

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, September 7, 2016
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

PRESENT: Michael F. Carpenter, Chairman; Mark Mulvaney, Vice-Chairman; Willard G. Maxwell, Jr.; Sharyn L. Fox; Robert B. Jones; Daniel L. Simmons, Jr.; Elizabeth W. Willis; N. Steve Groce; (Staff: Sheila W. McAllister, Director of Planning; Claudia Cotton, Manager of Current Planning; Flora Chioros, Planning Coordinator; Saul Gleiser, Senior Planner; David Watson, Planner; Johnnie Davis, Planner; Sandy Hitchens, Planner; Jonathan Herman, Landscape Planner; Lynn Spratley, Deputy City Attorney; Everett Skipper, Director of Engineering; Craig Galant, Assistant Director of Engineering; Jackie Kassel, Chief of Transportation Engineering; Bryan Stilley, Engineer II; Chris Morello, Administrator of Development Projects; Christine Mignogna, Zoning Administrator)

ABSENT: Lorraine P. Austin

CALL TO ORDER

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.

INVOCATION

Mr. Maxwell presented the invocation.

MINUTES

The minutes of the August 3, 2016 public hearing were approved as presented.

PRESENTATION OF RESOLUTION

Mr. Carpenter read and presented a resolution to former Commissioner Mr. H. Eugene Roberts. Mr. Roberts thanked the Commissioners and city staff and stated his appreciation to the current Commissioners for their willingness to serve. He stated he has enjoyed a combined 16 years of service on the Planning Commission.

PUBLIC HEARING

CHANGE OF ZONING

CZ-16-382, Port Jefferson, LLC. Requests a change of zoning from C2 General Commercial with proffers to C1 Retail Commercial with proffers on a 14.93 acre parcel located at 591 City Center Boulevard to allow for the development of a health center. The *Framework for the Future 2030* comprehensive plan recommends Neighborhood Commercial and Regional Commercial for the site. The Parcel No. is 183.00-01-29.

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

Ms. Willis stated she is concerned about the right turn entrance from Jefferson Avenue. She asked if there was another place the applicant could look for an entrance into the property. Mr. Gleiser stated he was not aware of another place for the entrance. Ms. Willis asked if the entrance is required. Mr. Gleiser stated they are required to have two means of access by the Fire Department.

Mr. Carpenter asked if there has been a conversation with Haverty's furniture store about sharing their entrance. Mr. Gleiser stated he was not aware if that conversation occurred. He stated it is a recommendation that they pursue sharing the entrance.

Ms. Fox asked if this is an urgent care facility and if there would be ambulances going in to the facility. Mr. Gleiser stated he was not sure if there would be ambulances coming to the facility. Ms. Fox stated this will be a great resource for us because we do not really have any type of urgent care facilities for children. She asked if the facility will be providing hospital care for children, because as of right now we do not have that on the Peninsula. Mr. Gleiser stated it is his understanding that the development will have an urgent care facility and medical offices.

Mr. Carpenter opened the public hearing.

Mr. R.J. Nutter, 222 Central Park Avenue, Virginia, Attorney for the applicant, spoke in favor of the application. He thanked Planning staff for their assistance. Mr. Nutter gave a brief description of the application. He stated they plan to have pediatric outpatient surgeries at this facility, which will be scheduled like many other doctors' offices; however, the site is large enough to accommodate future expansion. Mr. Nutter stated that, in regard to concerns about the access on Jefferson Avenue, the original shared access concept was put there before City Center Boulevard became a reality. He stated it was originally intended to be the access back to utilities and facilities in the back of the property. Mr. Nutter stated they have approached Haverty's furniture store and sharing their entrance is not likely to occur. He stated they have already designed their

infrastructure around their existing access and their stormwater drainage system was developed from that system. Mr. Nutter stated that right now they have an independently approved access from Jefferson Avenue, which they are not willing to relinquish. He stated their access is located where it is because Engineering staff wanted it as far away from the intersection as possible and with a certain amount of separation from Haverty's entrance. Mr. Nutter stated we positioned the access as best we could, and when we went through the review process with city departments, Police and Fire asked for a second access into the site on City Center Boulevard. He stated there are plans to have a connecting bridge between the two buildings on the second or third floor so emergency vehicles can get under it and clearly have another way into the site. Mr. Nutter stated with 15 acres of property, we are only looking at having two access ways.

Mr. Carpenter stated he thinks the facility is a great addition to the Peninsula. He stated he hopes they will continue to work with Haverty's to share an entrance that would make more sense. Mr. Carpenter stated there are two fairly large stormwater management components: one on City Center Boulevard and one behind the city owned stormwater location, he stated he would have put the stormwater management facility on City Center Boulevard and taken the parking to the back, with a nice berm on City Center Boulevard and behind it, a retention pond would have been more attractive to people on City Center Boulevard than having the parking lot. Mr. Nutter stated there is a long narrow piece along City Center Boulevard at Jefferson Avenue. He stated it is almost deceiving as it is too narrow to put a building in and have enough circulation around it for handicapped parking. Mr. Nutter stated as a result, we could not get the building there, which is why we worked with the city to install a major feature at the intersection. He stated an open space in that area is just as significant as a building. Mr. Nutter stated city staff asked us to put berming along City Center Boulevard. He stated the stormwater requirements have almost doubled since the previous plan was approved in 2003, and it would have taken the entire length of that feature to put in the stormwater and we would have had no place for a building or parking there, so we decided to put it behind the existing city stormwater facility and use it as a buffer from the adjacent residential.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of change of zoning CZ-16-382 to City Council, as recommended by staff. The motion was seconded by Mr. Simmons.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to recommend approval of change of zoning CZ-16-382 to City Council.

