

**MINUTES OF THE PLANNING COMMISSION MEETING**  
**Wednesday, January 6, 2016**  
**City Council Chambers**  
**2400 Washington Avenue**  
**Newport News, Virginia**

**PRESENT:** Michael F. Carpenter, Chairman; Mark Mulvaney, Vice-Chairman; Cleon Long; H. Eugene Roberts; 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 S. Ayers, Manager of Comprehensive Planning; Saul Gleiser, Senior Planner; Flora Chioros, Landscape Planner II; David Watson, Planner; Johnnie Davis, Planner; Lynn Spratley, Deputy City Attorney; Christine Mignogna, Zoning Administrator)

**ABSENT:** None

**CALL TO ORDER**

Deputy City Attorney Lynn Spratley called the meeting to order at 4:00 P.M.

Mr. Roberts 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. Willis seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

**INVOCATION**

Mr. Simmons presented the invocation.

**ELECTION OF OFFICERS**

Ms. Spratley presided over the meeting and opened the floor for the nomination of Chairman for the Planning Commission. Mr. Mulvaney made a motion to nominate Mr. Carpenter as Chairman. Mr. Simmons seconded the motion. There being no other nominations, the nominations were closed. Ms. Spratley called for a vote for the position of Chairman.

**Vote on Roll Call**

**For:** Long, Roberts, Jones, Carpenter, Simmons, Mulvaney, Austin, Willis, Groce

**Against:** None

**Abstention:** None

The City Planning Commission voted unanimously (9:0) to elect Mr. Carpenter to the position of Chairman.

After being elected Chairman, Mr. Carpenter presided over the meeting. He thanked his fellow commissioners for electing him Chair. Mr. Carpenter opened the floor for the nomination of Vice-Chairman. Mr. Roberts made a motion to nominate Mr. Mulvaney as Vice-Chairman. Ms. Austin seconded the motion. There being no other nominations, the nominations were closed. Mr. Carpenter called for a vote for the position of Vice-Chairman.

**Vote on Roll Call**

**For:** Roberts, Jones, Simmons, Mulvaney, Austin, Willis, Groce, Long, Carpenter

**Against:** None

**Abstention:** None

The City Planning Commission voted unanimously (9:0) to elect Mr. Mulvaney to the position of Vice-Chairman.

**MINUTES**

The minutes of the December 2, 2015 public hearing were approved as presented.

**PUBLIC HEARING**

**CONDITIONAL USE PERMITS**

**CU-16-358, CARS LLC.** Requests a conditional use permit to allow for the operation of a used car dealership on a 0.92 acre parcel located at 11203 Jefferson Avenue and zoned C2 General Commercial. The Parcel No. is 240.00-05-20.

Ms. Willis declared a conflict of interest in hearing this case and recused herself. She was excused.

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

Mr. Carpenter asked what kind of material is used in opaque fencing. Mr. Watson stated it can be wood or vinyl.

Mr. Carpenter opened the public hearing.

Mr. Donald W. Davis, 3630 Route 17, Yorktown, representative for the applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Davis gave a brief presentation of the application.

Mr. Carpenter closed the public hearing.

Mr. Long made a motion to recommend approval of conditional use permit CU-16-358 to City Council, as recommended by staff. The motion was seconded by Mr. Roberts.

**Vote on Roll Call**

**For:** Jones, Simmons, Mulvaney, Austin, Groce, Long, Roberts, Carpenter

**Against:** None

**Abstention:** Willis

The Planning Commission voted 8:0 with one abstention to recommend approval of conditional use permit CU-16-358 to City Council.

**CU-16-359, The Southland Corporation & Headrick Properties, LLC.** Request a conditional use permit to allow the construction of an automobile gasoline supply station in conjunction with a convenience store (7-Eleven) on two parcels totaling 1.03 acres located at 11500 & 11504 Jefferson Avenue and zoned C1 Retail Commercial and C2 General Commercial. The Parcel Nos. are 223.00-02-06 & 05.

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

Mr. Carpenter opened the public hearing.

Mr. Stephen Romine, 999 Waterside Drive, Norfolk, Attorney for the applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Romine introduced his project team and gave a brief presentation of the application.

Ms. Willis stated Mr. Romine presented a schematic that did not have trees between the subject property and the commercial property next door, which does not match the schematic that was included in the Planning staff report appendix. Mr. Romine stated there will be landscaping. Mr. Gary Franks, 770 Independence Circle, Virginia Beach stated the schematic Mr. Romine presented was an older version and the schematic included in the staff report is correct.

