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. Mr. Chioros 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. Chioros 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 Synetheia 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.

Recording Secretary

Executive Secretary

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