



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

**NEWPORT NEWS CITY PLANNING COMMISSION WORK SESSION**  
**April 17, 2019 at 2:00 P.M.**  
**10<sup>th</sup> Floor City Council Conference Room**

- **CALL TO ORDER**
- **DEFERRED CONDITIONAL USE PERMITS**
  - **CU-2019-0001, The Mariners Museum**
  - **CU-2019-0003, Taylor Made Holdings NN LLC**
- **CONDITIONAL USE PERMIT**
  - **CU-2019-0004, North Riverside Baptist Church**
- **OPEN DISCUSSION**
- **ADJOURN**

# CONDITIONAL USE PERMIT NO. CU-2019-0001

## THE MARINERS' MUSEUM/PI TOWER DEVELOPMENT, LLC.

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**OWNER/APPLICANT** The Mariners' Museum/  
PI Tower Development,  
LLC.

**LOCATION** 100 Museum Drive

**PRESENT USE** Vacant open space

**REQUEST** Installation of a communication tower greater than 50 feet in height

**ZONING** P1 Park (Appendix A-1)

**ONE CITY ONE FUTURE 2040** Parks and Recreation (Appendix A-2)

**ACREAGE** 2,500 square feet lease area of a 463.9 acre parcel



### BACKGROUND

At the March 6, 2019 meeting, the Planning Commission voted to defer action on the application to allow time for the applicant to provide information on different types of towers, configurations, height, as well as providing an official determination from the Federal Aviation Administration as to the need of a light on top of the tower.

On March 12, 2019 the applicant requested the application be scheduled to be heard by Planning Commission at the May 1, 2019 hearing, to allow them sufficient time to provide the requested information.

At the March 20, 2019, meeting, the Planning Commission requested a work session to allow for the opportunity to have an in depth question and answer session prior to the formal hearing. A work session was scheduled for April 17, 2019.

Based on conversations with the applicant staff has revised the height recommendation to add a 4-foot lighting rod to the 150-foot height tower. This recommendation is reflected in the proposed conditions.

## FACTS

### North, West, South & East

The Mariner's Museum property is surrounded by single-family residential structures on properties zoned R2, R3 and R4 Single-Family Dwelling. However, the lease area is contained within the larger parcel and not directly adjacent to these uses. Immediately adjacent to the lease area are the Mariners' Museum open storage as well as the Mariners' Museum Park on property zoned P1 Park.

### Zoning History

The property has been zoned P1 Park since August 1, 1997 when the citywide comprehensive rezoning became effective.

### Regulatory Review

Section 45-523 of the zoning ordinance provides minimum standards for communication towers in the city. Towers that meet these standards are permitted in the P1 Park zoning district with the approval of a conditional use permit.

Proposed towers are required to provide the ability for collocation. The proposed tower is providing capacity for 4 carriers: T-Mobile and 3 additional users.

Section 45-523 of the zoning ordinance also requires a minimum setback of 25 feet from the rear and side property lines as well as a minimum of 100 feet from any public right-of-way. As proposed and shown on the site plan provided, the tower exceeds the distance requirements. (See Appendix A-2.)

The property is wooded and most of the vegetation will remain on the south and east sides of the lease area. However, given that it abuts storage areas as well as paved areas for the museum, the applicant has provided a conceptual landscape plan that shows the required row of evergreen trees surrounding the compound in front of a proposed chain link fence. (See Appendix A-7.)

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

### Comprehensive Plan Review

The *One City One Future 2040* comprehensive plan land use map designates the property for parks and recreation uses. This particular area of the property is adjacent to service areas of the museum that are not open to the public. (See Appendix A-2.) Given that the tower will provide a needed service to the public and its location within a service area of the park, it

conforms to the land use designation.

## ANALYSIS

T-Mobile, who will be the anchor provider on the proposed tower, has experienced a gap in coverage in this area of the city. The new tower will allow T-Mobile and other service providers to address coverage and capacity issues by connecting the propagation rings of surrounding towers.

