Appendix A-5)
<b>PRESENT USE</b>	Shopping Center	<b>ACREAGE</b>	27.0 acres

**REQUEST** Operation of an amusement arcade/Breakout Adventure Games

### 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 Hampton Roads Community Action office 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-6.)

**Zoning History** The property has been zoned C1 Retail Commercial since the citywide

comprehensive rezoning became effective August 1, 1997.

On June 28, 2016, City Council approved CU-16-267 to allow the operation of an amusement arcade in an adjacent 49,791 square foot lease area identified as Suite 402.

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 identified as Suite 428 in the shopping center. This facility closed in December, 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 1 parking space per 50 square feet of net floor area. The gross floor space of the lease area is 3,042 square feet. The zoning ordinance allows flexibility in calculating the parking requirement for amusement arcade uses. Net floor area used for calculating the parking ratio is determined by excluding areas not expressly used by arcade patrons, such as equipment rooms and storage areas. This calculation is made in order to insure that adequate, but not excessive, parking is provided. The zoning administrator has made a determination that this use will occupy a net floor area of 1,500 square feet and will require 30 parking spaces. The retail store that previously occupied the lease area was required to provide 16 parking spaces. The remaining uses in the shopping center will require 1,157 parking spaces, for a total of 1,187 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-5.)

## ANALYSIS

The DW Center (formally Denbigh-Warwick Shopping Center) is a regional shopping center that is undergoing a transformation that will include new facades, new uses, and a comprehensive landscaping plan. (See Appendix A-3.) The landscape plan was approved on March 31, 2016 by the Department of Engineering and will be installed during the fall planting season.

The center has a total of 276,537 square feet of floor area and 1,265 parking spaces and the applicant is requesting a conditional use permit that will allow the operation of Breakout Adventure Games in a 3,042 square foot lease area. (See Appendix A-4.) All activities will take place indoors.

The applicant has stated that Breakout Adventure Games provides team

building, education and entertainment experiences for customers in groups of 2 to 8 people at a time. The facilities are used by appointment only and there is no walk-in business. The games are structured in 1 hour increments. During this time patrons try to solve a mystery that was created based on a specific theme. The games are not physically active but instead engage the intellect of patrons. Teams work to uncover hidden information in order to solve various puzzles that provide clues used to solve the mystery.

The proposed use will have no greater impact on the shopping center tenants or surrounding uses than by-right uses. The applicant has stated that the anticipated maximum patron usage at any given time is 32 persons and 4-5 employees will also be on site. The hours of operation are projected to be from 9:00AM until 11:00PM every day. No food or beverage will be served, or allowed, in this facility. (See Appendix A-7.)

The DW Center is located in the city's Upper Warwick Boulevard/Denbigh Tourism Zone. A new or expanding business within this zone that seeks to attract customers from outside of the city may qualify for incentives that can include a reduction of business taxes. In order for a business to qualify for these incentives, the business must advance strategic goals identified in the city's Tourism Plan, Retail Development Strategy, and the *Framework for the Future 2030* comprehensive plan. Breakout Adventure Games will join the adjacent Fast Lap indoor go-cart track as tourism and amusement based uses within the shopping center. The shopping center's location mid-way between Williamsburg and Virginia Beach and proximity to Interstate 64 will allow Breakout Adventure Games, Fast Lap, and the shopping center, to grow into a regional destination.

## CONCLUSION

The DW Center is well suited for the location of the Breakout Adventure Games and it 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-16-370 to allow for the operation of an amusement arcade in a 3,042 square foot lease area designated as Suite 416 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. All shopping center landscaping shall be installed in accordance with the landscape plan prepared by Land Studio dated March 25, 2016 and approved by the Department of Engineering on March 31, 2016 noted as Appendix A-3. All landscaping shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed. Any proposed changes shall be reviewed and approved by the Director of Planning.

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

8. 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.

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 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.

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 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**

