

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

PRESENT: Michael F. Carpenter, Chairman; Mark Mulvaney, Vice-Chairman; Sharyn L. Fox; Robert B. Jones; Elizabeth W. Willis; N. Steve Groce; (Staff: Sheila W. McAllister, Director of Planning; Claudia Cotton, Manager of Current Planning; Saul Gleiser, Senior Planner; Flora Chioros, Planning Coordinator; David Watson, Planner; Johnnie Davis, Planner; Lynn Spratley, Deputy City Attorney; Sherry Graham, Inspector III)

ABSENT: Lorraine P. Austin

CALL TO ORDER

Mr. Mulvaney 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.

MINUTES

The minutes of the January 20, 2016 public hearing were approved as presented.

PUBLIC HEARING

SPECIAL EXCEPTION

S. E. 2882, Howard L. Jones. Requests a special exception to allow a residential kennel for keeping six (6) domesticated animals (3 dogs & 3 cats) on a 0.20 acre parcel located at 707 Godfrey Road and zoned R3 Single-Family Dwelling. The Parcel No. is 127.00-01-04.

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

Mr. Jones asked if, when the applicant applied for the license for her animals, she was told she needed to apply for a special exception to comply with Section 45-3204(9). Mr. Watson stated yes. He stated he has received calls from other people with five or more animals who are being given the same information when they license their pets. Mr.

Watson stated the only time this has been brought to our attention in the past has either been complaint driven or when citizens are licensing their pets.

Ms. Fox stated we are telling our residents they can have four animals, and if they want two more they need to go through the Board of Zoning Appeals for a special exception. She stated we should take a look at our regulations and investigate why we have an arbitrary number of four animals when we can get a special exception for up to six animals. Ms. Fox stated we are the only city that has these requirements. She stated she contacted Hampton and York County concerning their regulations. Ms. Fox stated we should look at these regulations and try to make some sense of allowing only four to six animals. Mr. Watson stated Planning staff would be glad to discuss this matter in a work session.

Ms. Willis stated she is concerned that a special exception stays with the property and, while the current property owner is doing a good job and she has no objections to the application, you do not know who will move into the property later and may abuse the special exception for a kennel. She asked if we could put a limit on the time or duration the special exception would be in effect. Ms. Spratley stated the Virginia Code pertaining to the powers and duties of the Board of Zoning Appeals § 15.2-2309(6) does state that the Board of Zoning Appeals can impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit. She stated you can recommend to the Board of Zoning Appeals that this special exception be limited in time and duration and choose a number you think is appropriate according to the projected life of these pets. Ms. Spratley stated the applicant could come back for an additional exception if needed. Ms. Fox stated we are only talking about two animals.

Mr. Carpenter asked if we could write the special exception to be null and void when the property owner sells the property. Ms. Cotton stated it can end after a certain amount of time.

Mr. Watson stated that the property owner still has to meet all of the conditions of the special exception, specifically *"No person shall utilize any space for the keeping of animals in any manner that is detrimental to the use of adjacent property or that, because of odor, noise or attraction of flies or other pests, reduces or otherwise unreasonably restrict the rights of adjacent property owners to enjoy the use of their property."* He stated these types of uses are complaint driven, meaning that if someone has a complaint, they can contact Animal Control to remedy the situation.

Mr. Mulvaney stated that in this case it relates to three canines and three felines, and if the six animals pass away, the property owner can have six large canine animals. Mr. Watson stated the property owner would still need to comply with the regulations and if not, would be deemed in violation.

Ms. Fox asked if the current ordinance of four animals specifies dogs or cats. Mr. Watson stated it refers to four domesticated animals.

Ms. McAllister stated this was an amendment to the zoning ordinance. She stated this amendment came about because we were having situations where people were hoarding animals. Ms. McAllister stated this ordinance was a way to ensure that the animals have their licenses and they do not overwhelm the property. She stated people may have more than three to four animals and the special exception gives them a way to have more. Mr. Carpenter asked when the amendment was made. Ms. McAllister stated sometime in the early 2000's.

Ms. Fox stated that if we say you have to have a special exception for six animals, we should just make the amendment so they can have six. Ms. McAllister stated prior to the special exception, you could only have three animals and that was a problem. She stated that is why we allow people to have four with the option to have two more.

Ms. Fox stated we have two animal shelters. She stated the Peninsula Regional Animal Shelter euthanized 1,452 animals in its first six months of operation. Ms. Fox stated the animals in this application are all licensed, spayed and neutered, and they are not in the shelter, and it is appropriate for the basis of granting the special exception. She stated we should take a look at the regulations so that we keep those extra two animals out of the shelter.

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

Ms. Fox made a motion to recommend approval of special exception S.E. 2882 to the Board of Zoning Appeals. The motion was seconded by Mr. Jones.

Ms. Willis stated she would like to see a time limit on the special exception because some people take better care of their animals than others. She stated that rather than being complaint driven, it would be better to amend the special exception so there will not need to be complaints launched against a new property owner with too many animals.