The proposed location will provide increased coverage to those living in the surrounding residential neighborhoods as well as the growing population at Christopher Newport University. It will also benefit those using the Noland trail as well as those traveling on nearby roads and emergency personnel operating in the area.

The zoning ordinance requires that wireless providers secure collocation opportunities before building new towers. There are no towers available in the area that would allow collocation. There are also no buildings that are tall enough to meet coverage objectives. The closest existing tower is about a mile away on Old Harpersville Road but it is too close to existing T-Mobile sites. It was determined that there are no other towers within the needed search ring.

The applicant proposes to construct and operate a 175 foot monopole communication tower which includes a 5 foot lightning rod. The associated ground equipment will be within a 50X50 foot fenced lease area that will be appropriately screened by new and existing vegetation. (See Appendix A-6.)

The proposed location is within an area of the museum that is not readily available to the public and abuts the outdoor storage yard for the museum. The addition of the tower and equipment will have no direct adverse impacts on any of the surrounding uses.

However, visual impacts from the monopole will encroach on otherwise pristine natural vistas from the Lake Maury Natural Area, the Noland trail, Warwick Boulevard and some of the single-family neighborhoods that surround the greater property. (See Appendix A-5.) By lowering the height of the tower to no more than 150 feet the visual intrusion will be greatly diminished, preserving and protecting the view shed. Further, 150 feet allows for required collocation of up to 3 users and has been a standard maximum height with approval of a conditional use permit in the city. To achieve this, a condition that limits the height of the tower to no more than 150 feet with a 4-foot lighting rod is being recommended. At this height the tower will still provide the opportunity for collocation of 3 users.

## CONCLUSION

The construction of a 175 foot communication tower will encroach in the natural view shed from the Lake Maury natural area, the Warwick Boulevard Lake Maury bridge area as well as some of the surrounding

single-family neighborhoods. However, a reduction of the height to 150 feet will minimize the visual impact of the tower making it and its related equipment more compatible with the surrounding uses.



# CONDITIONAL USE PERMIT NO. CU-2019-0003

## Taylor Made Holdings NN, LLC.

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**OWNER/ APPLICANT** Taylor Made Holdings NN, LLC./  
The Faison Center, Inc.

**LOCATION** 803 Diligence Drive

**PRESENT USE** Vacant Building

**REQUEST** Private school with less than 200 students for children with autism

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

**ONE CITY ONE FUTURE, 2040** Regional Commercial (Appendix A-3)

**ACREAGE** 3.23 acres



### FACTS

- North** McCale professional offices on properties zoned C4 Oyster Point Business
- South** Executive Center and Rose & Womble professional offices on properties zoned C4 Oyster Point Business
- East** Technology Center professional offices on properties zoned C4 Oyster Point Business
- West** Town Park professional offices on property zoned C4 Oyster Point Business

**Zoning History** C4 Oyster Point Business since the citywide comprehensive rezoning became effective August 1, 1997. (See Appendix A-1)

**Regulatory Review** Given the type of educational services provided, the school's parking requirement will be 1 parking space per employee. Based on 46-50 employees, the school is required to provide a total of 46-50 parking spaces. The site plan provided indicates a total of 132 parking spaces. The building is 16,000 square feet and although a future expansion to occupy the entire building is contemplated, originally, the school will occupy only the rear 10,000 square feet. The owner, TaylorMade diagnostics and Southern

Physical Therapy will occupy the front of the building facing Diligence Drive. There are 27 parking spaces including 2 handicap spaces directly in front of the entrance to the office use which exceed the required 20 spaces for professional offices. (See Appendix A-2.)

Because of its location within Oyster Point, the property is subject to certain restrictions and covenants that require additional review and approval from the Economic Development Authority of the City of Newport News (EDA). The EDA must approve any specific use within Oyster Point, provided that the use is permitted within the zoning district in which the property is located. After reviewing the application, the EDA has granted approval of the proposed use. On March 1, 2019, the EDA also approved the proposed exterior modifications, including the installation of the playground. (See Appendix A-6.)