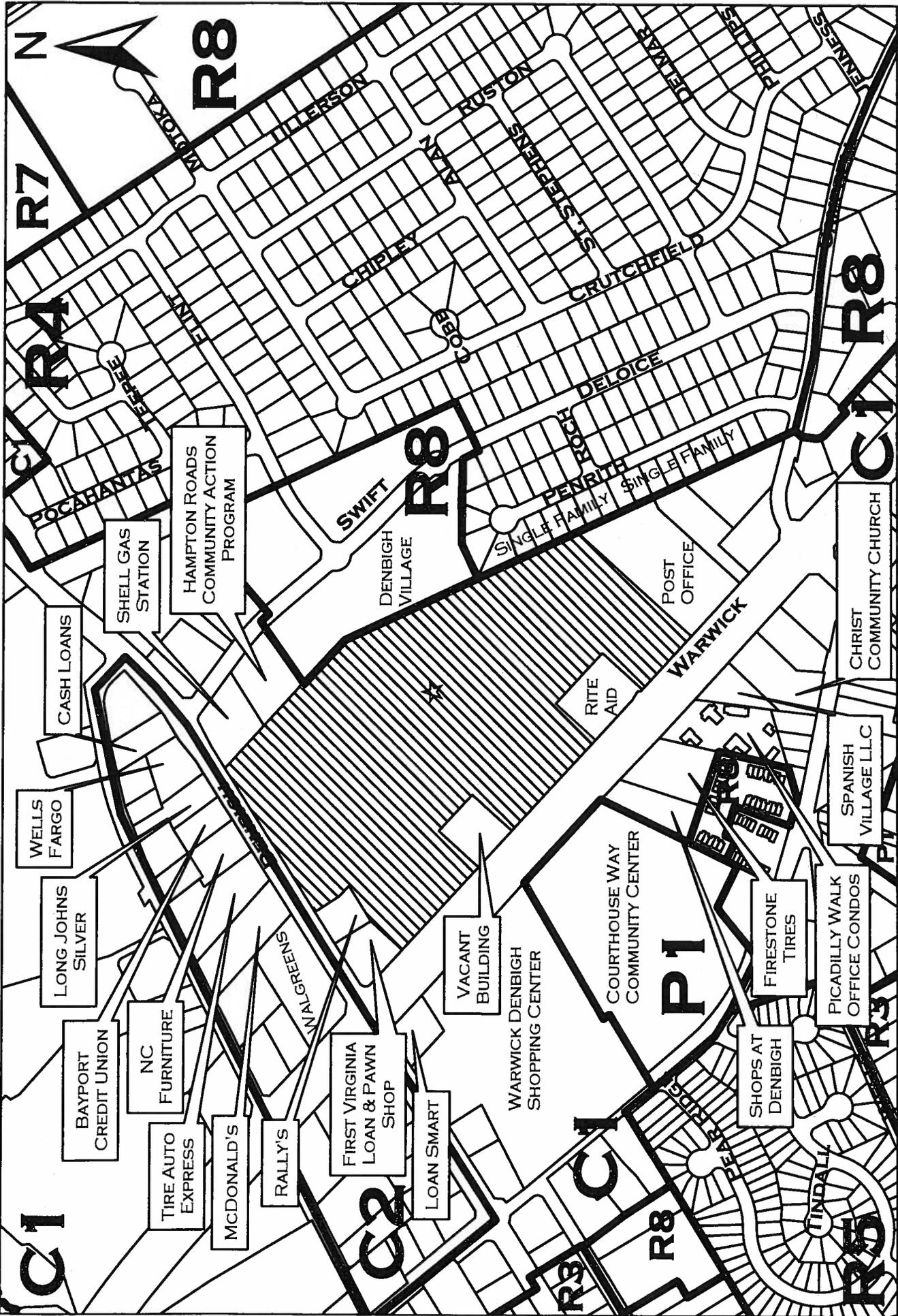
**A-3 LANDSCAPE PLAN**

**A-4 FLOOR PLAN**

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

**A-6 AERIAL MAP**

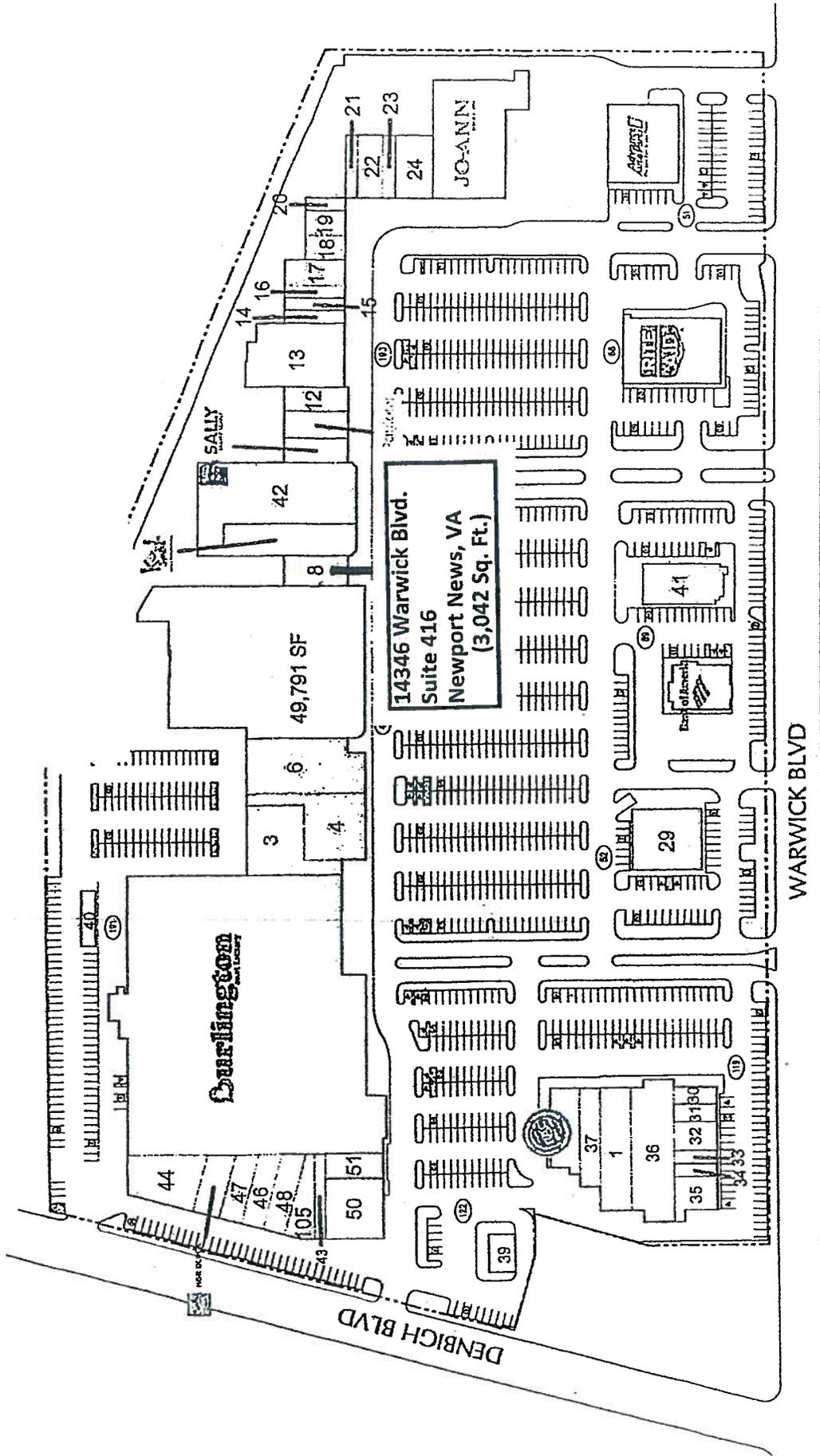
**A-7 OPERATION NARRATIVE**



**MISHORIM GOLD  
NEWPORT NEWS, LP**

**CU-16-370**

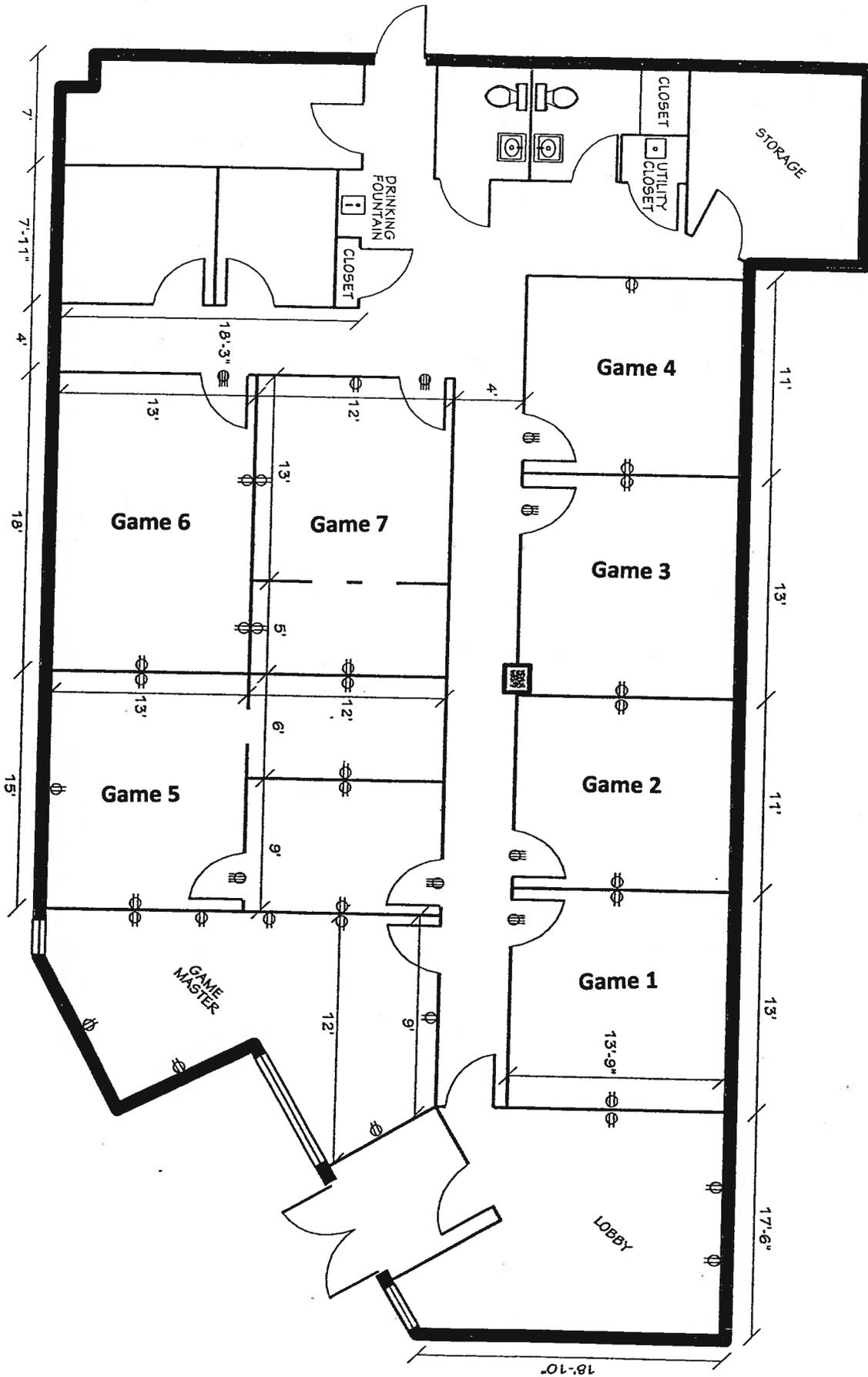
# Denbigh Village Shopping Center Newport News, VA

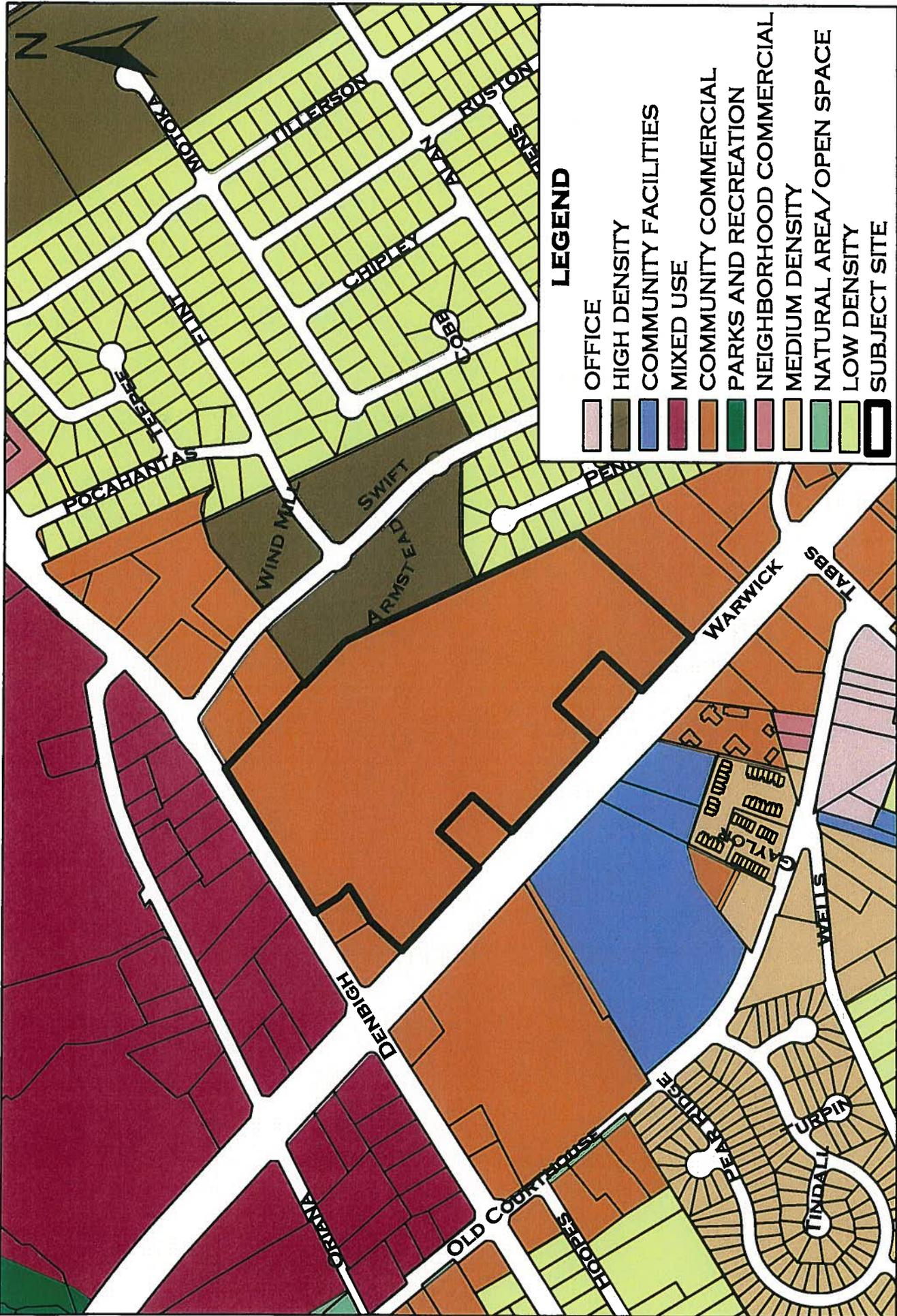


Property Location



# TYPICAL LAYOUT





**MISHORIM GOLD  
NEWPORT NEWS, LP**

**FRAMEWORK FOR  
THE FUTURE 2030**





PO Box 54465  
Lexington, KY 40555  
859-269-1966 Fax 859-269-2381

Breakout Games operates team-building, education and entertainment experiences for customers in groups of 2-8 at a time. Companies and customers book a room in advance and one of our experienced leaders will guide their group through a 60-minute scenario where they try to solve the mystery created around a specific theme. During the 60 minute experience, the door remains unlocked and the customers can leave at any time.

These experiences are NOT physically active but are mentally stimulating and require teams to uncover hidden information and share it as a team in order to work through the process of solving the different room puzzles. One scenario might require a team to assemble puzzle pieces that were tucked behind a picture on the wall, or use a blacklight flashlight to illuminate a hidden message written on a piece of paper. These steps all build on each other as a team gets closer to solving the mystery and winning their particular challenge.

Another important thing that distinguishes us from entertainment or amusement concepts is that we do not operate as a 'storefront'. We have no walk-in traffic since we are appointment only and do not accept money on the premises. Our customer flow is dictated by our online schedule which allows us to completely control the occupancy. On a busy day we might have 3 or 4 experiences going at one time for a max of 32 customers and 4-5 employees.

Sincerely,

Gordy Hoagland

**CITY OF NEWPORT NEWS  
PLANNING COMMISSION  
SEPTEMBER 7, 2016**

**CONDITIONAL USE PERMIT  
APPLICATION NO. CU-16-372  
STONEY RUN VILLAGE, LLC.**

**JAMES CITY  
COUNTY**

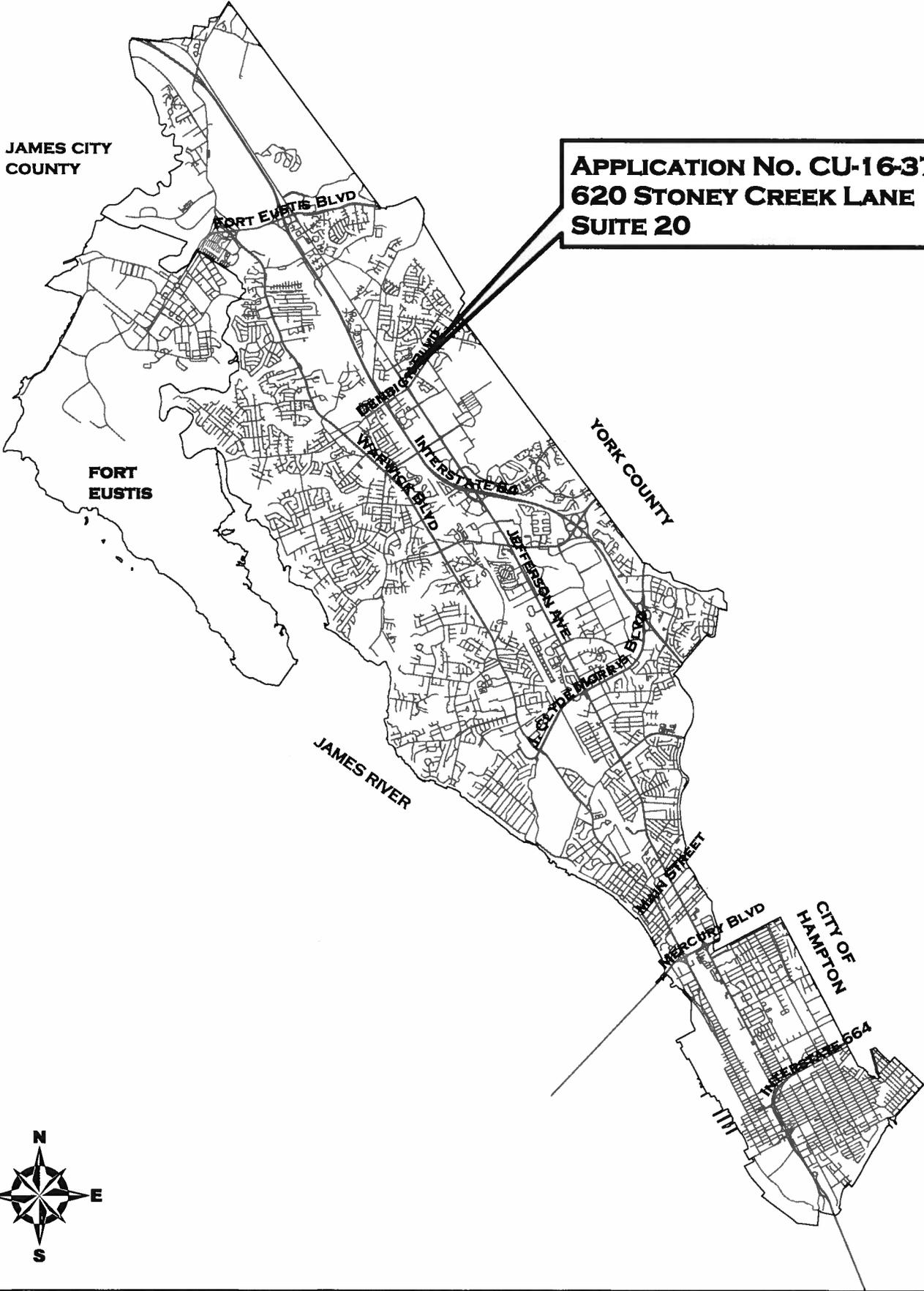
**APPLICATION No. CU-16-372  
620 STONEY CREEK LANE  
SUITE 20**

**FORT  
EUSTIS**

**YORK COUNTY**

**JAMES RIVER**

**CITY OF  
HAMPTON**



# CONDITIONAL USE PERMIT NO. CU-16-372

## STONEY RUN VILLAGE, LLC.

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**OWNER/APPLICANT** Stoney Run Village, LLC./ Tamarind International Market  
c/o Michelle Hime

**LOCATION** 260 Stoney Creek Lane, Ste. 20

**PRESENT USE** Grocery store

**ZONING** R9 Mixed Use (Appendix A-1)

**FRAMEWORK** Mixed Use (Appendix A-3)

**ACREAGE** 8.90 acres

**REQUEST** Off-premises sale of alcohol in an establishment of less than 1,600 square feet

### FACTS



**Within shared building** New York Pizza, Stylz Hair Salon, three vacancies, residential apartments upstairs on property zoned R9 Mixed Use

**North** Long Board's Restaurant, VA ABC Store, Eddie's Take-out, eVAPORate Shop, Modern Nails, Tanning Salon, Barbershop, Tindahen Shop, two vacancies, residential apartments on property zoned R9 Mixed Use

**South** Residential apartments on property zoned R9 Mixed Use

**East** Residential apartments on property zoned R9 Mixed Use  
**West** Thai Thai's restaurant, Cybernet Café, Newport News Computer Services, AM to PM Shop, Osaka Sushi Bar, residential apartments on property zoned R9 Mixed Use (See Appendix A-1.)