Ms. Austin asked if any of the parking spaces in front of the store designated for handicapped parking. Mr. Romine stated yes, we meet the handicapped parking requirements.

Mr. Long asked if the administrative waiver for parking is approved, will the layout of the site change. Mr. Romine stated no, the site layout will not change.

Mr. Roberts asked where a temporary generator would be placed on the site, if needed. Mr. Franks stated we usually extend the rear of the dumpster enclosure and place a concrete pad area for a permanent or temporary generator adjacent to a quick connect to the building.

Mr. Mulvaney stated if a permanent generator is placed on the site, which would require regular testing, we would need to condition that to make sure it does not interfere with the residential property close by. Mr. Romine stated we do not normally install permanent generators. He stated we do not intend to have a permanent generator on

the site, but if we did, we would have noise attenuation and other precautions so as not to disrupt the neighbors.

Mr. Carpenter asked if the brick to be used will be a full brick. Mr. Romine stated yes, it will be a full brick.

Mr. Carpenter stated the ingress and egress pattern on the site is a good improvement.

Mr. Carpenter closed the public hearing.

Mr. Long made a motion to recommend approval of conditional use permit CU-16-359 to City Council, as recommended by staff. The motion was seconded by Ms. Willis.

**Vote on Roll Call**

**For:** Simmons, Mulvaney, Austin, Willis, Long, Roberts, Groce, Jones, Carpenter

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (9:0) to recommend approval of conditional use permit CU-16-359 to City Council.

**CU-16-360, Stevens Memorial Baptist Church.** Requests a conditional use permit to install an electronic display sign for a church on a 4.55 acre parcel located at 224 Richneck Road and zoned R4 Single-Family Dwelling. The Parcel No. is 073.00-05-34.

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

Mr. Carpenter opened the public hearing.

Mr. Kent Flythe, 2413A Wolftrap Road, Yorktown, representative for the applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Flythe gave a brief presentation of the application.

Mr. Mulvaney asked what is the difference between 700 and 10,000 nits or foot candles. He stated he is concerned about the potential for the sign to rotate and move with residences nearby. Mr. Flythe stated there is a huge difference in the lumens. He stated the sign will not impact the residences. Mr. Flythe stated that you can change the colors at night so they are not as vibrant, and you can have a darker background without full color.

Mr. Mulvaney asked if he is in his living room in an adjacent residence with his windows open and his blinds or curtains not drawn, what kind of impact the light from the sign would have. Mr. Flythe stated there are members of a church who live approximately 50 feet from a church with an electronic sign in York County, and they do not have an issue with the sign.

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Mr. Carpenter asked if the sign will be located in the same location as the existing sign. Mr. Flythe stated yes.

Mr. Roberts stated that when the Regulations Committee was writing the sign ordinance to include illuminated reader boards; we went through an extensive study with representatives from the sign industry. He stated they brought signs that were mounted on the rear of a vehicle to demonstrate the different nits and illumination. Mr. Roberts stated we took the vehicle into the parking garage beneath City Hall to see what the signs would look like when they were reduced to 700 nits or foot candles. He stated the committee came up with these values when the ordinance was rewritten. Mr. Flythe stated Mr. Eric King is the Mid-Atlantic representative from Watch Fire, from whom he purchases LEDs, and is the same gentleman that met with the Regulations Committee.

Ms. Austin asked if the information on the lighted part of the sign will be animated or will it slide with information. Mr. Flythe stated everything on the sign will be controlled by a computer and we must adhere to the conditions in the Planning staff report. He stated we will not have a lot of flashing, but there will be a change of messages.

Ms. Cotton stated the new ordinance addresses animation and how many seconds between message changes.

Mr. Carpenter asked why the applicant is not moving the sign closer to Jefferson Avenue to have more visibility, and less of an impact on the adjacent residences.

Mr. Jay Russ, 218 Drummonds Way, Hampton, Pastor for the church, stated we wanted to move the sign toward Jefferson Avenue because we have a second driveway we are working on; however, it is more cost effective to keep the sign where it is. He stated where the sign is now it bothers less people because the church will block the sign from the adjacent residences behind the church. Mr. Russ stated if we move the sign over, the church does not block it from the people in the back. He stated where it is now, there is an 8-foot fence and 15-foot crepe myrtles blocking the three houses that have any potential of seeing the sign. Mr. Russ stated if we moved the sign closer to Jefferson Avenue it will be easier for everyone to see for a longer time, but we are thinking about the cost and effect on the neighbors.