CONDITIONAL USE PERMITS

CU-16-370, Mishorim Gold Newport News, LP. Requests a conditional use permit to allow for the operation of an amusement arcade located at 14346 Warwick Boulevard, Suite 416 (Denbigh Village 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. Fox asked if this application is nearly identical to the application approved in June in the adjacent unit. Mr. Watson stated the application approved in June was for a larger space or a go-kart track, which too is an arcade use. He stated the breakout room occupies a smaller footprint.

Mr. Carpenter asked how the breakout game is done. Mr. Watson stated it is like the board game Clue brought to life. He stated there will be eight people enclosed in a room and when the timer starts, they are given various clues to solve a mystery. Mr. Watson stated that as each mystery is solved they move to another room.

Mr. Mulvaney asked if the parking requirements take the adjacent arcade uses into account. Mr. Watson stated yes. He stated he took the total that was given when the go-kart track was approved and added this application's requirements. Mr. Watson stated that, as more arcade uses come in, we have asked the applicant to do an overall schematic of the floor space and parking. He stated the shopping center has ample parking, and when we figure the parking requirements, we look at how much building space is actually used for people. Mr. Watson stated you do not need to account for storage space and equipment rooms when calculating parking.

Mr. Carpenter opened the public hearing.

Mr. Emil Goduti, 12 Digges Drive, Agent for the applicant, spoke in favor of the application. He stated he was available for questions.

Mr. Carpenter closed the public hearing.

Ms. Fox made a motion to recommend approval of conditional use permit CU-16-370 to City Council, as recommended by staff. The motion was seconded by Mr. Jones.

Vote on Roll Call

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

Against: None

Abstention: None

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The Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-16-370 to City Council.

CU-16-372, Stoney Run Village, LLC. Requests a conditional use permit for off-premises sale of alcohol in an establishment of less than 1,600 square feet located at 620 Stoney Creek Lane, Suite 20 on a 10.67 acre parcel zoned R9 Mixed Use. The Parcel No. is 090.00-01-23.

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

Mr. Mulvaney asked if there is a limit on the amount of floor space they can make available for alcohol sales or could this be the bulk of their sales. Mr. Watson stated the store is an international grocery store. He stated the applicant would like to expand to sell import beer and wine. Mr. Watson stated he does not believe the beer and wine sales will be a big part of the business. Mr. Mulvaney stated that right now it is a grocery store and with approval of this conditional use permit there is no limitation to say that only 20% of the gross sales store area will be used for this type of use. Mr. Watson stated Alcohol Beverage Control (ABC) regulations come into play with this application.

Mr. Jones asked if they would be selling bottled beer or draft beer. Mr. Watson stated the permit is for off-premises alcohol sales, and it would need to be in a sealed container, bottle or can. He stated the permit will not allow the opening of containers on-premises.

Mr. Carpenter stated R9 zoning allows for the grocery store, but because this tenant has less than 1,600 square feet, a conditional use permit is required. Mr. Watson stated yes, and that is true anywhere in the city. He stated there are two solutions for the applicant: she could come forward with a conditional use permit, or she can lease the unit next to her and become 2,000 square feet and have a by-right use. Mr. Watson stated the zoning ordinance specifically states that anything under 1,600 square feet requires a conditional use permit for the sale of alcohol. Mr. Carpenter asked why is that requirement in place. Ms. McAllister stated it was added for properties within the Southeast Community because there were small lots and it was the intent to make sure that someone would not build a small store with their profit based on alcohol sales.

Mr. Carpenter opened the public hearing.

Ms. Michelle Himes, 8035 Fairmont Drive, Williamsburg, applicant, stated she was available for questions.

Mr. Carpenter closed the public hearing.

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Mr. Mulvaney made a motion to recommend approval of conditional use permit CU-16-372 to City Council, as recommended by staff. The motion was seconded by Mr. Jones.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-16-372 to City Council.

EXECUTIVE SECRETARY REPORT

Ms. McAllister stated the cases from the August 3, 2016 public hearing will be heard by City Council next Tuesday, September 13, 2016. She stated those cases include a communications tower at Denbigh High School and two zoning text amendments. Ms. McAllister stated today's cases will be heard by City Council on September 27, 2016.

Ms. McAllister stated on October 5, 2016, the Planning Commission will have a retreat with Mr. Michael Chandler, who is the Director of Education for the Virginia Tech's Land Use Education Program. She stated we have several zoning text amendments that need to be heard on the same day. Ms. McAllister stated we are hoping to schedule a late lunch so the work session would run into the public hearing that afternoon. She asked that the Planning Commissioners clear their calendars for the entire afternoon of October 5, 2016.

Ms. McAllister stated we have no cases for the September 21, 2016 meeting.

Ms. Fox made a motion to cancel the September 21, 2016 meeting. The motion was seconded by Mr. Groce. The Planning Commission voted by acclamation.

Ms. McAllister introduced Mr. Jonathan Herman, our new Landscape Planner. She stated he will be replacing Ms. Flora Chioros, who was recently promoted to Planning Coordinator. Ms. McAllister stated Mr. Herman comes to us with 10 years of experience with a private consulting firm in Williamsburg. She stated he hails from North Carolina and has a Landscape Architecture degree from North Carolina State and has his landscape certification.

Ms. McAllister stated a community meeting for the Choice Neighborhood Initiative grant will be held on September 20, 2016 at 6:00 P.M. She stated it will be held at the Dunbar Erwin Achievable Dream Academy on 16th Street. Ms. McAllister stated if any of the Planning Commissioners want to come and listen to see what the grant is about,

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we would love to see you there. Mr. Carpenter asked that a reminder be emailed to the Planning Commission.

There being no further business, the meeting adjourned at 4:54 P.M.



Recording Secretary



Executive Secretary