**Zoning History** The property was rezoned R9 Mixed Use with City Council approval of CZ-03-166 on November 25, 2003. The previous zoning classification of the property was C1 Retail Commercial.

**Regulatory Review** A grocery store is a permitted use in the R9 Mixed Use zoning district. However, the zoning ordinance requires a conditional use permit for the sale of alcohol in a commercial establishment with a floor space area less than 1,600 square feet. Tamarind International Market has 1,065 square feet of floor area. (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 mixed use for the property. A grocery store that sells alcoholic beverages is consistent with this designation. (See Appendix A-3.)

## ANALYSIS

Tamarind International Market is a grocery store specializing in imported foods. The proprietor wishes to expand offerings to include international beers and wines that would be consumed off-premises. The market operates Monday through Saturday from 10:00 AM until 7:00 PM. The store is closed on Sundays.

The market is located in a mixed use development that includes multiple-family residential housing and a variety of shops, services and restaurants. Alcoholic beverages are currently available in some of the neighborhood businesses. Of the proprietorships in operation, there are four restaurants that serve alcohol for on-premises consumption and two grocery stores that sell alcohol for off-premises consumption. In addition, a Virginia Alcoholic Beverage Control (ABC) store is located across the street from the subject property.

## CONCLUSION

The proposed use is in conformance with the *Framework for the Future 2030* comprehensive plan land use map. The sale of alcoholic beverages from the subject property addresses a niche market for imported beers and wines. Allowing the sale of alcoholic beverages from an existing small grocery store in this mixed use development is compatible with the surrounding uses and will not have an adverse impact.

## **STAFF RECOMMENDATION**

**Recommend approval of conditional use permit CU-16-372 to allow the sale of off-premises alcoholic beverages in an establishment of less than 1,600 square feet, designated as 260 Stoney Creek Lane Suite 20, with the following conditions:**

1. The applicant shall adhere to the regulations set forth by the Virginia Department of Alcohol and Beverage Control (ABC) and the licensee guidelines established by the Code of Virginia.
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. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of 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 the front 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. 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.
5. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
6. 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.

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 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.
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 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.

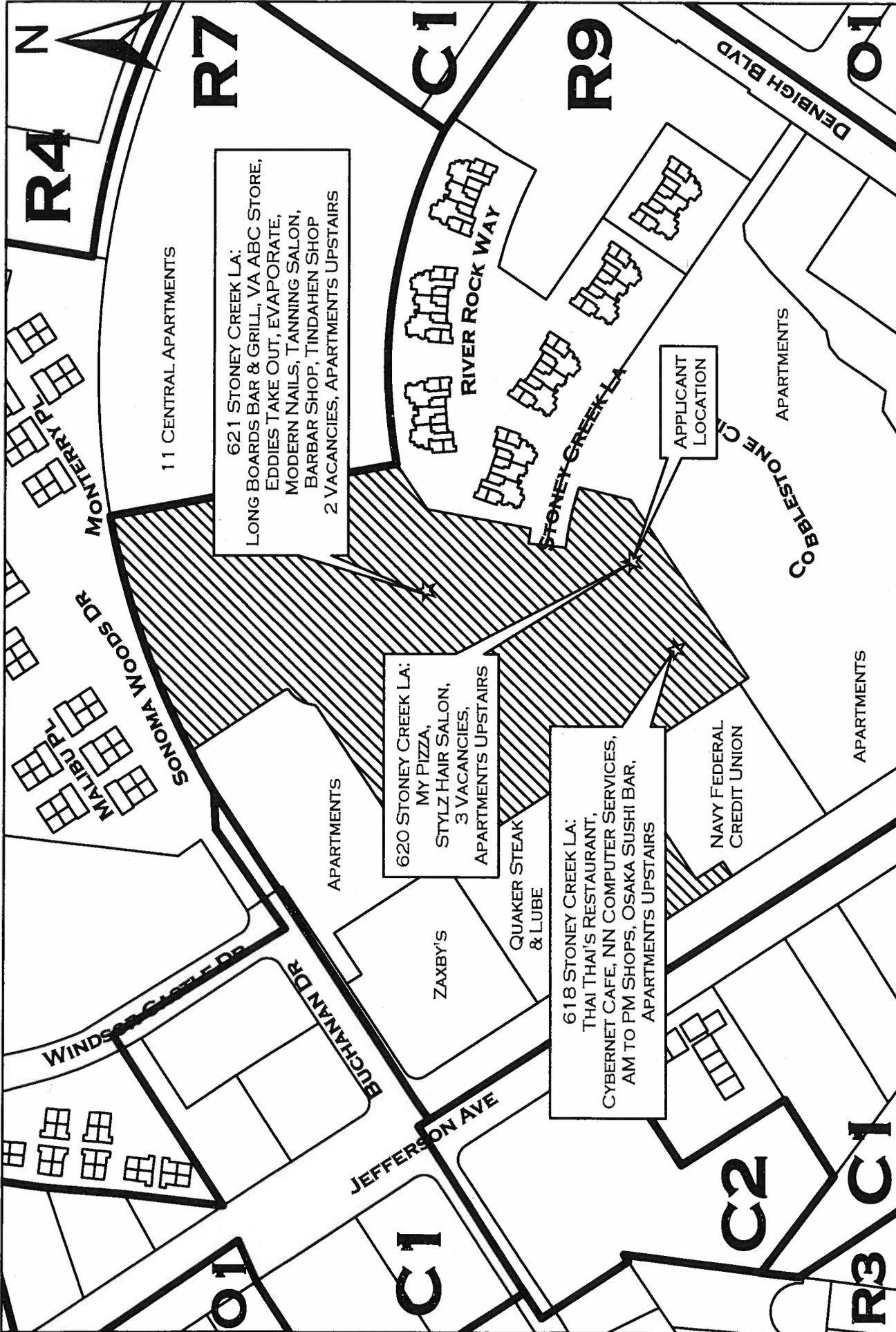
## **APPENDIX**

**A-1 VICINITY/ZONING MAP**

**A-2 SITE PLAN**

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

**A-4 AERIAL MAP**



621 STONEY CREEK LA:  
 LONG BOARDS BAR & GRILL, VA ABC STORE,  
 EDDIES TAKE OUT, EVAPORATE,  
 MODERN NAILS, TANNING SALON,  
 BARBAR SHOP, TINDAHEN SHOP  
 2 VACANCIES, APARTMENTS UPSTAIRS

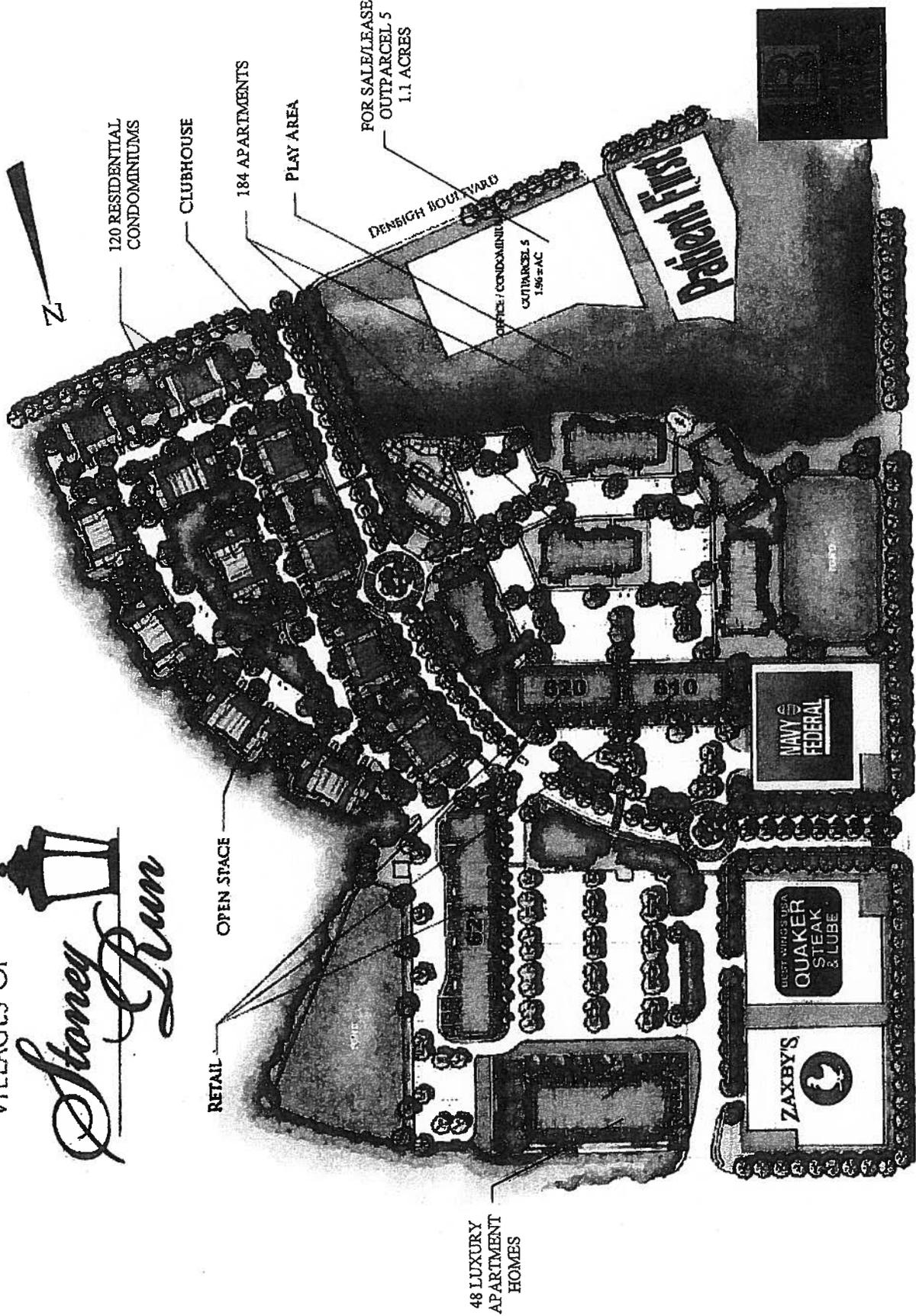
620 STONEY CREEK LA:  
 MY PIZZA,  
 STYLZ HAIR SALON,  
 3 VACANCIES,  
 APARTMENTS UPSTAIRS

618 STONEY CREEK LA:  
 THAI THAI'S RESTAURANT,  
 CYBERNET CAFE, NN COMPUTER SERVICES,  
 AM TO PM SHOPS, OSAKA SUSHI BAR,  
 APARTMENTS UPSTAIRS

