1. Planning Commission Meeting Documents

Documents:

CPC AGENDA 3.4.20.PDF
CPC MINUTES 2.19.20.PDF
CZ-2020-0001 CPC STAFF REPORT.PDF
CU-2020-0001 CPC STAFF REPORT.PDF
A. Call to Order
B. Planning Commission Creed and Approval of the Agenda
C. Invocation
D. Pledge of Allegiance
E. Minutes
   (a) City Planning Commission - February 19, 2020
F. Public Hearing
   (a) CHANGE OF ZONING

   CZ-2020-0001, IMPRESSIONS III, LLC. Requests a change of zoning from R7 Medium Density Multiple-Family Dwelling with proffers to R7 Medium Density Multiple-Family Dwelling with proffers, to eliminate one proffer on a 6.05 acre site at 350 Bell King Road. The One City, One Future 2040 Comprehensive Plan recommends Medium Density Residential uses for the site. The Parcel No. is 171.00-02-10. (Contact Planner: Saul Gleiser at 757-926-8076)

   (b) CONDITIONAL USE PERMIT

   CU-2020-0001, ECONOMIC DEVELOPMENT AUTHORITY. Requests a conditional use permit to allow for the operation of a vocational school located at 809 Omni Boulevard. The parcel contains 3.1 acres and is zoned C-4 Oyster Point Business District. The One City, One Future 2040 Comprehensive Plan recommends Regional Commercial uses for the parcel. The parcel number is 185.00.02.20. (Contact Planner: Carolyn Poissant at 757-926-3833)

G. Executive Secretary Report
H. Committee Reports
I. Unfinished Business
J. New Business
K. Adjourn
Minutes
City Planning Commission Meeting
City Council Chambers, 2400 Washington Ave
Wednesday, February 19, 2020, 2:00 PM

MEMBERS PRESENT: Katie Stodghill, Chairwoman; Sharyn L. Fox, Vice-Chairwoman; Michael F. Carpenter; N. Steve Groce; Willard G. Maxwell, Jr.; Daniel L. Simmons, Jr.; and Elizabeth W. Willis

MEMBERS ABSENT: Mark W. Mulvaney and Zachary Wittkamp

OTHERS PRESENT: Sheila W. McAllister, Planning Director; Flora D. Chioros, Assistant Director – Current Planning; Saul Gleiser, Senior Planner; Toluwalase Ibikunle, Planner II; Carolyn M. Poissant, Planner II; Elizabeth McRae, Landscape Planner; Synethia Newby, Neighborhood Revitalization Coordinator; Lynn Spratley, Deputy City Attorney; Nyoka Hall, Zoning Administrator

A. Call to Order
Ms. Stodghill called the meeting to order at 2:00 P.M.

B. Planning Commission Creed and Approval of the Agenda
Mr. Groce 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. Fox seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

C. Invocation
The invocation was rendered by Dr. Maxwell.

D. Pledge of Allegiance
Mr. Groce led the Planning Commission in the Pledge of Allegiance.

E. Minutes
The minutes of the January 15, 2020 public meeting were approved as presented.

F. Public Meeting
SE-2020-0001, TURZAC CONTRUCTION CORPORATION. Requests a special exception to construct a single-family detached dwelling on a nonconforming lot of record with less than 50 feet of frontage located at 1116 44th Street. The parcel contains 0.09 acres and is zoned R3 Single-Family Dwelling. The Parcel Number is 294.02.02.12.
Saul Gleiser, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Fox asked if the Department of Engineering requirements impact the proposed right-of-way permit. Mr. Gleiser stated the applicant will have to meet those requirements. He stated Planning Commission is making a recommendation on the house and the applicant will have to meet all permit requirements before the house is built. He stated the actual structure meets all of the requirements. Ms. Fox asked if the special exception is based on the right-of-way or any of the issues involved with Engineering comments. Mr. Gleiser stated no.

Mr. Simmons asked if the setback for the garage will be covered under Engineering’s requirements or what Planning Commission is approving today. Mr. Gleiser stated the setback of the garage is greater than what the criteria requires. Ms. McAllister stated the setback requirement is 5 feet along the rear and 3 feet on the side.

Ms. Willis asked if the 3 foot requirement is for the side of the house or the driveway. Mr. Gleiser stated it is 3 feet from the property line. Ms. Willis asked if the driveway can be all the way up to the property line. Mr. Gleiser stated yes. Ms. Willis stated the Engineering requirement says the driveway must be no closer than 3 feet to the side property line. Ms. Chloros stated the right-of-way permit is for the portion of the driveway that is within the city right-of-way. She stated it does not govern anything on the private property. Ms. Chloros stated the right-of-way permit has to have that 3 foot offset, and the rest of the driveway does not.