Mr. Carpenter closed the public hearing.

Mr. Groce made a motion to recommend approval of conditional use permit CU-16-360 to City Council, as recommended by staff. The motion was seconded by Mr. Jones.

**Vote on Roll Call**

**For:** Mulvaney, Austin, Willis, Groce, Long, Roberts, Jones, Simmons, Carpenter

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (9:0) to recommend approval of conditional use permit CU-16-360 to City Council.

**ZONING TEXT AMENDMENTS**

**ZT-16-373 City of Newport News** Requests an amendment to the Zoning Ordinance to define a new use, Day Services Center, add it to the Summary of Uses by District matrix, and add general regulations for its operation. Article II, Section 45-201; Article IV, Section 45-402; and Article V, Section 45-535.

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

Ms. Austin asked if other services include showers. Ms. Cotton stated yes, it would include showers. Mr. Roberts stated the facility does not include meals. Ms. Cotton stated it does not include meals or overnight stays. Ms. Cotton stated this is strictly for services during the daytime hours.

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

Mr. Roberts made a motion to recommend approval of zoning text amendment ZT-16-373 to City Council, as recommended by staff. The motion was seconded by Ms. Austin

**Vote on Roll Call**

**For:** Austin, Willis, Groce, Long, Roberts, Jones, Simmons, Mulvaney, Carpenter

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (9:0) to recommend approval of zoning text amendment ZT-16-373 to City Council.

**ZT-16-374 City of Newport News** Requests an amendment to the Zoning Ordinance to delete the minimum parking requirement in the O3 Office/Research and Development district and refer to Article XXX, Off-Street Parking and Loading Requirements. Article XIX, Section 45-1904.

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

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

Mr. Roberts made a motion to recommend approval of zoning text amendment ZT-16-374 to City Council, as recommended by staff. The motion was seconded by Mr. Mulvaney.

**Vote on Roll Call**

**For:** Willis, Groce, Long, Roberts, Jones, Simmons, Mulvaney, Austin, Carpenter

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (9:0) to recommend approval of zoning text amendment ZT-16-374 to City Council.

**ZT-16-375 City of Newport News** Requests an amendment to the Zoning Ordinance to remove halfway house as a permitted use in the R1 Single-Family Dwelling, R2 Single-Family Dwelling, R3 Single-Family Dwelling and R4 Single-Family Dwelling districts. Article IV, Section 45-402.

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

Ms. Willis asked in which districts halfway houses will continue to be permitted. Ms. Cotton stated C1, C2, and C3.

Mr. Long asked if the intent of a halfway house is to allow the participants to live in neighborhoods to integrate back into the community. Ms. Cotton stated it is more to get them back to work in the community. She stated group homes, which are sometimes confused with halfway houses, are centered in residential neighborhoods.

Ms. Spratley stated a halfway house is not to be confused with recovery homes which are single-family homes where residents are living and recovering from drug or alcohol addictions. She stated halfway houses are on a larger scale with the number of residents. Ms. Spratley stated there is a provision in the state code 15.2-2283.1 which prohibits the knowing provision of sex offender treatment services to a convicted sex offender in a facility located in a residentially zoned subdivision. She stated a lot of treatment goes on in halfway houses and our state code prohibits the treatment of sex offenders in residentially zoned neighborhoods, so we would be in compliance. Ms. Spratley stated we understand that not all halfway houses house convicted sex offenders, but many do.

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

Mr. Roberts made a motion to recommend approval of zoning text amendment ZT-16-375 to City Council, as recommended by staff. The motion was seconded by Mr. Long.

**Vote on Roll Call**

**For:** Groce, Long, Roberts, Jones, Simmons, Mulvaney, Austin, Willis, Carpenter

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (9:0) to recommend approval of zoning text amendment ZT-16-375 to City Council.

### **EXECUTIVE SECRETARY REPORT**

Ms. McAllister stated City Council will hear the case from December 2, 2015, CU-15-357, Bowditch on Jefferson, LLC, on January 12, 2016. She stated that at the January 20, 2016 Planning Commission meeting, there will be a special exception case to reduce the transitional buffer area requirement for 2000, 2006, and 2010 27<sup>th</sup> Street. Ms. McAllister stated the February 3, 2016 public hearing will include a conditional use permit for a small motor vehicle repair service facility and a truck rental facility at 11606 Jefferson Avenue; and a special exception for a residential kennel at 707 Godfrey Road.