The Department of Engineering reviewed and approved a Traffic Impact Statement (TIS) prepared by the Timmons Group and agreed with their findings that no improvements are required for the use. (See Appendix A-7.)

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 *One City One Future 2040* comprehensive plan land use map designates regional commercial uses for the property. The plan also identifies the area as the Oyster Point/City Center regional center. Regional centers are described as large, mixed use places providing business, shopping, entertainment, cultural and employment opportunities. Included in the land uses recommended for regional activity centers are educational institutions. The proposed use is consistent with those recommendations. (See Appendix A-3.)

## ANALYSIS

The Peninsula Academy for Autism, which was acquired by The Faison Center in spring of 2018, has been in operation since 2010 at its present location at 12749 Nettles Drive. The capacity at that location is limited to 16 students. That location will continue to house the preschool aged children (18 months to 4 years). The new facility will be for students aged 5 to 22 years and will originally have the capacity to house 40 students and a maximum of 50 if they were to expand to occupy the entire building.

The Faison Center, which is licensed by the Department of Education and accredited by the Virginia Association of Independent Specialized Education Facilities as well as the Comprehensive Application of Behavior Analysis to Schooling (CABAS) Board, serves students between the ages of 18 months to 22 years. It is comprised of a Lower School Program for students up to 11 years of age, a Middle School Program for students 11 to 14 years of age and an Upper School Program for students 14 to 22 years of age. The students they serve present complex neurological and behavioral challenges that are too severe for public school. Due to the lack of resources in public schools, the need for The Faison Center's educational services continues to

increase. In addition, early diagnosis of autism is driving extensive demand for early education and preschool programs. It is expected that the facility will serve students from Newport News, Hampton, Williamsburg-James City County, York, Chesapeake, Gloucester and Poquoson school districts. (See Appendix A-5.) The central location of the site will provide easy access independent of the students' place of residency.

The school operates year round and its hours of operation are 7:30 A.M. to 4:00 P.M. for staff, and 8:15 A.M. to 2:15 P.M. for students.

The Center will provide outdoor recreation for their students within a fenced playground at the rear of the property. This area is designed in a way that responds to the behavioral challenges of the population being served, avoiding plant material and high fencing. (See Appendix A-2.)

The Center does not provide transportation for their students, so they will be dropped off and picked up either by school buses from the different school districts or private cars. Staff will be responsible for unloading and loading all students. Staff will be collecting students from the vehicles at 8:10 AM and taking them back to the vehicles at 2:15 PM. It is expected that within a window of about 50 minutes traffic will have left the school both during morning drop-off as well as afternoon pick-up. Per the TIS the traffic generated by this use is significantly less than the traffic that could be generated if a variety of professional offices occupied the building. (See Appendix A-7.)

Further, the proposed use is compatible with the surrounding uses because its hours of operation do not conflict with the surrounding businesses. The property's location allows central access from most locations in Newport News and Hampton Roads. The use and location are consistent with the *One City One Future 2040* regional commercial uses and regional center designations.



# CONDITIONAL USE PERMIT NO. CU-2019-0004 NORTH RIVERSIDE BAPTIST CHURCH & CITY LIFE CHURCH

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<b>OWNER/APPLICANT</b>	North Riverside Baptist Church & City Life Church	<b>ZONING</b>	R3 Single-Family Dwelling (Appendix A-1)
<b>LOCATION</b>	311 Selden Road	<b>ONE CITY ONE FUTURE 2040</b>	Community Facilities (Appendix A-4)
<b>PRESENT USE</b>	Church	<b>ACREAGE</b>	5.38 acres
<b>REQUEST</b>	Operation of a pre-school or day school with child care as part of a community facility		



## FACTS

**North, West, and South East** Single-family dwellings on properties zoned R3 Single-Family Dwelling  
Riverside Elementary School on property zoned P1 Park (See Appendix A-1)

**Zoning History** The property has been zoned R3 Single-Family Dwelling since the citywide comprehensive rezoning became effective August 1, 1997.