APPLICANT  
 LOCATION

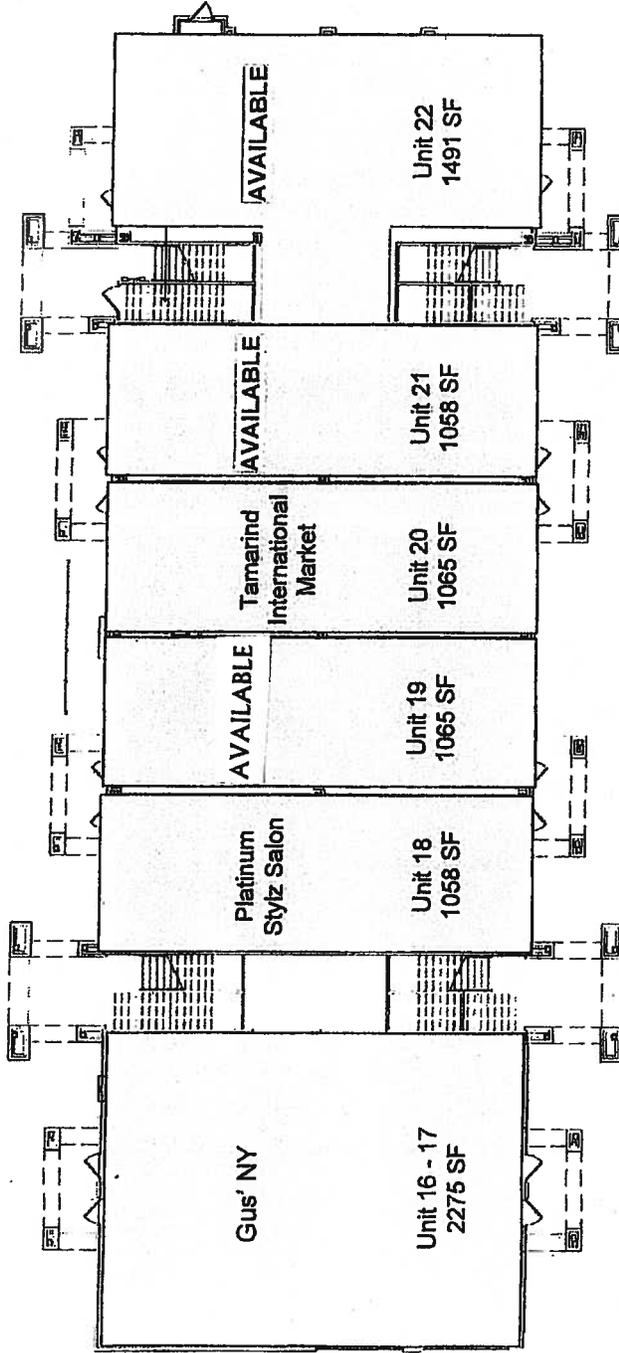
**STONEY RUN VILLAGE, LLC. CU-16-372**

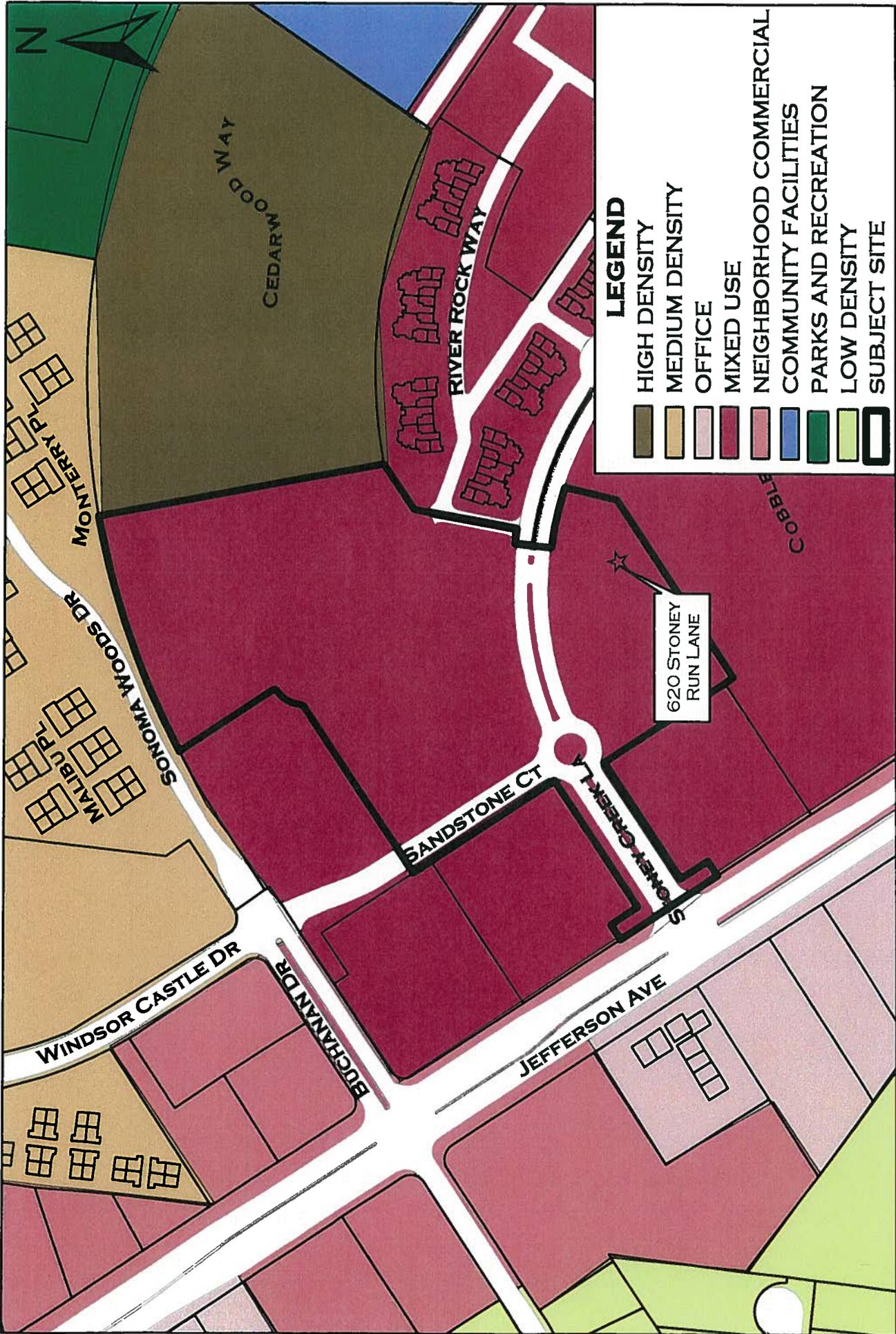
VILLAGES OF  
*Stoney Run*



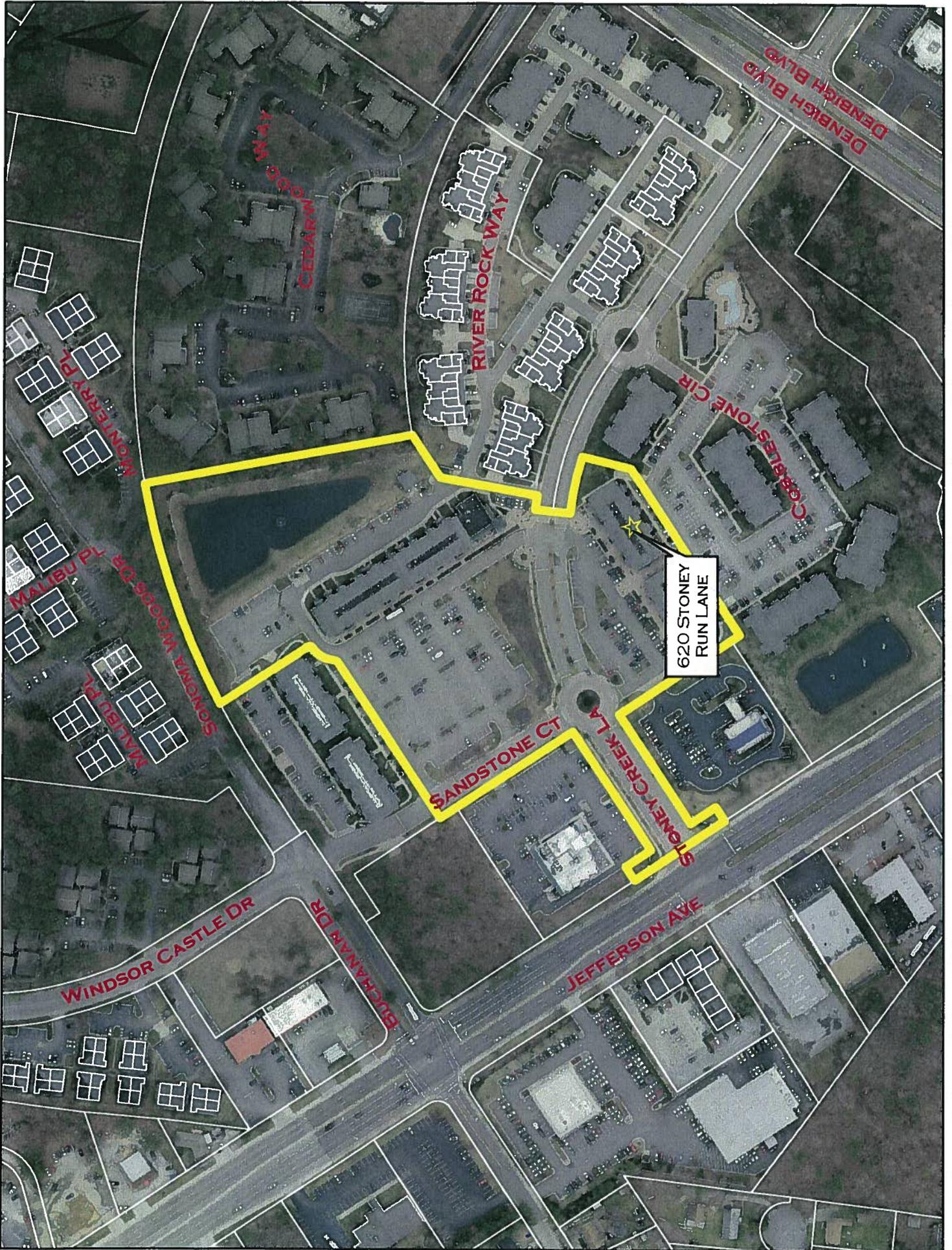
[www.villagesofstoneyrun.com](http://www.villagesofstoneyrun.com)

620 Stoney Creek Lane



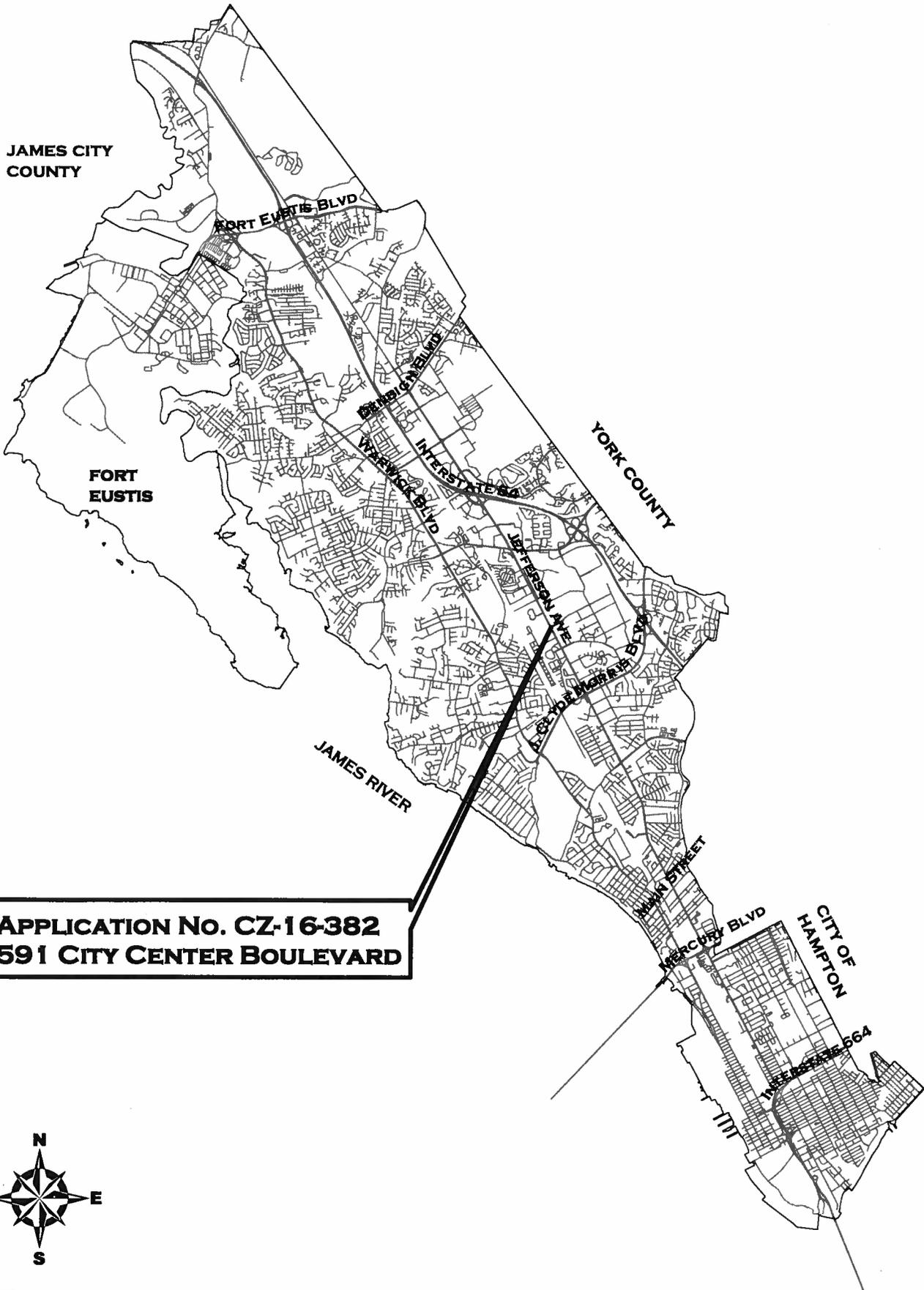


**STONEY RUN VILLAGE, LLC. FRAMEWORK FOR THE FUTURE 2030**



**CITY OF NEWPORT NEWS  
PLANNING COMMISSION  
SEPTEMBER 7, 2016**

**CHANGE OF ZONING  
APPLICATION NO. CZ-16-382  
PORT JEFFERSSON LLC**



**APPLICATION No. CZ-16-382  
591 CITY CENTER BOULEVARD**

# CHANGE OF ZONING APPLICATION NO. CZ-16-382 PORT JEFFERSON, LLC & CHILDREN'S REAL ESTATE, LLC

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<b>APPLICANT/OWNER</b>	Port Jefferson, LLC and Children's Real Estate, LLC (contract purchaser)	<b>ZONING</b>	C2 General Commercial with Proffers (Appendix 1)
<b>LOCATION</b>	591 City Center Boulevard	<b>FRAMEWORK</b>	Neighborhood Commercial and Regional Commercial (Appendix A-2)
<b>PRESENT USE</b>	Vacant	<b>ACREAGE</b>	14.93 acres

**REQUEST** Change of zoning from C2 General Commercial with proffers to C1 Retail Commercial with proffers to allow for the development of a health center



## FACTS

- North** Waterworks pump station and storage facility on properties zoned C1 Retail Commercial and a furniture store on property zoned M1 Light Industrial
- South** Restaurant and motel on properties zoned M1 Light Industrial and a vacant parcel zoned C2 General Commercial with proffers
- East** Storage facility and restaurant on properties zoned C1 Retail Commercial, a furniture store on property zoned M1 Light Industrial and Newport News Industrial and Modern Machine & Tool Company on properties zoned C5 Oyster Point Business/Manufacturing
- West** City-owned retention pond and University Suites at Port Warwick apartments on properties zoned C2 General Commercial and R9 Mixed Use, respectively

**Zoning History** The property was zoned M2 Heavy Industrial in 1969. The zoning was changed to M1 Light Industrial when the citywide comprehensive rezoning became effective August 1, 1997. In 2001, City Council approved rezoning the property to C2 General Commercial with proffers.