Ms. Stodghill asked if Planning Commission is reviewing the house and the garage. Mr. Gleiser stated yes, the criteria requires that the applicant has a garage.

Ms. Stodghill opened the public meeting.

Mr. Jimmy Hughes, Applicant, 663 Turnberry Boulevard, was available for questions.

Ms. Sherry Francis, 4314 Roanoke Avenue, stated her property is in front of where Mr. Hughes is building. She stated Mr. Hughes purchased the property adjacent to her and tore down her fence and moved her shed without her consent, claiming it was on his property. Ms. Francis stated according to the law, she had adverse possession and rights to that portion of her property as she has lived there for 23 years and she had been paying taxes on it.

Ms. Spratley stated whether or not the fence was on Ms. Francis’s property or the applicant’s property is not relevant to the special exception. She stated this is not something that is within the jurisdiction of the Planning Commission to determine or if Ms. Francis had possession of the property through adverse possession, of which there
are legal requirements, and is something that a court would have to determine. She stated the factors listed on Page 2 of the special exception staff report are what the Planning Commission has to consider in terms of whether to recommend the application for approval or not.

Ms. Stodghill thanked Ms. Francis for her comments; however, the Planning Commission is unable to assist her with her complaint about the applicant.

Mr. Simmons made a motion to recommend approval of special exception SE-2020-0001 to the Board of Zoning Appeals with conditions. The motion was seconded by Dr. Maxwell.

Vote on Roll Call:
For: Maxwell, Simmons, Carpenter, Fox, Willis, Groce, Stodghill
Against: None
Abstention: None

The City Planning Commission voted unanimously (7:0) to recommend approval of special exception SE-2020-0001 to the Board of Zoning Appeals with conditions.

G. Executive Secretary Report

Ms. McAllister stated on March 4, 2020, the Planning Commission will hear a change of zoning request from R7 Medium Density Multiple-Family Dwelling with proffers to R7 Medium Density Multiple-Family Dwelling with proffers to eliminate one proffer for a 6.05 acre parcel at 350 Bell King Road and a conditional use permit request to allow for the operation of a vocational school on a 3.1 acre parcel, zoned C-4 Oyster Point Business District and located at 809 Omni Boulevard.

Ms. McAllister stated there are no cases for April 1, 2020. Mr. Carpenter made a motion to cancel the April 1, 2020 public hearing. The motion was seconded by Ms. Willis. The Planning Commission voted by acclamation.

Ms. McAllister introduced Synethia Newby, Neighborhood Revitalization Coordinator for CNI. She stated Ms. Newby started in the position on February 18, 2020 and comes to us with over 15 years of local government, training, facilitating and consulting experience. Ms. McAllister stated Ms. Newby possesses a BS in Criminal Justice, a Master of Human Resources Management and a Doctorate of Strategic Leadership. She stated Ms. Newby is a native of Newport News and welcomes the challenge the position offers.
H. Committee Reports

Mr. Carpenter reported the Regulations Committee met on February 19, 2020 to discuss short-term rentals. He stated the discussion was productive and there will be more discussion before the ordinance comes to Planning Commission.

I. Adjourn

There being no further business, the meeting adjourned at 2:29 P.M.

[Signatures]

Recording Secretary

Executive Secretary

Shown Live On
Newport News Television
Cox Channel 48, Verizon Channel 19
www.nnva.gov
# CHANGE OF ZONING APPLICATION NO. CZ-2020-0001

## IMPRESSIONS III, LLC

<table>
<thead>
<tr>
<th><strong>APPLICANT/OWNER</strong></th>
<th>Impressions III, LLC.</th>
<th><strong>ZONING</strong></th>
<th>R7 Medium Density Multiple-Family Dwelling with Proffers (Appendix A-1)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOCATION</strong></td>
<td>350 Bell King Road</td>
<td><strong>ONE CITY ONE FUTURE</strong></td>
<td>Medium Density Residential (Appendix A-3)</td>
</tr>
<tr>
<td><strong>PRESENT USE</strong></td>
<td>Apartment Complex</td>
<td><strong>ACREAGE</strong></td>
<td>6.05 acres</td>
</tr>
<tr>
<td><strong>REQUEST</strong></td>
<td>R7 Medium Density Multiple-Family Dwelling with Proffers to R7 Medium Density Multiple-Family Dwelling with Proffers; with the modification of one proffer</td>
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<td></td>
</tr>
</tbody>
</table>