Ms. Willis made a motion to amend the special exception to revoke the special exception after a period of fifteen (15) years from the date of issuance. Mr. Mulvaney seconded the motion.

Ms. Fox stated that since the special exception is only adding two animals, she feels the time limit is irrelevant. Mr. Jones stated the application is complaint driven so there is something that can be done if any number of animals are creating a nuisance. He stated that to give a time period is inconvenient when a property owner will need to reapply for an extension every time it expires.

Mr. Mulvaney stated when you are putting two animals on top of a number that is in place, then you cannot just look at it as two animals, you have to look at it in totality of six animals.

Vote on Roll Call

For: Simmons, Mulvaney, Willis, Carpenter

Against: Fox, Jones, Groce

Abstention: None

The Planning Commission voted 4:3 to amend Ms. Fox's motion to add a 15-year time limit to special exception S.E. 2882.

Ms. Fox made a motion to recommend approval of special exception S.E. 2882 to the Board of Zoning Appeals, as amended. The motion was seconded by Ms. Willis.

Vote on Roll Call

For: Jones, Simmons, Mulvaney, Willis, Groce, Fox, Carpenter

Against: None

Abstention: None

The Planning Commission voted unanimously (7:0) to recommend approval of S.E. 2882 to the Board of Zoning Appeals, with conditions.

ZONING TEXT AMENDMENT

ZT-16-376, 377 & 378 City of Newport News Requests amendments to the Zoning Ordinance to define a new use, Police K9 Training Facility, add it to the Summary of Uses by District matrix, and add general regulations for the use. 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. Willis asked if this ordinance is specific to police K9 training facilities. Ms. Cotton stated the definition calls it police K9, and it says working dogs to be trained for police and law enforcement. Ms. Cotton stated it would have to be police and law enforcement using this facility.

Ms. Willis asked if we have other K9 training facilities in the zoning ordinance. Ms. Cotton stated she does not believe so. She stated we have kennels, but there is not another use that would be similar to this use.

Mr. Carpenter stated this ordinance was discussed with the Regulations Committee. He stated the ordinance allows for this type of development in our P1 Park zoning and all of our schools are in P1. Mr. Carpenter stated you can expect this type of use being in M1 and M2 districts, but in P1 which is utilized for our schools, is of concern. He stated that the regulation with the setbacks will hopefully cover any problems. Ms. Cotton stated if there is a school on the property, the schools have a say in how the property is going to be used.

Ms. Cotton stated the Regulations Committee considered this ordinance at their December 16, 2015 meeting and recommended approval to the Planning Commission.

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

Mr. Groce made a motion to recommend approval of zoning text amendments ZT-16-376, 377 and 378 to City Council, as recommended by staff. The motion was seconded by Ms. Fox.

Vote on Roll Call

For: Simmons, Mulvaney, Willis, Groce, Fox, Jones, Carpenter

Against: None

Abstention: None

The Planning Commission voted unanimously (7:0) to recommend approval of zoning text amendments ZT-16-376, 377 and 378 to City Council.

EXECUTIVE SECRETARY REPORT

Ms. Cotton stated that on January 28, 2016, City Council approved the conditional use permits for a used car dealership at 11203 Jefferson Avenue, an automobile gasoline supply station in conjunction with a 7-Eleven at 11500 and 11504 Jefferson Avenue and an electronic display sign for a church at 224 Richneck Road. She stated they also approved three zoning text amendments: to add day services centers to the zoning ordinance; to delete an unnecessary parking regulation from the O3 district requirements; and, to remove halfway houses as a permitted use in single-family residential districts.

Ms. Cotton stated we do not have any scheduled cases for the February 17, 2016 meeting. Mr. Carpenter stated we have a couple items the Planning Commission would like to discuss, such as the electronic delivery of our agenda packages and the time the Planning Commission meetings are held. He stated we can cancel the meeting and have a work session.

Mr. Mulvaney made a motion to cancel the February 17, 2016 meeting and schedule a work session at 12:00 noon. The motion was seconded by Ms. Willis.

Vote on Roll Call

For: Mulvaney, Willis, Groce, Fox, Jones, Simmons, Carpenter

Against: None

Abstention: None

The Planning Commission voted unanimously (7:0) to cancel the February 17, 2016 meeting and schedule a work session at 12:00 noon.

Ms. Cotton stated the March 2, 2016 public hearing will include a conditional use permit for a small motor vehicle repair and service facility and a truck rental facility at 11606 Jefferson Avenue, and a conditional use permit for an automobile gasoline supply station at 12646 Nettles Drive. She stated the second application would be a 7-Eleven at the new intersection of City Center Boulevard and Nettles Drive.

COMMITTEE REPORTS

Ms. Cotton stated the Comprehensive Plan Citizen Advisory Committee met last week and finished their review of the Existing Conditions report. She stated the committee will take a hiatus as Planning staff prepares the chapters for the draft comprehensive plan.

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

Recording Secretary

Executive Secretary