**Regulatory Review** A change of zoning from C2 General Commercial with proffers to C1 Retail Commercial with proffers is being requested to allow for the development of a pediatric health center on the parcel in accordance with a new site plan that differs from the master plan proffered during the 2001 rezoning. The site layout in the existing proffers would not allow the proposed site design to work on the site.

The existing proffered master plan requires a shopping center with various outparcels surrounding an interior common parking lot. The outparcel at the corner of Jefferson Avenue and what was then Middleground Boulevard was dedicated for a midrise office development. The proffers stipulated that no parking was to occur between the building and the property line on Jefferson Avenue. The master plan called for a retention pond at the corner. The proffers also stipulated that all ponds along city streets were to be equipped with fountains. Due to the building requirements of the Children's Hospital of the King's Daughters (CHKD) health center, the existing proffered master plan prevents its development.

The conceptual site plan proposes two 3-story medical office buildings totaling approximately 120,000 square feet to be occupied by CHKD. The proposed buildings face City Center Boulevard and will be developed as Phase 1 and 2 of the proposed development. Phase 3 is located at the northern rear of the parcel and its use is still unknown. Parking requirements for a medical facility of this type requires a minimum of 2 parking spaces for each room or chair or other facility in which patients are examined or treated by a physician. The conceptual site plan shows room to provide adequate parking to accommodate the requirements. Although the buildings have not yet been fully designed the applicant is proposing approximately 600 spaces which is consistent with other such facilities of a similar square footage operated by CHKD.

Section 45-3405 of the zoning ordinance permits a property owner to offer proffers at the time of application for a change of zoning. If accepted by City Council, these proffers will govern the development and use of the property. (See Appendix-A-4.)

The Site Regulations require that a landscape strip be located along all street frontages and that it be no less than 10 percent of the existing right-of-way width. A 16 foot landscape strip is required along Jefferson Avenue. Along City Center Boulevard, the required landscape strip is 12 feet. The landscape strips are shown in the proposed Conceptual Landscape Plan. (See Appendix A-6.)

After reviewing the July 26, 2016 Traffic Impact Analysis (TIA) prepared by VHB Inc., (see Appendix A-9), the Department of Engineering recommends approval of the document with minor revisions as long as all of the Category I improvements identified in the report are included in the site plan application and implemented. Further, the department encourages the applicant to seek a right-of-entry agreement with the adjacent parcel to enable a single joint access entrance on Jefferson Avenue serving both properties to minimize points of entry from the turn lane. (See Appendix A-10.)

The departments of Codes Compliance, 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 identifies neighborhood commercial and regional commercial uses for the property. (See Appendix A-2.) The proposed change of zoning is consistent with this recommendation.

## **ANALYSIS**

The proposed change of zoning is being requested to allow for a development that is inconsistent with the current conditional zoning proffers. The proposed proffered conceptual site plan calls for two medical office buildings along City Center Boulevard and a third one planned for future development to the rear of the site. There is ample parking to serve them. The proffered plan provides for an urban plaza with a sculptural treatment at the corner of Jefferson Avenue and City Center Boulevard. A heavy landscape treatment is proposed along the Jefferson Avenue frontage.

The proposed change of zoning and proffers provide the opportunity for CHKD to expand and consolidate services on the Peninsula. This particular location provides easy access from all major city corridors. In addition to convenient access, the site also has high visibility on both Jefferson Avenue and City Center Boulevard which are heavily traveled from all directions. The CHKD health center will also complement the existing health related uses across City Center Boulevard and adjacent to the west of the property, as well as those provided within Port Warwick. The proposed development will provide both increased pediatric health care facilities as well as employment opportunities within walking distance of the adjacent neighborhoods which is consistent with the vision described in the *Framework for the Future 2030* for mixed use designated areas such as the adjacent Port Warwick development.

The applicant has voluntarily provided 11 proffers that will, in conjunction with the zoning ordinance, guide the development of the property and ensure that it is built in conformance with the conceptual site plan for CHKD at 591 City Center Boulevard, the recommendations of the TIA, the conceptual Landscape Plan, and any other required actions such as the mitigation of the 0.37 acre wetlands within the property. (See Appendix A-4.)

The proposed development must be in general conformance with the proffered conceptual plan and conceptual landscape plan prepared by VHB and dated July 5, 2016 as revised August 3, 2016 (see Appendix A-5 and A-6) and be built in accordance with the conceptual elevations, corner wall feature design and monument signs designs prepared by Innovate Architecture and dated July 20, 2016. (See Appendix A-7 and A-8.)

### **Transportation**

The proposed project is located in the northwest corner of the intersection of Jefferson Avenue and City Center Boulevard. Currently there is no vehicular access onto the property; however there is a stub that was provided for the future development of Flannery O'Connor Street that will provide access from City Center Boulevard and would allow for future left turns from the property as well as through traffic once development occurs on the south side of City Center Boulevard.

The applicant's TIA has been reviewed by the Department of Engineering. Staff met with the applicant's traffic representatives to discuss their findings and recommendations and is satisfied that the final as revised July, 2016, represents a

fair analysis of the site and contains recommendations for traffic improvements that will ensure an acceptable level of service on the existing roads.

The TIA has identified improvements Category I essential to the development that will mitigate the traffic generated by the development. (See Appendix A-9.)

The following improvements were identified as Category I improvements:

- Construction of a right in/right out commercial entrance on Jefferson Avenue will be required;
- The existing north stub of the intersection of City Center Boulevard and Flannery O'Connor Street will be modified to create an entrance to the site with a single inbound and dual outbound lane;
- A traffic signal will be installed at the intersection of City Center Boulevard and Flannery O'Connor Street once construction of the second building commences. Completion of the signal will be required prior to a certificate of occupancy being issued for the second building;
- The signal installation may be advanced should an engineering study determine that a traffic signal is warranted prior to the start of the second building;
- Traffic signal timings will be optimized and coordinated with the adjacent Jefferson Avenue signal system;

The applicant is proffering that Category I improvements described in the TIA, with the exception of the signal installation, shall be completed or bonded prior to the issuance of a certificate of occupancy for first building constructed on the property. The applicant is proffering the installation of the signal when warranted but prior to the issuance of a certificate of occupancy for the second building constructed on the property. (See Appendix A-4.)

### **Design**

The applicant is proffering design elevations that provide a general idea of the architectural character, shape, scale and materials to be utilized throughout the project.

All buildings constructed in the property will be of a contemporary architectural style, compatible with the first and second building and the design shall be reviewed and approved by the Director of Planning. (See Appendix A-7.)

The signs will be designed in a manner that will carry the development's architectural theme. The applicant has proffered that no freestanding sign shall exceed 10 feet in height. Further, the applicant proffers that prior to the issuance of a certificate of occupancy for the first building constructed on the property, the owner shall construct a wall, public art, berming and landscaping at the property's frontage along Jefferson Avenue and its intersection with City Center Boulevard. These features will be in conformity with the "CHKD Corner Wall Feature" (see Appendix A-8) prepared by Innovate Architecture dated July 20, 2016. Any modifications shall be subject to the approval by the Director of Planning.

## **CONCLUSION**

The proposed change of zoning is consistent with the *Framework for the Future 2030* comprehensive plan land use map. The proposed zoning will enable the construction of a health center at this location that will complement other medical uses in the area by introducing a broad range of pediatric medical services. It also creates employment opportunities within walking distance of residential and mixed use neighborhoods.

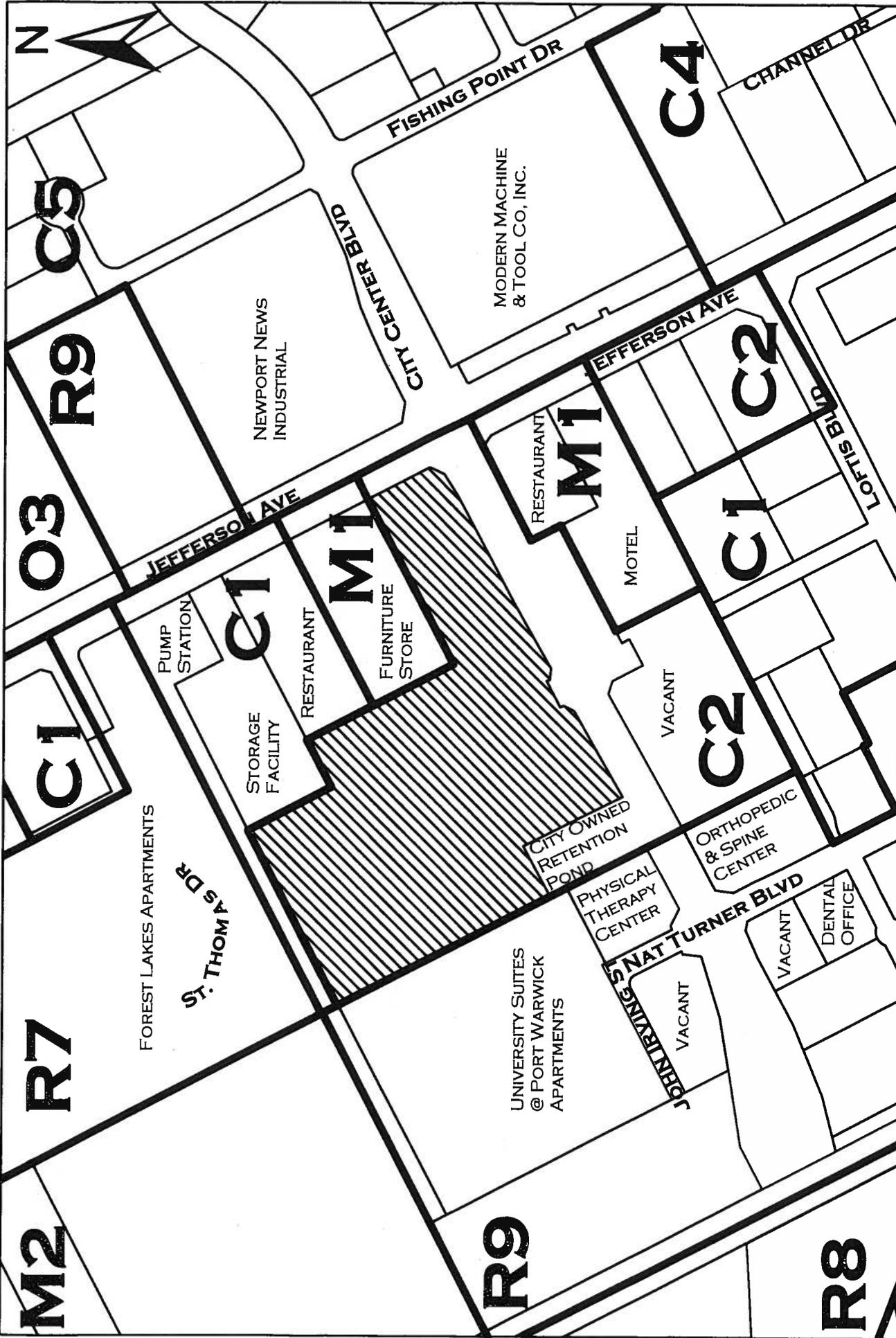
The applicant has provided proffers that address concerns regarding building and property improvements, ensure the overall quality of the development and address necessary improvements to affected city infrastructure.

