

1. Planning Commission Meeting Documents

Documents:

CPC AGENDA 12.7.16.PDF
CPC MINUTES 11.2.16.PDF
ZT-2016-0001.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
DECEMBER 7, 2016
4:00 P.M.
CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. INVOCATION
- C. MINUTES OF NOVEMBER 2, 2016
- D. PUBLIC HEARING

ZONING TEXT AMENDMENT

ZT-2016-0001, City of Newport News. Requests an amendment to the Zoning Ordinance regarding the definition of communication tower/antenna and General Regulations for utility structure height in the public right-of-way. (Sections 45-201 and 45-523.1) (Contact Planner: **Claudia Cotton at 926-8075**)(*To be heard by City Council on December 13, 2017*)

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



Sheila W. McAllister, AICP
Executive Secretary

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, November 2, 2016
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

PRESENT: Michael F. Carpenter, 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; Saul Gleiser, Senior Planner; David Watson, Planner; Johnnie Davis, Planner; Lynn Spratley, Deputy City Attorney; Christine Mignogna, Zoning Administrator; Chris Morello, Administrator of Development Projects)

ABSENT: Mark Mulvaney, Vice-Chairman

CALL TO ORDER

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

INVOCATION

Dr. Maxwell presented the invocation.

MINUTES

The minutes of the October 5, 2016 work session, October 5, 2016 public hearing and October 19, 2016 work session were approved as presented.

PUBLIC HEARING

CONDITIONAL USE PERMITS

CU-2016-0001, Mishorim Gold Newport News, LP. Requests a conditional use permit to allow for the operation of an amusement establishment located at 14346 Warwick Boulevard, Suite 420 (DW Shopping Center) on a 27 acre parcel zoned C1 Retail Commercial. The Parcel No. is 108.00-04-07.

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

Ms. Willis asked if the racecar in the landscaped area is considered part of the landscape plan. Mr. Watson stated no. Mr. Carpenter asked if they are considered as signage. Ms. McAllister stated it is considered art.

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Mr. Carpenter opened the public hearing.

Mr. Bradford Drummond, 201 Hudgins Farm Road, Yorktown, applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Drummond gave a brief description of the application. And stated he was available for questions.

Mr. Simmons stated this is a great adaptive reuse for our community and it is a pleasure to have Mr. Drummond in business here in Newport News.

Ms. Willis stated she is excited to see it come to Newport News and it sounds like a really fun entertainment activity. She asked, in regard to the applicant's history of hosting backyard birthday parties, if the entertainment activities would be contained within the building and not the parking lot. Mr. Drummond stated yes, all activities will be inside the building.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of conditional use permit CU-2016-0001 to City Council, as recommended by staff. The motion was seconded by Mr. Simmons.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-2016-0001 to City Council.

CU-2016-0002, Crown Castle GT Company, LLC. Requests a conditional use permit to allow for the operation of a communications tower located at 517 29th Street zoned R9 Mixed Use. The Parcel No. is 305.04-04-53.

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

Mr. Carpenter opened the public hearing.

Mr. Scott Johnson, 9011 Arboretum Parkway, Richmond, applicant, stated he was available for questions.

Mr. Groce asked if the applicant is expanding the Verizon Wireless capacity right now. Mr. Johnson stated yes, that is what precipitated this application. He stated that, with the shipyard allowing their employees to use cellular phones, they are experiencing an extreme lack of capacity and have come up with a new design with a three foot bulb that contains four separate antennas within it that can be directionally set in order to cover a full 120 degree isthmus.

Ms. Fox stated that when Mr. Leming made his presentation at the last public hearing, one of the issues was that the CPCAC did not have good attendance. She stated that, even though we are at the end of this process, to add another person who is interested and willing to get involved would be an asset. Dr. Maxwell stated he thinks it is a great thing as well. He stated he always feels like the arts are dying in this country. Dr. Maxwell stated we also made a stipulation in the work session that this will be the last person we appoint to the CPCAC. Mr. Carpenter stated several Planning Commissioners agreed at the work session that if we have a resident who wants to participate and wants to provide their expertise and experiences, we should take advantage of it.

Ms. Willis made a motion to accept Ms. Terry Cox-Joseph as the last member appointed to the CPCAC. The motion was seconded by Ms. Fox.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to appoint Ms. Terry Cox-Joseph to the CPCAC.

Ms. McAllister stated that on October 25, 2016, City Council approved two zoning text amendments: real estate disclosure requirements and amusement establishments in City Center.