## FACTS

- **North**: Mobile home park on property zoned M1 Light Industrial
- **South**: Vacant lot and Keller America warehouse on properties zoned M1 Light Industrial
- **East**: Impressions apartments on property zoned R7 Medium Density Multiple-Family Dwelling
- **West**: Vacant lots on properties zoned M1 Light Industrial

### Zoning History

The property was zoned M1 Light Industrial when the citywide comprehensive rezoning became effective August 1, 1997. On September 14, 2004, City Council approved CZ-04-179 which rezoned the property to R7 Medium Density Multiple-Family dwelling with Proffers. (See Appendix A-4.)

### Regulatory Review

A change of zoning from R7 Medium Density Multiple-Family Dwelling with proffers to R7 Medium Density Multiple-Family Dwelling with proffers is being requested to modify one proffer. The existing proffer to be modified, stipulates that, "the development shall be restricted to the construction and
operation of market rent apartments, not to exceed 132 in number (84 2-Bedroom and 48 3-Bedroom); in no event more than 10% Section 8 type tenants.” The revised proffer removes the last sentence which was handwritten into the proffers after Planning Commission had made its recommendation to Council. (See Appendix A-4 & A-5.)

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-5.)

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

Comprehensive Plan Review

The recently adopted One City, One Future 2040 Comprehensive Plan land use map identifies medium density residential uses for the parcel. The proposed change of zoning is consistent with this recommendation. (See Appendix A-3.)

ANALYSIS

The area being rezoned includes phase 3 of the larger apartment complex that was developed on the adjacent properties to the east zoned R7 Medium Density Multiple-Family Dwelling. Phases 1 and 2 of the development include the amenities for the complex as a whole. Phase 3 of the apartment complex was developed with 132 units in keeping with the approved plans that were part of the original proffers. (See Appendix A-6.)

When the property was rezoned in 2004, in an attempt to limit the amount of residents that met the section 8 program requirements, the applicant amended the proffers to limit the number of units that could be rented to tenants meeting the section 8 requirements to 10%. As written, this proffer was not enforced. In order to renovate the complex, the applicant is seeking to refinance using a different type of Virginia Housing Development Authority (VDHA) financing from that originally used.

The VDHA mixed income program requires that 20% of the apartment units in the complex be held and occupied by households making no more than 80% of the area median income as determined by the Department of Housing and Urban Development (HUD.) These residents can qualify for Section 8 vouchers. VDHA requires the applicant secures a resolution from City Council stating that the proposed project meets the zoning criteria. As the proffers are part of the criteria governing the zoning of the property, the required resolution cannot be issued. Not being able to secure the resolution precludes the applicant from obtaining this particular type of financing.

To comply with the financing requirements, the applicant has requested a change to the approved proffers that removes the limit on the number of units that can be rented to tenants with households making no more than 80% of the area median income as determined by HUD.
The applicant plans to utilize this funding to update and rehabilitate the aging complex. No changes or additions are proposed to the apartment count or the overall design of the complex. The requested funding will be used for the interior rehabilitation and general upgrade of the existing structures.

All other original proffers are proposed to remain the same. (See Appendix A-4 & A-5.)

CONCLUSION

The proposed change of zoning is consistent with the One City, One Future 2040 Comprehensive Plan land use map. The proposed proffer change will enable the applicant to seek VHDA mixed income program financing to make necessary improvements to the complex.

STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council approval of change of zoning CZ-2020-0001 for the approximately 6.05 acre property located at 350 Bell King Road from R7 Medium Density Multiple-Family dwelling with Proffers to R7 Medium Density Multiple-Family dwelling with Proffers.
APPENDIX

A-1 VICINITY/ZONING MAP
A-2 AERIAL
A-3 ONE CITY ONE FUTURE LAND USE MAP
A-4 ORDINANCE NO. 6048-04
A-5 PROFFERS
A-6 APPROVED SITE AND LANDSCAPE PLANS
ORDINANCE NO. 6048-04


WHEREAS, conditional zoning application CZ-04-179 has been made by MADISON COMPANY and R & R PARTNERSHIP for the rezoning of the hereinafter described property from the present M1 Light Industrial District to R7 Medium Density Multiple-Family Dwelling District, conditioned by written and voluntarily proffered conditions; and

WHEREAS, the application has been considered by the Planning Commission for 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:

Section 1. That Ordinance No. 5028-97 is hereby amended and reordained by amending that certain map entitled, "Zoning District Map" (Consisting of Real Estate Tax Assessment Maps 001 through 322 and kept on file in the offices of the Departments of Codes Compliance and Planning) dated the 10th day of June, 1997, which said Map is made a part of Ordinance No. 5028-97 by changing the following described property from the present M1 Light Industrial District to R7 Medium Density Multiple-Family Dwelling District, conditioned by written and voluntarily proffered conditions:

Legal Description:

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News being a total of 5.82 acres as shown on Exhibit A-3 attached hereto and made a part hereof.