**STAFF  
RECOMMENDATION**

**It is recommended that the City Planning Commission recommend to City Council approval of change of zoning CZ-16-382 for the approximately 15 acre property located at 591 City Center Boulevard from C2 General Commercial with proffers to C1 Retail Commercial with proffers.**

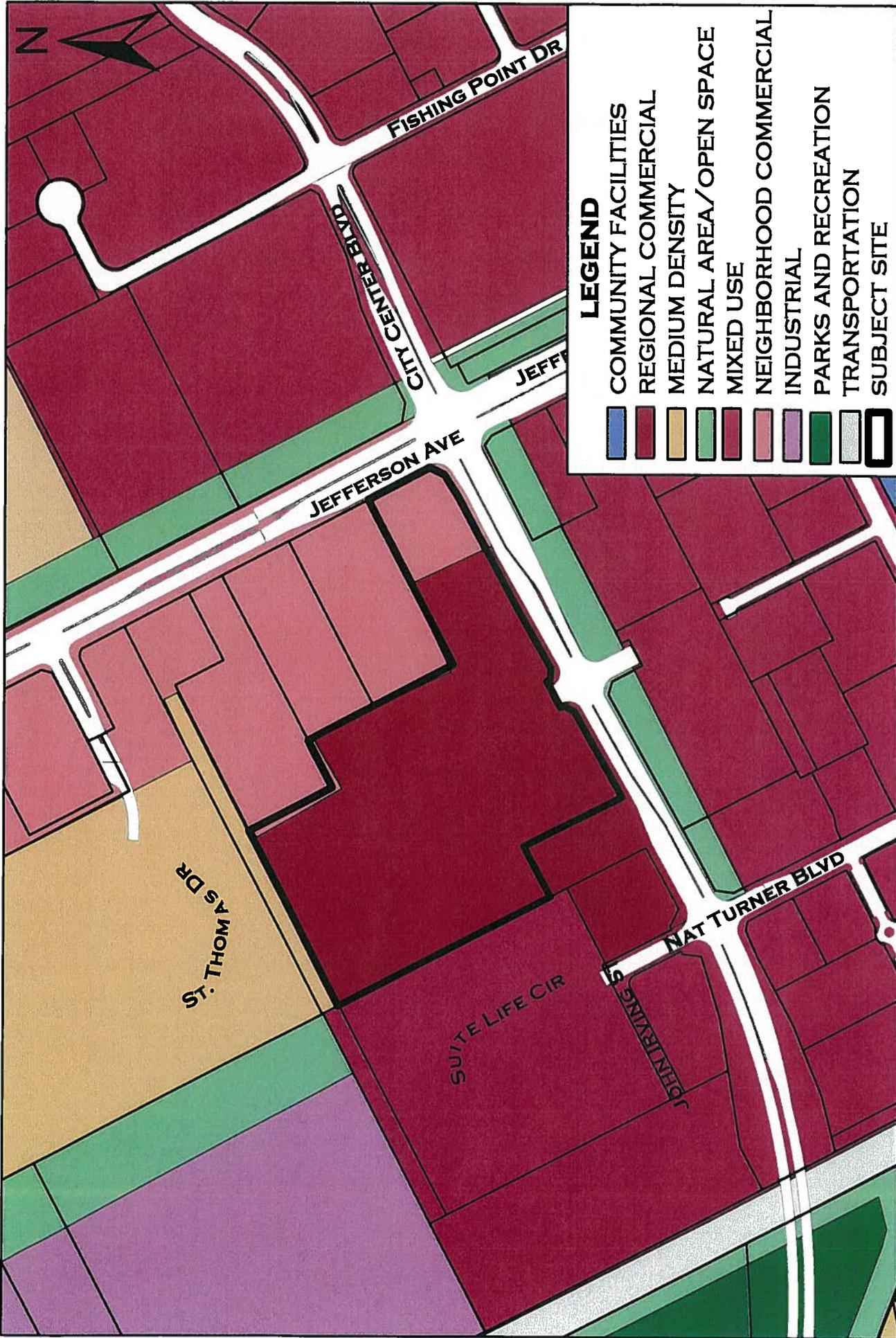
## **APPENDIX**

- A-1 VICINITY/ZONING MAP**
- A-2 *FRAMEWORK FOR THE FUTURE* LAND USE PLAN MAP**
- A-3 AERIAL**
- A-4 PROFFERS**
- A-5 CONCEPTUAL SITE PLAN**
- A-6 CONCEPTUAL LANDSCAPE PLAN**
- A-7 ELEVATIONS**
- A-8 SIGNS**
- A-9 TRAFFIC IMPACT ANALYSIS SUMMARY BY VHB**
- A-10 DEPARTMENT OF ENGINEERING COMMENTS**



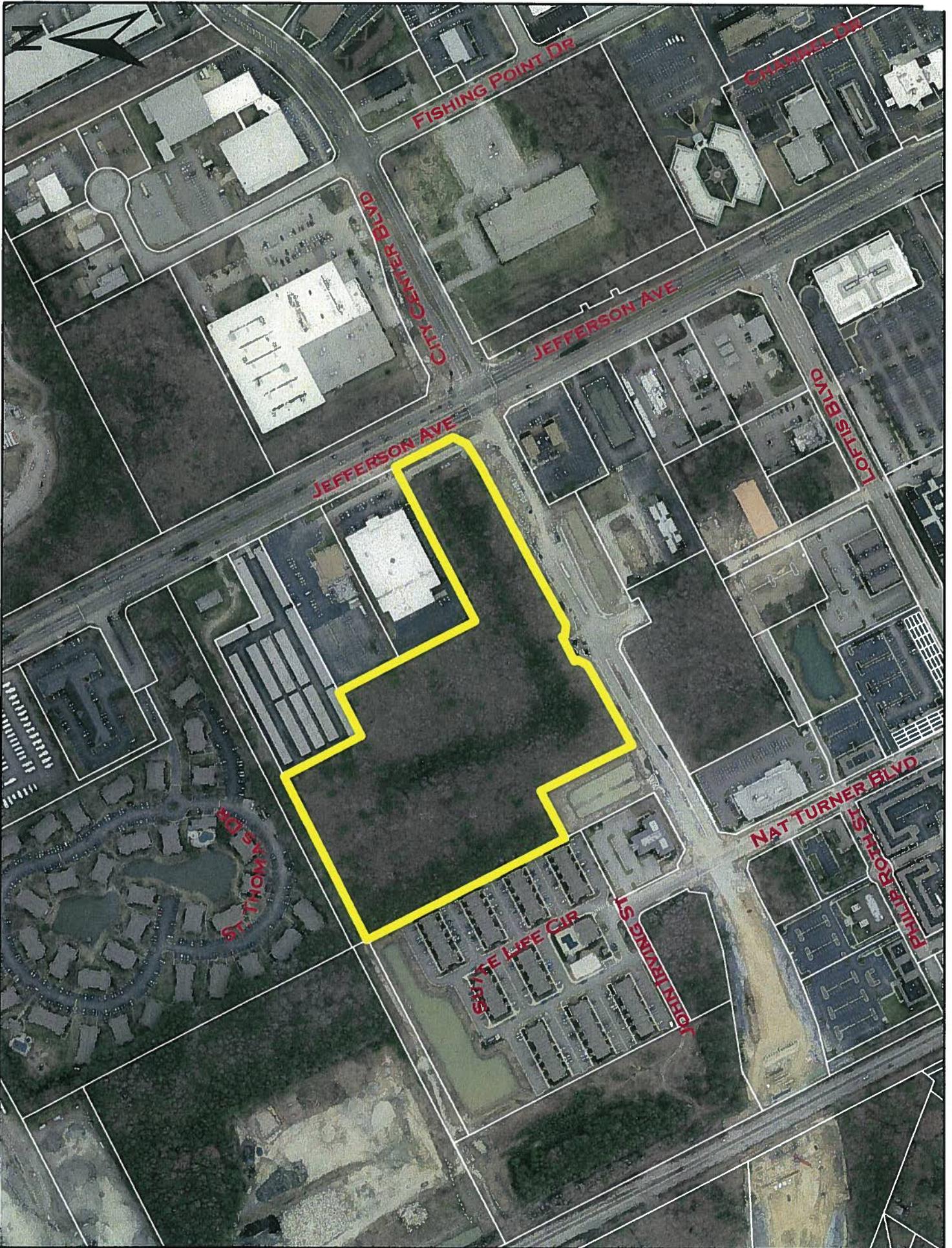
PORT JEFFERSON LLC

CZ-16-382



# FRAMEWORK FOR THE FUTURE 2030

# PORT JEFFERSON LLC



**Conditioned Proffer Statement for Change of Zoning**

To: The Honorable Newport News City Council

Date: July 5, 2016

Application Number: CZ-16-382

In reference to the above request for a change of zoning:

Conditions: I hereby proffer that the development of the subject property of this application shall be in accordance with the conditions set forth in this submission:

1. When developed, the Property shall be developed in substantial accordance with the plan entitled "Conceptual Site Plan", prepared by VHB, and dated August 3, 2016, the (the "Plan"). Modifications to the Plan will be subject to the approval of the Director of Planning (or his/her designee) as of the time of the request for modification.
2. The architectural style and quality of materials of the medical buildings developed on the Property, when developed, shall be compatible with the conceptual elevations entitled "CHKD City Center Blvd. – Conceptual Elevations", prepared by Innovate, and dated July 20, 2016, the ("Elevations"). Modifications to the Elevations will be subject to the approval of the Director of Planning. Any other building(s) constructed on the Property, when developed, shall be of a contemporary architectural style, and shall be constructed of materials of comparable quality to those depicted on the Elevations.
3. Prior to the development of the portion of the Property depicted as "Existing Wetlands to be Mitigated (0.37 AC)," any necessary permits or approvals will be obtained from applicable governmental agencies.
4. Only one (1) vehicular entrance along the Property's Jefferson Avenue frontage will be permitted, which shall be located substantially as shown on the Plan.
5. Prior to the issuance of a certificate of occupancy for the first office building constructed on the Property, the owner of the Property shall construct a wall, public art, berming, and landscaping at the Property's frontage along the intersection of Jefferson Avenue and City Center Boulevard in conformity with the exhibit entitled "CHKD City Center Blvd. Corner Wall Feature", prepared by Innovate, and dated July 20, 2016, the ("Streetscape Exhibit"). Modifications to the Streetscape Exhibit may be made administratively based upon comments received from the City Planning Department and/or Traffic Engineering Department, subject to approval by the Director of Planning. The total area of signage included as part of the Streetscape Exhibit shall comply with the maximum signage allowances permitted under the City Sign Ordinance. Additionally, the signage provided on the wall depicted on the Streetscape Exhibit may be modified from time to time to replace portions of the signage currently depicted on the Streetscape Exhibit with either (a) the name and/or logo of one (1) additional establishment located on the Property, or (b) the name of the development on the Property and any logo associated with such

development, which modified signage is to be located in substantially the same location as the signage depicted on the Streetscape Exhibit, and is to be consistent with applicable regulations contained in the City Sign Ordinance.

6. One (1) electronic display sign shall be permitted on the Property, and shall be located adjacent to the main vehicular entrance into the Property from City Center Boulevard.
7. No freestanding sign located on the property shall exceed ten feet (10') in height.
8. All heating, ventilation, and air conditioning equipment shall be screened from view from the public rights-of-way and adjacent properties.
9. To the extent that such improvements have not be previously constructed, the owner of the Property shall be responsible for the design and construction of the following traffic improvements, which improvements must be completed or bonded prior to issuance of a certificate of occupancy for the first building constructed on the Property:
  - a. Optimize signal timings with respect to existing traffic signals located at the corner of Jefferson Avenue and City Center Boulevard for current traffic conditions.
  - b. Construct a single westbound right in/right out vehicular entrance along the Property's Jefferson Avenue frontage.
  - c. Provide a single inbound travel lane and a single outbound travel lane on the Property connecting to the existing driveway on the Property along City Center Boulevard.
10. To the extent that such improvements have not be previously constructed, and if warranted at some point following construction of the first office building on the Property, then prior to the issuance of a certificate of occupancy for the second office building constructed on the Property, the owner of the Property shall be responsible for the design and construction of a traffic signal at the main vehicular entrance into the Property from City Center Boulevard.
11. The following regulations which are required by municipal ordinances are incorporated in this proffer:
  - a. A Class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and be approved by the Director of Engineering prior to occupancy of the property. The site plan shall also conform to this zoning, the City's Site Regulations and the Zoning Ordinance.
  - b. A landscape plan for each phase of the development of the Property shall be submitted to and approved by the Director of Planning as being consistent with the Site Regulations prior to conditional site plan approval for such phase of development. The landscape plan shall be in general conformance to the

conceptual landscape plan entitled "Conceptual Landscape Plan," prepared by VHB, and dated August 3, 2016. All landscaping shall be installed in conformance with the approved landscape plan and shall be maintained in a healthy condition in perpetuity. The use of the buildings developed during the applicable phase shall not commence until the approved landscaping for that phase has been installed.