**Regulatory Review** Section 45-402 of the city’s zoning ordinance permits a pre-school or day school with a child care center as part of a community facility in the R3 Single-Family Dwelling district with the approval of a conditional use permit.

North Riverside First Baptist Church has been operating a before and after school child care program at this location, since the late 1990’s. A standalone child care program is not an approved use. In order to bring this

use into compliance, the program is being proposed in conjunction with a proposed pre-school.

The Commonwealth of Virginia Department of Social Services licenses, regulates, and monitors child care providers. If the license is issued to the child care provider, all State regulations apply. Religious institutions can apply to the state for exemption from the state licensing requirements. However, because the use requires a conditional use permit, the city has consistently conditioned that religious facilities obtain licensing from the Department of Social Services.

The zoning ordinance requires one parking space per employee in addition to on-site circulation for the safe drop-off and pickup of children. The pre-school or day school with child care center will employ a staff of up to 10, and is required to provide 10 parking spaces. The site plan indicates the provision of 61 on-site parking spaces and a circulation pattern that allows one-way vehicular circulation on the site. (See Appendix A-2.) The site has a secondary means of ingress/egress off of Shoe Lane that is gated and should only be open when religious services are taking place. Access for the school and daycare shall be only from the main entrance on Selden Road.

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 *One City One Future 2040* comprehensive plan land use map designates Community Facilities uses for the property. The proposed pre-school or day school with or without child care will operate as part of a community facility (church) and is compatible with the designation. (See Appendix A-4.)

## ANALYSIS

The church is centrally located within a large single-family residential neighborhood directly across the street from an elementary school. Currently City Life Church leases the facility. However, North Riverside Baptist Church is in the process of transferring primary ownership of the building to City Life Church, which wishes to expand their ministry by offering a pre-school with child care that is able to provide full-time child care services for families in the community. The ministry which is known as KidLife Club will accept children that will range in age from 2 1/2 to 5 years old. The number of children served on a typical day is anticipated to be up to 32 children. The hours of operation are from 6:00AM until 6:00PM Monday through Saturday, excluding holidays. In addition the church will offer a before and after school program for children from grades K-5<sup>th</sup> and will be open from 7:00AM to 9:00AM and from 3:30PM to 5:30PM for a maximum enrollment of 64 children.

The KidLife Club will utilize existing classrooms on the first floor of the

education building. Two of the classrooms allow for an occupancy of 10 children each, while the other 2 can serve a maximum of 6 children each. A criterion for state licensing is the provision of outdoor play area at a ratio of 75 square feet per child. Based on an enrollment of 32 children, an outdoor play area of at least 2,400 square feet would be required. The site plan indicates a fenced open area of over 6,000 square feet at the rear of the building. (See Appendix A-3.)

The before and after school care program will continue to operate on the second floor of the education building occupying 6 different rooms. 4 of the classrooms are 203.5 square feet each, while the remaining 2 rooms measure at 843 and 571 square feet for a total 2,228 square feet allowing for a maximum occupancy of 64 children. (See Appendix A-3.)

Residential uses abut to the north, east and west of the site and Riverside Elementary school is to the south across from the church's parking lot. There generally is some noise associated with children playing outside, as well as with vehicular traffic during the pick-up and drop-off times. However, the proposed pre-school with child care should have minimal impact on the abutting residences. The children will not be outside for extended periods of time during the day and pick-up and drop-off would be on the side of the property that abuts Riverside Elementary school.

## CONCLUSION

The location of the proposed pre-school or day school with child care as part of a community facility is well suited to provide a needed service to the surrounding residential neighborhood and will be no more impactful than the nearby school. It is consistent with the *One City One Future 2040* land use plan. The proposed use should not adversely impact the surrounding community.