Section 2. That the rezoning approved hereby is conditioned by written and voluntarily proffered conditions contained in the application and binding the development of the property as set forth in the exhibit, consisting of three pages and labeled "A-3", which contains a page marked "A-3" attached hereto and made a part hereof. These conditions shall continue in effect until a subsequent amendment to the zoning of the property described in Section 1 hereof, provided that
the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS SEPTEMBER 14, 2004

Bernice I. Berry, MMC
City Clerk

Joe S. Frank
Mayor

A true copy, teste:

City Clerk
TO: The Honorable Newport News City Council

DATE: May 5, 2004

APPLICATION NUMBER:

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

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

Legal Owners:

MADISON COMPANY

By:

Robert J. Frank
Managing Partner

R & R PARTNERSHIP

By:  

Robert J. Frank
Managing Partner

Contract Owner:

WAVERTON ASSOCIATES, INC.

By: 

H. Mitner
Attorney in Fact

Owner or bona fide representative

(1) The development shall be restricted to the construction and operation of market rent apartments, not to exceed 132 in number (84-2-Bedroom and 48-3-Bedroom).
(2) The layout of the apartments shall be in general accordance with the attached plan entitled, “Preliminary Plan Bell King Road Apartments, Newport News, Virginia”, prepared by Coenen & Associates, Inc, Engineers – Surveyors – Planners, dated January 14, 2004, which is made a part hereof by reference thereto.

(3) The exterior design of the apartments shall consist of brick and vinyl siding with vinyl soffits and cornice wrapped in metal.

(4) There shall be maintained on the northerly side of Bell King Road a building setback line of not less than thirty (30’) feet which shall be landscaped, together with landscaping along the eastern side and the northern side of the property under a Landscaping Plan to be submitted to the City of Newport News and which shall be subject to the approval of the Director of Planning.

(5) There shall be only one (1) entrance to the subject property off Bell King Road and the Applicant shall provide a right of ingress and egress to and from the adjacent properties.

(6) Applicant agrees to provide on the site proposed for re-zoning a sheltered bus stop for school children at a location and with a design acceptable to the Department of Transportation of the School Board for the City of Newport News.

(7) That passive recreational areas with play ground equipment and benches shall be located as shown on the attached sketch plan and are marked “Area No. 1” and “Area No. 2”
Conditioned
Proffer Statement for Change of Zoning

To: The Honorable Newport News City Council

Date: ___________________________
Application Number: ___________________________

(1) The development shall be restricted to the construction and operation of market rent apartments, not to exceed 132 in number (84 2-Bedroom and 48 3-Bedroom)

(2) The layout of the apartments shall be in general accordance with the attached plan entitled, "Preliminary Plan Bell King Road Apartments, Newport News, Virginia", prepared by Coenen & Associates, Inc, Engineers-Surveyors-Planners, dated January 14, 2004, which is made a part hereof by reference thereto.

(3) The exterior design of the apartment shall consist of brick and vinyl siding with vinyl soffits and cornice wrapped in metal.

(4) There shall be maintained on the northerly side of Bell King Road a building setback line of not less than thirty (30') feet which shall be landscaped, together with landscaping along the eastern side and the northern side of the property under a Landscaping Plan to be submitted to the City of Newport News and which shall be subject to the approval of the Director of Planning.

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(6) Applicant agrees to provide on the site proposed for re-zoning a sheltered bus stop for school children at a location and with a design acceptable to the Department of Transportation of the School Board for the City of Newport News.