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

[Remainder of Page Intentionally Left Blank. Separate Signature Pages Follow.]

**IN WITNESS WHEREOF**, Port Jefferson, L.L.C., as the Property Owner, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

**PORT JEFFERSON, L.L.C.,**  
a Virginia limited liability company

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**IN WITNESS WHEREOF**, Children's Real Estate, LLC, as the Contract Purchaser, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

**CHILDREN'S REAL ESTATE, LLC,**  
a Virginia limited liability company

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**IN WITNESS WHEREOF**, Port Jefferson, L.L.C., as the Property Owner, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

**PORT JEFFERSON, L.L.C.**,  
a Virginia limited liability company

By: 

Its: Managing Member

Date: 8/5/16

**IN WITNESS WHEREOF**, Children's Real Estate, LLC, as the Contract Purchaser, has executed this Conditioned Proffer Statement for Change of Zoning as of the date below.

**CHILDREN'S REAL ESTATE, LLC,**  
a Virginia limited liability company

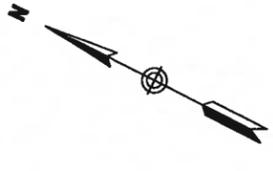
By: Jamika Harris

Its: Vice President

Date: 8/8/16



Two Columbus Center  
4500 Main Street  
Suite 400  
Virginia Beach, VA 23462  
757.490.0132



### Children's Hospital of The King's Daughters

591 City Center Blvd  
Newport News, Virginia

No.	Description	Date	Appr'd By
1	CITY COMMENTS	7-29-16	MLG
2	CITY COMMENTS	8-2-2016	MLG

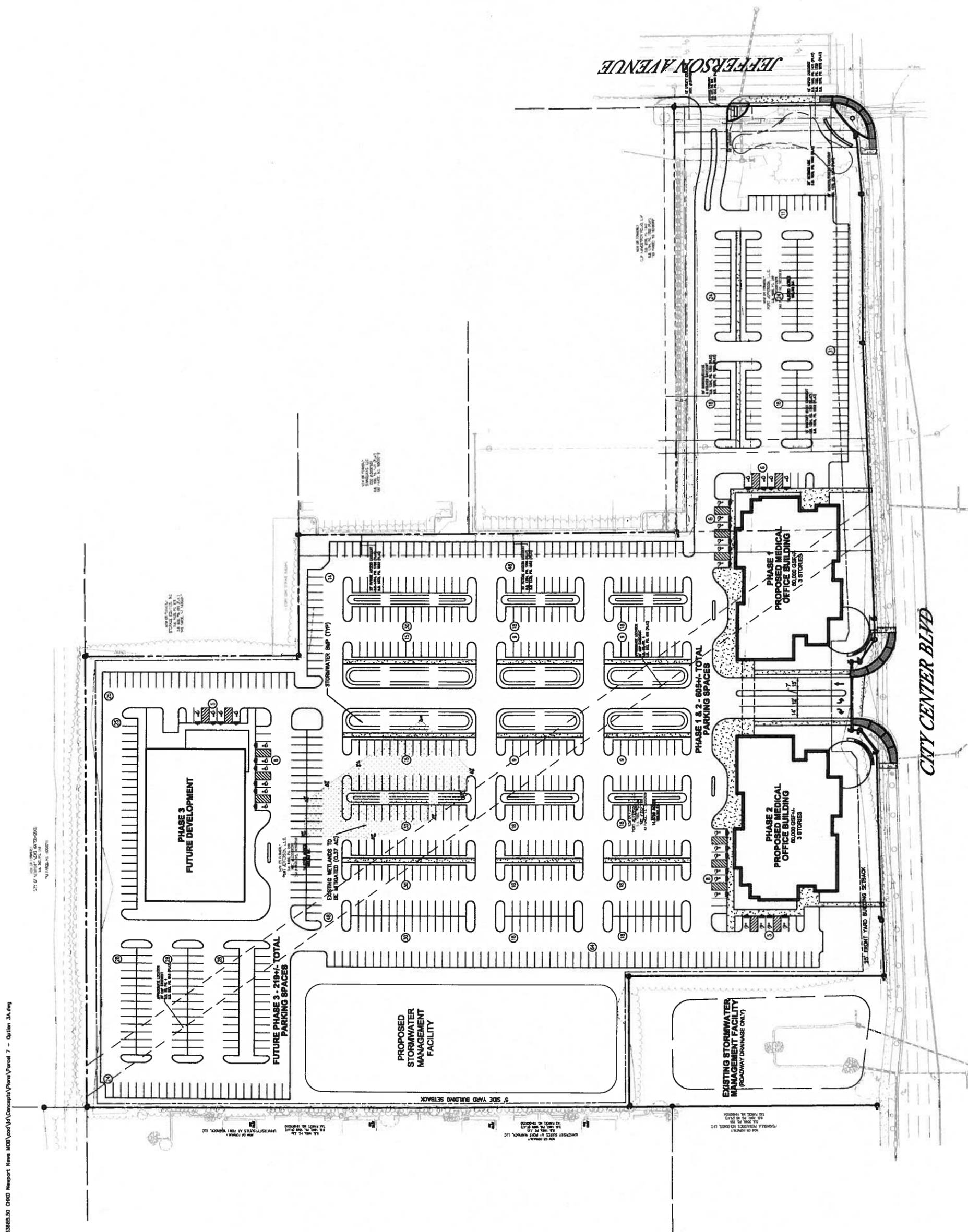
Prepared By: [Redacted]  
Checked By: [Redacted]  
Date: JULY 5, 2016  
Resoning Application