Ms. McAllister thanked Mr. Roberts and Mr. Long for their time served on the Planning Commission. She stated new appointments for their positions should be made at the City Council meeting on January 12, 2016.

Ms. McAllister congratulated Mr. Carpenter and Mr. Mulvaney on their appointments as Chairman and Vice-Chairman.

### **COMMITTEE REPORTS**

Ms. Britta Ayers, Manager of Comprehensive Planning, gave the Planning Commission an update on the comprehensive plan. She stated that the Comprehensive Plan Citizen Advisory Committee (CPCAC) met on December 10, 2015 at the Denbigh Community Center and began discussion on the draft Existing Conditions chapter for the comprehensive plan update. Ms. Ayers stated it was a very good discussion with a lot of constructive feedback. She stated they made it through the first three of seven sections of that chapter and will be continuing the discussion, review and recommendations this month. Ms. Ayers stated that the next meeting is scheduled for January 14, 2016 at Downing Gross Cultural Arts center. She stated the second meeting will be on January 28, 2016 at the same location, if needed. Ms. Ayers stated afterward, the committee will take a short hiatus to allow Planning staff time to compile all of the comments received and feedback provided and revise the update to reflect the recommendations of the committee, as well as other feedback received through the review process. She stated staff will work on matching up the existing conditions to the vision and the next steps on how to achieve that vision. Ms. Ayers stated a draft of the entire document is planned for this summer. She stated it is a little later than anticipated, but she thinks it will be a good product based on all of the constructive feedback and participation from the committee and the citizens who participated in all outreach activities.

Mr. Carpenter asked why are we doing a comprehensive plan and what is its importance.

Ms. Ayers stated it is a requirement by the Code of Virginia that every locality have a comprehensive plan. She stated the comprehensive plan is a guide, not only for city staff, but all citizens who live, work or play in the community to understand the uses that are allowed in each area of the city, the assets in the community, the opportunities there are for growth, where the city would like to go in the future and how it is going to get there. Ms. Ayers stated the comprehensive plan can also be used as a marketing tool, to entice new businesses and residents to the city by showing where we are, where we are going, and how we would like them to be part of our process. She stated that the comprehensive plan is also intended to be used as a guide for decision makers when developing the Capital Improvement Program for the city. Ms. Ayers stated it helps determine what our priorities are. She stated this comprehensive plan update will be a little different than the past comprehensive plan because it will have an implementation plan in it with recommendations for specific actions over the next twenty years. Ms. Ayers stated it will show short-term priorities versus our mid-term priorities and long-term priorities. She stated the priorities can change over time as the conditions change, but that is why we update the comprehensive plan every five years to see where we are, if conditions have changed, and if we need to modify our approach to implementation.

Mr. Carpenter thanked Ms. Ayers for her answer. He stated he thinks what we do at Planning Commission public hearings is very important, but the comprehensive plan is equally, if not more, important. Mr. Carpenter invited the Planning Commissioners to attend the CPCAC meetings.

Mr. Roberts stated the Regulations Committee met on December 16, 2015 to finalize the Police K9 Training Facility amendment. He stated that, with support from staff, we developed a definition and general regulations. Mr. Roberts stated there are three zones within the city where this use will be allowed, which are P1, M1 and M2. He stated in the P1 district, which are all parks and school sites, we need to have additional requirements to protect the schools and adjacent residential neighborhoods. He stated we added a requirement for 30-foot setback and transitional buffers to ensure single-family homes are protected. Mr. Roberts stated these regulations will be coming forward to the Planning Commission next month.

## **NEW BUSINESS**

Mr. Mulvaney stated that yesterday, January 5, 2016, he attended the ribbon cutting for the South Precinct in Brooks Crossing. He stated the facility is state-of-the-art and beautiful. Mr. Mulvaney stated people do not understand that with this particular city, what happens in the south end affects the north end and vice versa. He stated the area down there is beautiful, wonderfully done and inviting.

Mr. Carpenter thanked Mr. Roberts and Mr. Long for their service on the Planning Commission. He stated they have provided a great value and he thanked them for all of their time, energy and efforts.

There being no further business, the meeting adjourned at 5:20 P.M.

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Recording Secretary

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Executive Secretary