Ms. McAllister stated the December 7, 2016 public hearing will include a conditional use permit for a small motor vehicle repair service facility at 12543 Warwick Boulevard.

Ms. McAllister stated we have no cases for the November 16, 2016 meeting.

Ms. Fox made a motion to cancel the November 16, 2016 public hearing. The motion was seconded by Dr. Maxwell. The Planning Commission voted by acclamation.

Ms. McAllister stated the 2018-2022 Capital Improvement Plan was presented to City Council at their last work session, and it is available for review online at nva.gov or hard copies are available at all of the public libraries. She stated City Council is expected to act on it in January.

There being no further business, the meeting adjourned at 4:25 P.M.


Recording Secretary


Executive Secretary

ZONING TEXT AMENDMENT NO. ZT-2016-0001

CITY OF NEWPORT NEWS

BACKGROUND

The request is to amend Article II., Definitions, Section 45-201, Definition of Certain Words and Terms, for the definition of communication tower/antenna; and add a new section to Article V., General Regulations, Section 45-523.1, Utilities.

Demand for wireless capacity, speed and reliability is exponentially increasing with the ownership and use of wireless devices. Companies providing wireless services and infrastructure on original high-power macrocell sites or communication towers are finding that the capacity, speed and reliability is getting worse with the volume and density of devices competing for the bandwidth provided by that tower. Therefore, they are trying to reduce traffic on the towers by shifting some of the traffic to smaller sites using small cell technology. This technology uses smaller, lower-powered antennas. (See Appendix A-2.) The telecommunications companies are locating small cell technology on existing structures on private property and also wish to locate on utility structures (poles) in the public right-of-way.

The State of Virginia allows telecommunication companies to place their poles, wire, cable, conduit and equipment on public rights-of-way with a franchise agreement with the local or state government (whichever entity owns the right-of-way). Further, the state law provides that *no locality shall impose on certificated providers of telecommunications service, whether by franchise, ordinance or other means, any restrictions or requirements concerning the use of the public rights-of-way (including but not limited to the permitting process; notice, time and location of excavations and repair work; enforcement of the statewide building code; and inspections), which are (i) unfair or unreasonable or (ii) any greater than those imposed on the following users of the public rights-of-way: all providers of telecommunications services and nonpublic providers of cable television, electric, natural gas, water and sanitary sewer services.* Therefore, the City of Newport News must apply the same rules for location of small cell technology as it does for all other utilities in the public right-of-way. That access to the public right-of-way is granted by a franchise agreement.

Localities across the state are receiving requests from small cell companies to locate their equipment on poles in public rights-of-way. Because state law requires that we treat all utilities in our right-of-way the same, this amendment proposes to extract the small cell towers in our right-of-way from our communication tower/antenna definition and proposes a height limitation that will allow all utilities in our right-of-way to offer their services, while preventing extraordinarily tall poles. The amendment therefore includes a change to the definition of communication tower/antenna that excludes towers less than fifty (50) feet in height located in the public right-of-way. They will not be subject to the

requirement for a conditional use permit similar to all other utilities in the right-of-way. The height limit of fifty (50) feet was determined to incorporate all utility poles currently existing on local streets. This change will apply to all utilities in the public right-of-way.

The second part of the amendment adds a new section to General Regulations that limits the height of a structure in the public right-of-way to no higher than fifty (50) feet without the issuance of a conditional use permit. Any small cell structure above fifty (50) feet will be deemed a communication tower and a conditional use permit will be required. Again, this will apply to all utilities in the public right-of-way.

On November 16, 2016, the Regulations Committee reviewed and recommends approval of the above referenced amendment.

STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council adoption of the Zoning Ordinance text amendment ZT-2016-0001.

APPENDIX

- A-1 ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS;
ARTICLE V., GENERAL REGULATIONS, SECTION 45-523.1, UTILITIES**
- A-2 SMALL CELL UTILITY POLES IN PUBLIC RIGHT-OF-WAY**

sdm14775

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-523.1, UTILITIES.

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

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, be, and the same hereby is, amended and reordained, by adding thereto a new section, namely: Sec. 45-523.1, Utilities, as follows:

CHAPTER 45**ZONING ORDINANCE****ARTICLE V. GENERAL REGULATIONS****Sec. 45-523.1. Utilities.**

No utility shall erect a structure, including appurtenances, in the public right-of-way higher than fifty (50) feet (measured from the top of the closest adjacent curb or edge of pavement where no curb exists) without the issuance of a conditional use permit.

sdm14773

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY AMENDING THE DEFINITION OF COMMUNICATION TOWER/ANTENNA.

WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would amend the definition of Communication tower/antenna; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the amendment of the term Communication tower/antenna in Section 45-201.

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

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordained by amending the definition of the term Communication tower/antenna, as follows:

Communication tower/antenna. Any structure erected on real property or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs or similar devices used for transmission or reception of electromagnetic waves. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers/antennas under this definition. The term communication tower/antenna shall not include any structure located in a public right-of-way less than fifty (50) feet in height, measured from the top of the closest adjacent curb or edge of pavement where no curb exists.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.

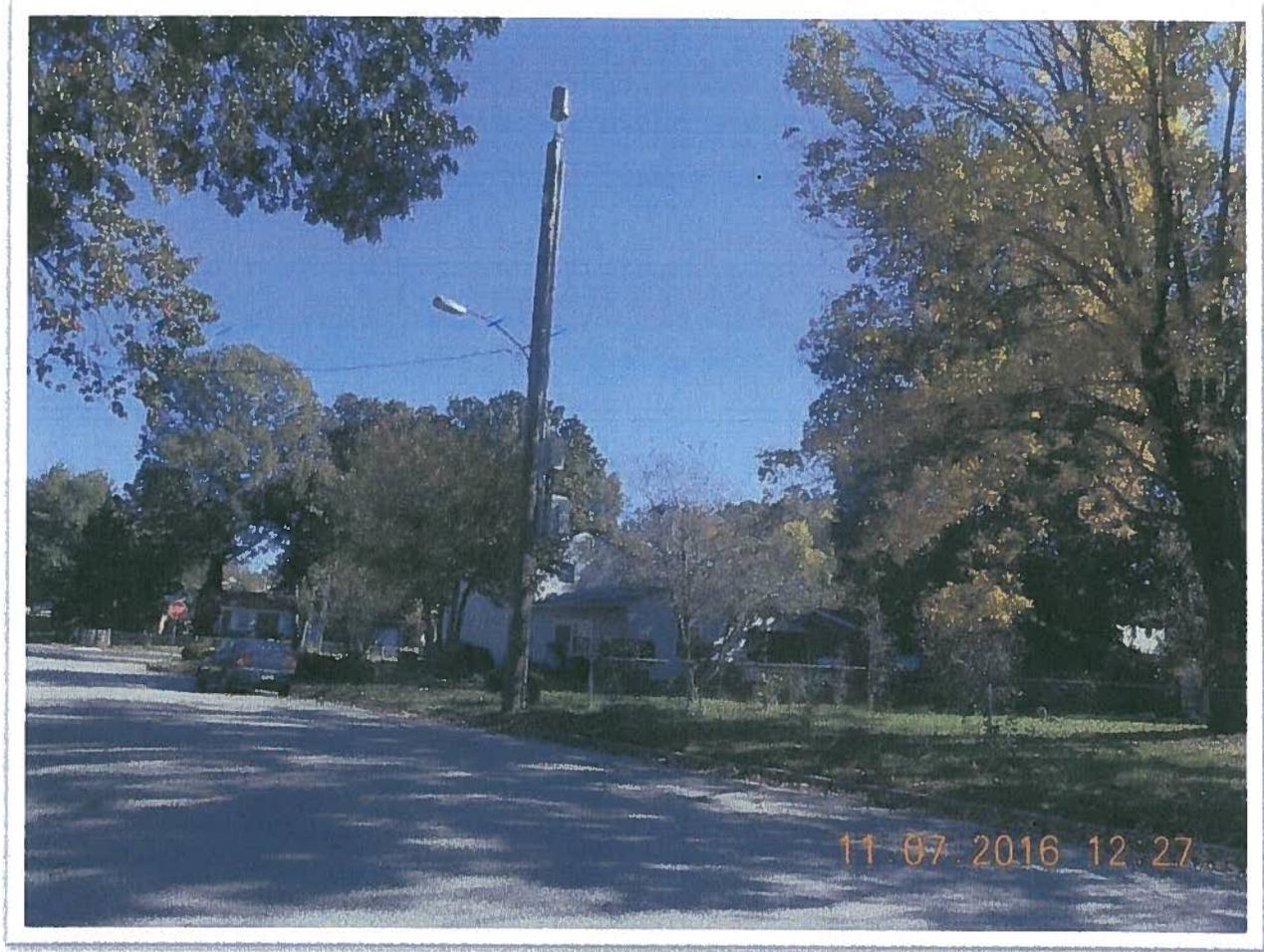
Circuit Lane



Beechmont Drive



Motoka Drive



Trailblazer Boulevard

