

Minutes

City Planning Commission Public Hearing
City Council Chambers, 2400 Washington Ave
Wednesday, May 4, 2022, 2:00 PM

City of
NEWPORT NEWS
Virginia



MEMBERS PRESENT: Sharyn Fox, Chairperson; Randie T. Dyess, Jr.; Timothy Grabowski; Phillip Jones; Willard G. Maxwell, Jr.; Philip Shook; Katie Stodghill; and Michael Taylor

MEMBERS ABSENT: LaMonte Williams, Vice-Chairperson

OTHERS PRESENT: Sheila W. McAllister, Planning Director; Flora D. Chioros, Assistant Director – Current Planning; Katie Chamberlain, Planning Coordinator; Saul Gleiser, Senior Planner; Carolyn Poissant, Senior Planner; Kenar Johnson, Planner I; Lynn Spratley, Senior Deputy City Attorney; Nyoka Hall, Zoning Administrator; and Melanie Stroud, Zoning Coordinator

A. Call to Order

Ms. Fox called the meeting to order at 2:00 P.M.

B. Planning Commission Creed and Approval of the Agenda

Mr. Dyess 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. Mr. Taylor 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. Grabowski led the Planning Commission in the Pledge of Allegiance.

E. Minutes

The minutes of the March 16, 2022 public meeting and April 6, 2022 work session were approved.

F. Public Hearing

CONDITIONAL USE PERMIT

- (a) **CU-2022-0002, PEARCE BUILT, INC (OWNER) AND TAMARA LAWRENCE (CONTRACT PURCHASER)** Request a conditional use permit to allow for the operation of a child

care center, on a 1.08 acre parcel, located at 6100 Chestnut Avenue, zoned R7 Multiple-Family Dwelling. The *One City, One Future 2040 Comprehensive Plan* recommends medium density residential. The parcel number is 281.00.01.14.

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

Mr. Taylor asked if the conditional use permit that was granted in 2017 was issued to the church or the applicant. Mr. Gleiser stated the conditional use permit goes with the property, not the operator. He stated the permit was granted to the church. Mr. Taylor asked if the church can still operate a daycare. Mr. Gleiser stated yes, provided they continue to do so within the next two (2) years.

Ms. Stodghill asked what type of site lighting will be used. Mr. Gleiser stated lighting will be reviewed at site plan to meet city requirements. Ms. Stodghill asked if the site will be lit like a commercial parking lot. Ms. McAllister stated yes.

Ms. Stodghill asked if the property owner owns the proposed lot and the adjacent vacant lot. Mr. Gleiser stated yes. Ms. Stodghill asked if there is a setback from the vacant lot for the proposed driveway. Mr. Gleiser stated there are no requirements for the vacant lot.

Ms. Stodghill asked if the playground will be on the proposed lot and not the vacant lot. Mr. Gleiser stated yes.

Ms. Fox opened and closed the public hearing.

Mr. Shook made a motion to recommend approval of conditional use permit CU-2022-0002 to City Council with conditions. The motion was seconded by Dr. Maxwell.

Vote on Roll Call:

For: Maxwell, Jones, Shook, Taylor, Dyess, Stodghill, Grabowski, Fox
Against: None
Abstention: None

The City Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-2022-0002 to City Council with conditions.

- (b) **CU-2022-0003, MISHORIM GOLD NEWPORT NEWS, LP** Requests a conditional use permit to allow for the operation of a skating rink facility, in a 30,000 sq. ft. commercial suite (Suite 340) part of a 27 acre parcel, located at 14346 Warwick Boulevard, zoned C1 Retail Commercial. The *One City, One Future 2040 Comprehensive Plan* recommends community commercial uses for the property. The Parcel No. is 108.00.04.07.

Kenar Johnson, Planner I, presented the staff report (copy attached to record minutes).

Ms. Fox opened and closed the public hearing.

Mr. Shook made a motion to recommend approval of conditional use permit CU-2022-0003 to City Council with conditions. The motion was seconded by Mr. Jones.