Not Approved for Construction  
**Conceptual Site Plan**

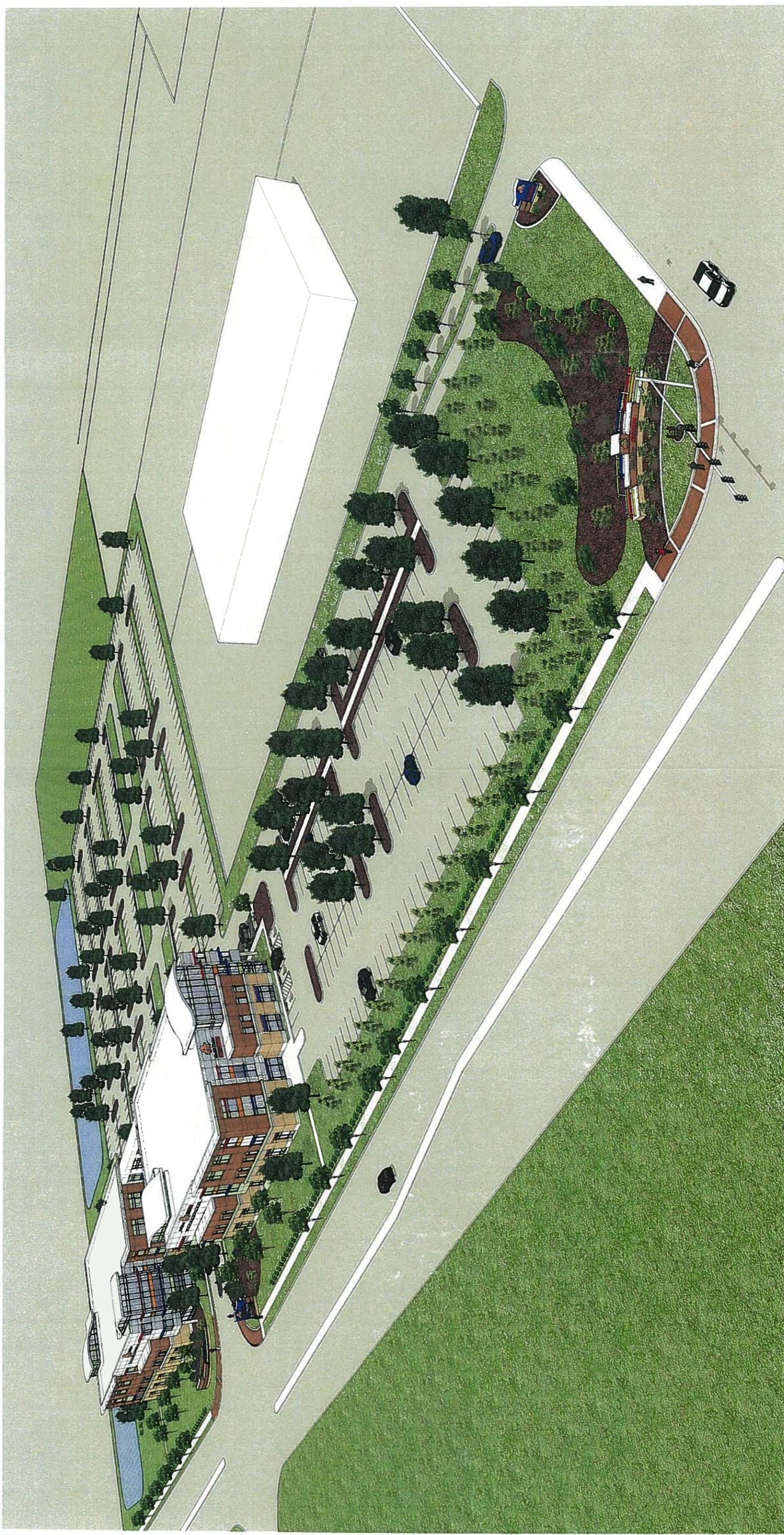
# C1.00

Sheet 1 of 1

33685.50







# CHKD - CITY CENTER BLVD.

Newport News, Virginia

corner wall feature





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

corner wall feature





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations



July 20, 2016

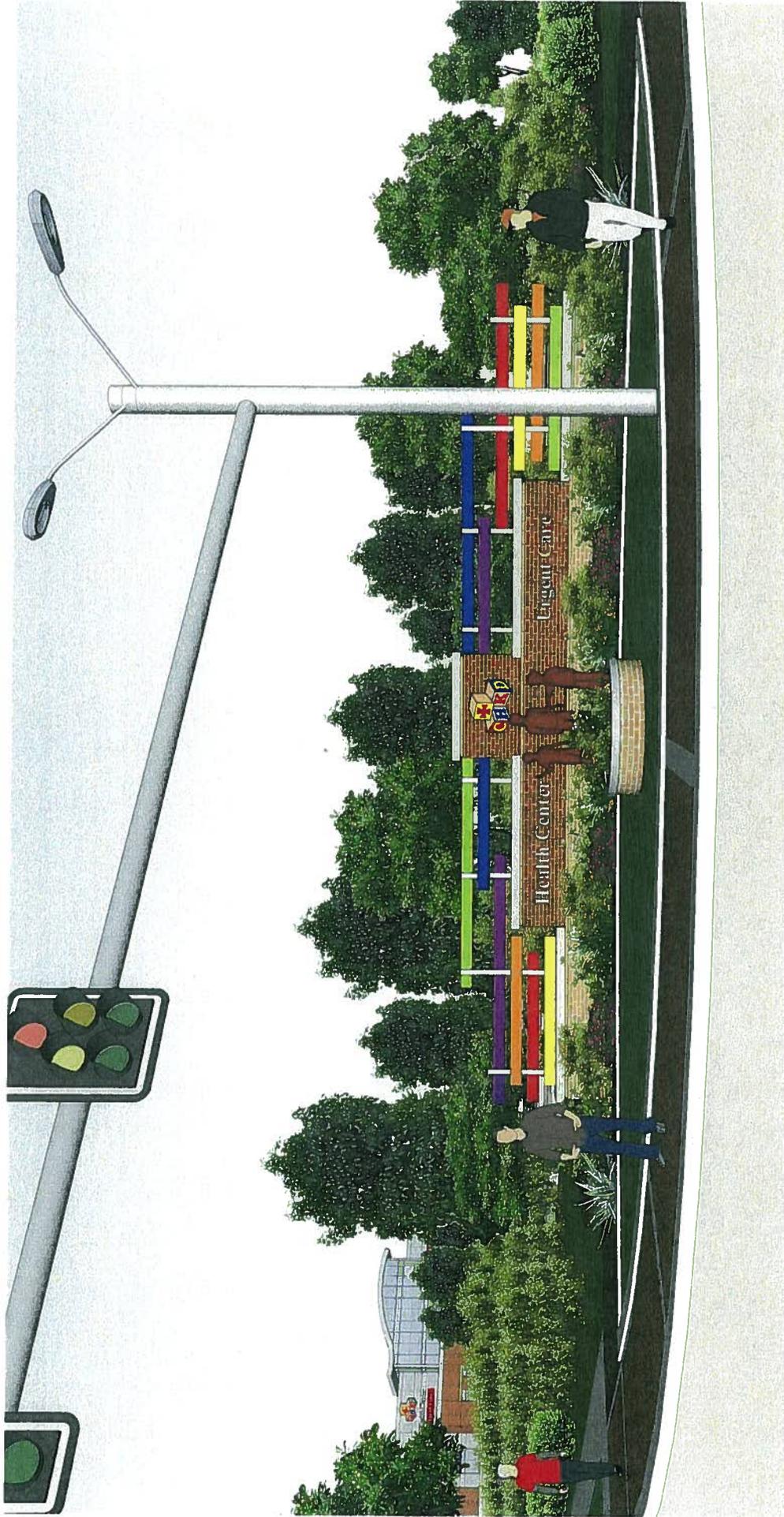


# CHKD - CITY CENTER BLVD.

Newport News, Virginia

conceptual elevations





# CHKD - CITY CENTER BLVD.

Newport News, Virginia

corner wall feature



July 20, 2016



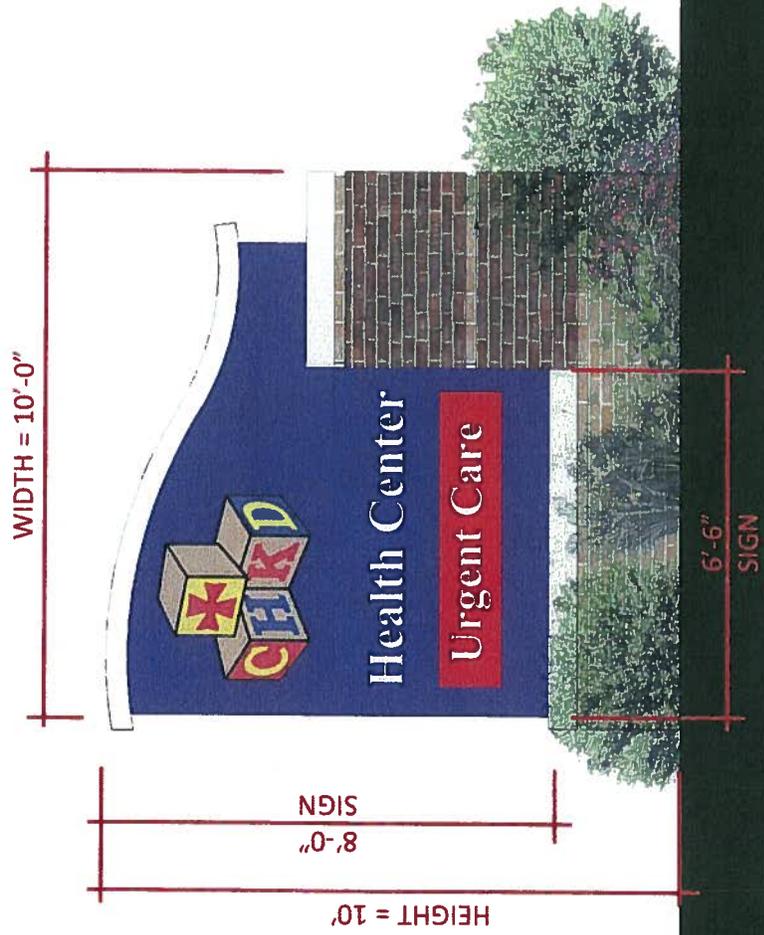
# CHKD - CITY CENTER BLVD.

Newport News, Virginia

monument sign



AUGUST 08 2016



# CHKD - CITY CENTER BLVD.

Newport News, Virginia

monument sign - jefferson ave.



July 20, 2016



# 1. Executive Summary

Children’s Hospital of The King’s Daughters (CHKD) is planning to construct three (3) medical office buildings in the northwest quadrant of the intersection of Jefferson Avenue and City Center Boulevard in Newport News. The site will have two (2) entrances: the primary access point will be on City Center Boulevard and the secondary access point will be on Jefferson Avenue.

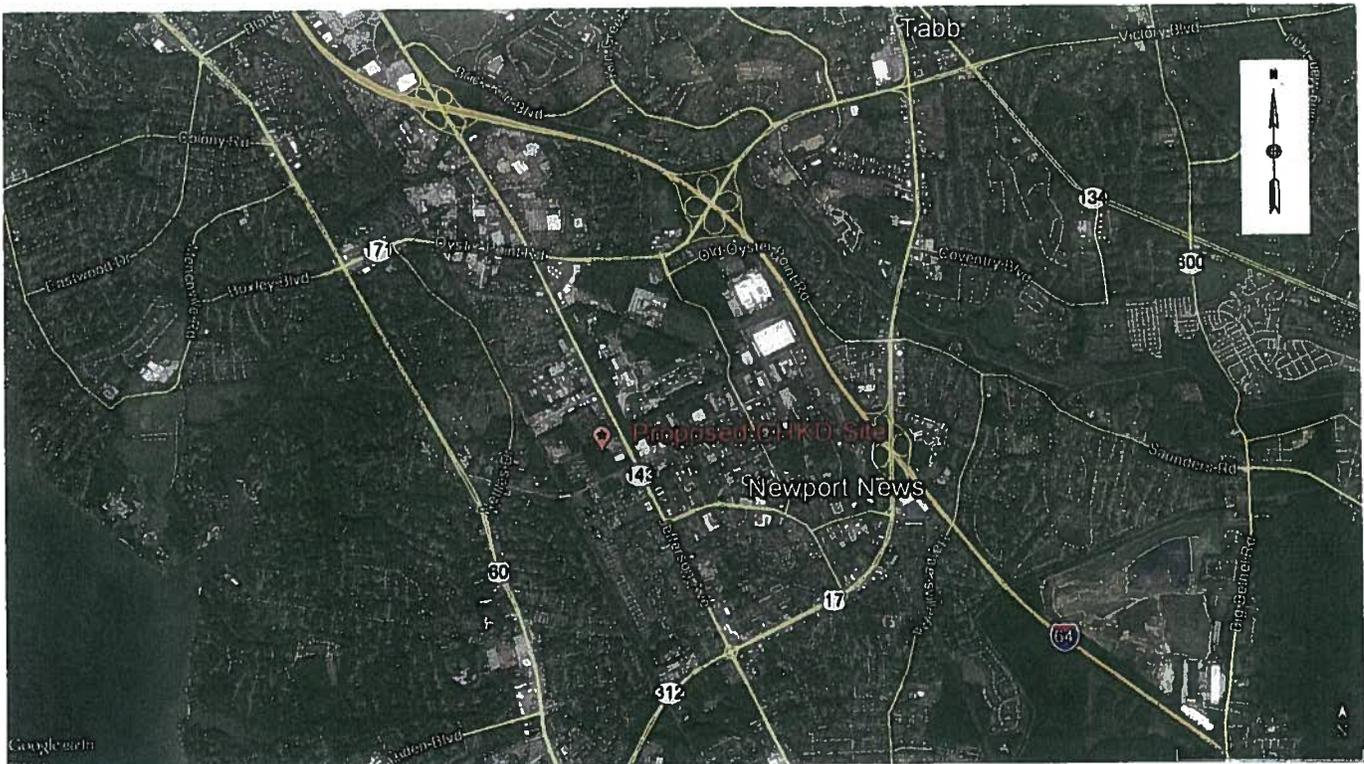


Figure 1. Vicinity Map.

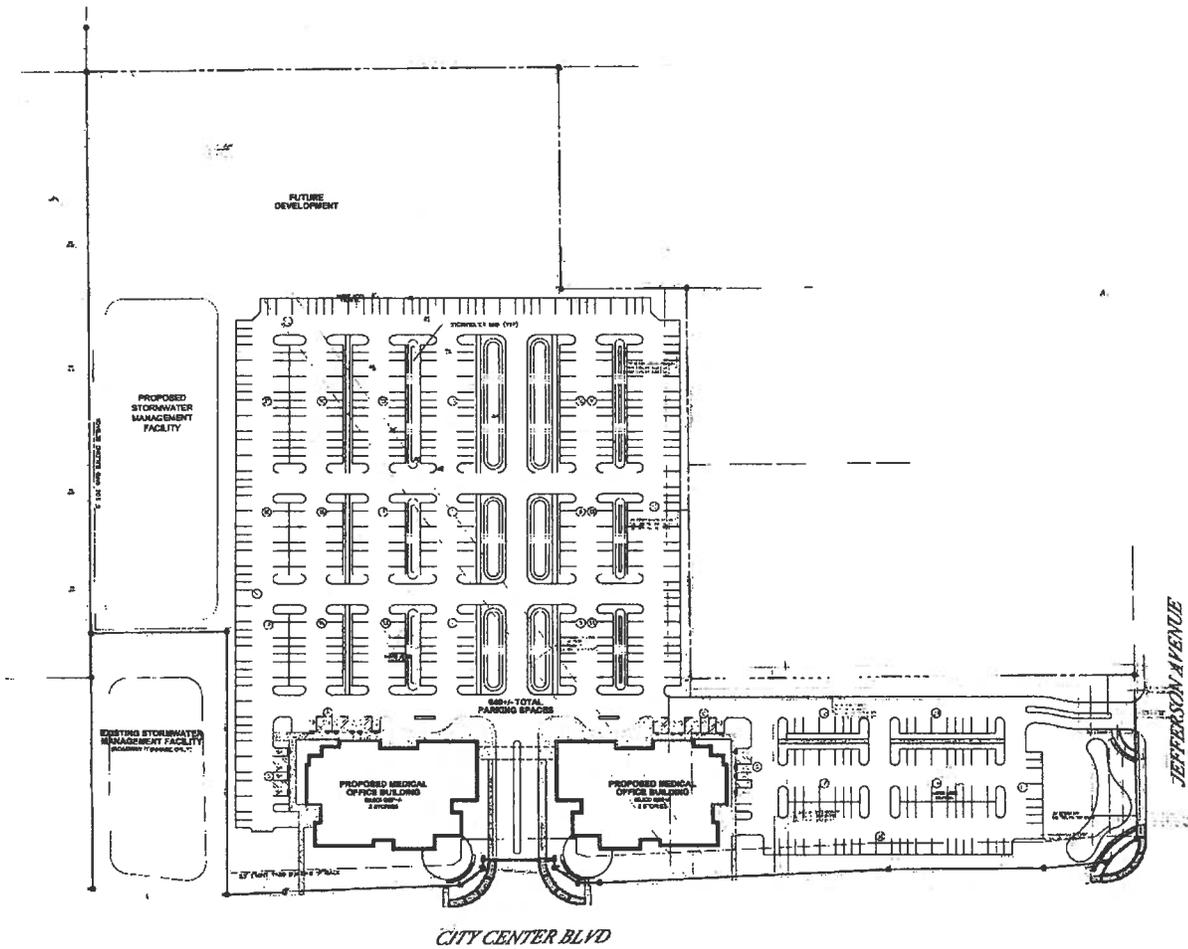


Figure 2. Conceptual Site Plan

Based on the warrant and capacity analyses performed in this study, the following improvements are recommended:

2016 Existing Conditions

- No improvements recommended.

2026 No Build Conditions

- Optimize signal timings for current traffic conditions.

2026 Build Conditions

- Construct a westbound right in/right out entrance on Jefferson Avenue for the CHKD site.



- Utilize the existing driveway on City Center Boulevard for the CHKD site. Provide a single inbound and a single outbound lane.
- Signalize the intersection of City Center Boulevard and CHKD Main Entrance. Coordinate the signal with the Jefferson Avenue corridor.
- Optimize the signal timings for current conditions.

With these recommended improvements, the results of the analyses indicate that the development of the site as proposed will have minimal impact on the intersections within the study area.

# City of Newport News

## Department of Engineering

August 10, 2016

To: Director of Planning

From: Director of Engineering

Subject: Engineering Review of Planning Commission Cases for September 7,  
2016 –Public Hearing

**Application No. CZ-16-382, Port Jefferson LLC.** There is no objection to the request to change the zoning from C2 General Commercial with proffers to C1 Retail Commercial with Proffers located at 591 City Center Drive on a 14.93 acre parcel.

Please advise the applicant of the following:

- Any and all improvements to the site must comply with all applicable City Codes, Ordinances and Policies.
- A revised traffic impact statement has been submitted and Transportation is willing to recommend approval of it, following some minor typographical corrections. A letter will be prepared and sent to VHB outlining the corrections shortly. The Category I improvements listed below are recommended by the study and will mitigate the traffic generated by the development:
- Construction of a right in/right out commercial entrance on Jefferson Avenue will be required.
- The developer is encouraged to seek a right of entry agreement with the adjacent parcel to enable a single joint access entrance on Jefferson Avenue serving both properties.
- The existing north stub of the intersection of City Center Boulevard and Flannery O'Connor Street will be modified to create an entrance to the site with a single inbound and dual outbound lane.
- A traffic signal will be installed at the intersection of City Center Boulevard and Flannery O'Connor Street once construction of the second building commences. Completion of the signal will be required prior to a certificate of occupancy being issued for the second building. The signal installation may be advanced should an Engineering Study determine that a traffic signal is warranted prior to the start of the second building.