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

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

[Signature]
Owner or Zona fide representative
CONDITIONAL USE PERMIT APPLICATION NO. CU-2020-0001
ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF NEWPORT NEWS

APPLICANT/OWNER  Economic Development Authority of the City of Newport News (EDA)

ZONING  C4 Oyster Point Business District (Appendix A-1)

LOCATION  809 Omni Boulevard

ONE CITY ONE FUTURE  Regional Commercial (Appendix A-3)

PRESENT USE  Office (vacant)

ACREAGE  3.10 acres

REQUEST  Conditional use permit for the operation of a vocational school

FACTS

North  Drainage easement and vacant lot on property zoned C4 Oyster Point Business District

South  Tidewater Medical Center on property zoned C4 Oyster Point Business District

East and West  Vacant lot on properties zoned C4 Oyster Point Business District

Zoning History  The property has been zoned C4 Oyster Point Business District since the citywide comprehensive rezoning became effective on August 1, 1997.

Regulatory Review  A vocational school is permitted in the C4 zoning district with approval of a conditional use permit. The property, which is owned by the Economic Development Authority of the City of Newport News (EDA) is proposed to be leased to the Virginia Technical Academy for the operation of a technical...
trade school. The existing building is 16,999 square feet in total and the proposed use would occupy the entire building.

The parking requirement for a vocational school is one (1) parking space for every three (3) accommodations for students in classrooms, laboratories, study areas, etc. The 1989 site plan included 133 total spaces with 3 handicap spaces. (See Appendix A-4.) The proposed floor plan indicates a total of 160 student accommodations, which requires 54 parking spaces. (See Appendix A-5.) The parking lot has been re-striped to provide a total of six (6) handicap spaces at the main entrance including one (1) van accessible space with associated handicap parking signage to fulfill the ratio of 1:25 as required by code.

The Engineering Department has reviewed the Traffic Impact Statement and found it to be acceptable. (See Appendix A-6.) The departments of Codes Compliance, Public Works, Waterworks, Fire, Police, Parks, Recreation and Tourism and Development have no objection to this request.

**Comprehensive Plan Review**

The adopted *One City, One Future 2040 Comprehensive Plan* land use map identifies regional commercial uses for the parcel. (See Appendix A-3.) The vocational school use is compatible with this designation.

**ANALYSIS**

The property was originally constructed in 1989 for professional offices and was acquired by the EDA in 2007. It was leased to Canon of Virginia, Inc. from July 2008 to June 2016, as a general office and ongoing employee training facility. It has been vacant since June 2016.

The property is currently flanked on three sides by undeveloped property owned by the City of Newport News. There is an existing screened dumpster in the rear parking lot and well-maintained, mature landscaping exists around the perimeter and in front of the building. There are several mature trees along the western edge of the property, which also contains half of a 60-foot wide drainage easement. Therefore, the site is well buffered from adjoining uses in the area.

The Virginia Technical Academy business plan (Appendix A-7) indicates the building will be used for trade school coursework in Heating, Ventilation and Air Conditioning, Electrical and Electrical Controls, Appliance Maintenance and Repair, Facility Maintenance, Plumbing and Light Commercial Refrigeration. Day classes will be offered Monday through Friday from 8:00 AM to 3:30 PM and evening classes will be offered Monday through Thursday from 5:30 PM to 8:30 PM. The applicant proposes to provide instruction for 6 classes during the day and 3 classes in the evening with a maximum of 20 students per class. Consequently, there will be a maximum of 120 students during the day and 60 per night. There will be a total of 13 instructors and staff to support the program. (See Appendix A-7.) Given the hours of operation, there will be a reduced impact on peak traffic flow since vehicular access will be more widely dispersed.
There are no freestanding signs currently on the property. A new 5-foot tall and 9-foot wide freestanding sign structure with no more than 50 square feet of sign area is being proposed along the site’s Omni Boulevard frontage. The sign placement, design and materials will be reviewed and approved by the Director of Planning prior to the issuance of a sign permit. The Board of Directors of the EDA has approved the proposed sign, provided the use is approved by City Council. (See Appendix A-8.)

No other exterior alterations are proposed at this time. The application indicates that only minor interior modifications to the facility are needed. Any future exterior modifications will be required to be reviewed and approved by the EDA due to the covenants and deed restrictions on the property.

CONCLUSION

The proposed use of a vocational school is consistent with the One City, One Future 2040 Comprehensive Plan land use designation of regional commercial. It will occupy a previously unoccupied structure, add to the vocational offerings in the city and enhance other related facilities in the Oyster Point business district. As conditioned, the proposed vocational school use will not negatively impact any of the surrounding properties.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-2020-0001 to allow for the operation of a vocational school at 809 Omni Boulevard, with the following conditions:

1. The proposed freestanding sign shall be installed in accordance with the drawing prepared by A&E Signs included in Appendix-8. The sign shall be no taller than 5 feet in height as measured from the top of curb to the highest point of the sign structure. The sign area shall be no more than 50 square feet. The sign placement, design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.

2. 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.

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

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. 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 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.

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 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  ZONING MAP
A-2  AERIAL MAP
A-3  ONE CITY, ONE FUTURE 2040 LAND USE MAP
A-4  SITE PLAN
A-5  FLOOR PLAN
A-6  TRAFFIC IMPACT STATEMENT
A-7  BUSINESS PLAN
A-8  MONUMENT SIGN DETAIL – EDA APPROVAL LETTER
A-9  SITE PHOTOS
Traffic Statement – 809 Omni Boulevard

The site at 809 Omni Boulevard is proposed to be leased as a secondary level education center. This use is most like land use 540, Junior/Community College in the 10th Edition of the ITE (Institute of Transportation Engineers) Trip Generation Manual. The building has 16,999 square feet of space and is set in a general urban/suburban area.

Based on land use 540, the ITE Trip generation rate for this site is:
- Daily – 345 trips per day (50% Entering and 50% Exiting)
- During the AM Peak Hour of Omni Blvd (an hour between 7am and 9am) – 36 trips per hour (77% Entering and 23% Exiting)
- During the AM Peak Hour of School Operation – 40 trips per hour (59% Entering and 41% Exiting)
- During the PM Peak Hour of Omni Blvd (an hour between 4pm and 6pm) – 32 trips per hour (50% Entering and 50% Exiting)
- During the AM Peak Hour of School Operation – 39 trips per hour (48% Entering and 52% Exiting)

Based on a traffic count conducted by the City of Newport News in July of 2016, existing Traffic Volumes on Omni Boulevard are:
Daily – 2,622 Vehicles per Day (VPD)
Westbound – 53%
Eastbound – 47%

AM Peak Hour – 238 Vehicles per Hour (VPH) 11:00 a.m. – 12:00 noon
Westbound AM Peak – 48%
Eastbound AM Peak – 52%

PM Peak Hour – 298 Vehicles per Hour (VPH) 12:15 p.m. – 1:15 p.m.
Westbound PM Peak – 67%
Eastbound PM Peak – 33%

Based on the current volumes, even grown by a 1% per year background growth rate with the addition of the proposed site trips, no additional geometric improvements are required for the site.
December 19, 2019

Conditional Use Permit Application
Address: 809 Omni Blvd.
    Newport News, VA 23606

Use of Building and Operations – Narrative

The building is currently set up with seven classrooms and several office spaces and a break area. Canon Virginia, Inc had used the building for training at one time. Only minor remodeling is needed for the interior for operations, mostly clean-up, painting, carpet tile removal/replacement.

The building will be used for teaching classes in the following trades: Heating, Ventilation and Air Conditioning (HVAC), Electrical and Electrical Controls, Appliance Maintenance and Repair, Facility Maintenance, Plumbing, and Light Commercial Refrigeration. This will be an adult education trade school.

Day classes will be offered Monday through Friday from 8:00am to 3:30pm. Day classes will be in Electrical, Plumbing, Appliance Repair, Facility Maintenance and HVAC. There will be a maximum of 20 students per class if all seats are filled.

Evening classes will be offered Monday through Thursday from 5:30pm to 8:30pm. Evening classes will be in Electrical, HVAC, and Light Commercial Refrigeration. There will be a maximum of 20 students per class if all seats are filled.

There will be a total of thirteen (13) instructors and staff to support the school operations.

The start of classes is scheduled to begin March 25, 2020.

David Gillespie
President
February 7, 2020

Gerri Hill
A&E Reprographics, Inc.
5948 Jefferson Avenue
Newport News, VA 23605

RE: 809 Omni Boulevard – Design Review Approval

Dear Mr. Hill:

On January 16, 2020, the Board of Directors of the Economic Development Authority of the City of Newport News, Virginia (EDA Board) met and reviewed your request, for approval of a digital rendering of a monument sign, to be located at 809 Omni Boulevard in Oyster Point of Newport News. Upon review, the EDA Board voted to approve your request, subject to all applicable City codes and regulations.

We appreciate your cooperation with our approval processes. Should you have any questions with regard to this approval, please do not hesitate to contact Kalila Walker of my staff at 926-7133.

Sincerely,

[Signature]

Florence G. Kingston
Secretary / Treasurer

FGK:kpw
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Copy to: Virginia Technical Academy
Zoning Coordinator
Commercial Building Plans Examiner

Enclosures: Digital Rendering of Monument Sign