Ms. Fox stated she has heard several cases for the DW shopping center and it has been a great asset for the city. Mr. Taylor agreed. He stated that, as a resident of that part of the city, he is happy it offers kids a place to go and something to do.

Vote on Roll Call:

For: Jones, Shook, Taylor, Dyess, Stodghill, Grabowski, Maxwell, Fox

Against: None

Abstention: None

The City Planning Commission voted unanimously (8:0) to recommend approval of conditional use permit CU-2022-0003 to City Council with conditions.

ZONING TEXT AMENDMENTS

- (c) **ZT-2022-0001, CITY OF NEWPORT NEWS** Requests an amendment to the zoning ordinance to add the definition of short-term rental in Section 45-201.

Flora Chioros, Assistant Director – Current Planning, presented the staff report (copy attached to record minutes).

Ms. Fox opened and closed the public hearing.

Mr. Shook made a motion to recommend adoption of zoning text amendment ZT-2022-0001 to City Council. The motion was seconded by Mr. Taylor.

Vote on Roll Call:

For: Shook, Taylor, Dyess, Stodghill, Grabowski, Maxwell, Jones, Fox

Against: None

Abstention: None

The City Planning Commission voted unanimously (8:0) to recommend adoption of zoning text amendment ZT-2022-0001 to City Council.

- (d) **ZT-2022-0002, CITY OF NEWPORT NEWS** Requests an amendment to the zoning ordinance to add short-term rentals to the use matrix, Section 45-402.

Flora Chioros, Assistant Director – Current Planning, presented the staff report (copy attached to record minutes).

Ms. Fox opened and closed the public hearing.

Mr. Shook made a motion to recommend adoption of zoning text amendment ZT-2022-0002 to City Council. The motion was seconded by Mr. Dyess.

Vote on Roll Call:

For: Taylor, Dyess, Stodghill, Grabowski, Maxwell, Jones, Shook, Fox
Against: None
Abstention: None

The City Planning Commission voted unanimously (8:0) to recommend adoption of zoning text amendment ZT-2022-0002 to City Council.

- (e) **ZT-2022-0003, CITY OF NEWPORT NEWS** Requests an amendment to the zoning ordinance to add general regulations for short-term rentals, Section 45-517.1.

Flora Chioros, Assistant Director – Current Planning, presented the staff report (copy attached to record minutes).

Ms. Stodghill asked how is on-site parking being provided. Ms. Chioros stated the text amendment will require one (1) additional parking space beyond what is required.

Ms. Fox opened and closed the public hearing.

Mr. Taylor made a motion to recommend adoption of zoning text amendment ZT-2022-0003 to City Council. The motion was seconded by Mr. Shook.

Mr. Grabowski stated he does not agree with the 185 day residency requirement for short-term rental owners. He stated he has not seen any data that supports non-residency of short-term rentals causing an issue. Mr. Grabowski stated he has spoken to an assistant chief at the Police Department and they had no records of any nuisances caused by short-term rentals. He stated he forwarded some additional information to the Planning Commissioners from a short-term rental company in regard to how they regulate and keep their hosts and renters safe. Mr. Grabowski stated short-term renters are a business and their brand thrives on quality. He stated if a business is known for being shady or causing disturbances in neighborhoods, they are not going to allow them to continue. Mr. Grabowski stated many short-term rental businesses have hotlines you can call to immediately address concerns.

Mr. Grabowski made a motion to amend Mr. Taylor's motion by removing the 185 day residency requirement for short-term rental owners. The motion was seconded by Mr. Jones.

Ms. Stodghill asked what happens to the short-term rental properties that are already in operation. Ms. Chioros stated currently, they are not allowed. She stated zoning ordinances operate on the premise that if you do not specifically allow a use, it is not allowed.

Mr. Taylor asked what happens if we remove the primary residency requirement from the text amendment. Ms. Chioros stated removing the requirement allows someone to purchase property with the sole purpose of using it for short-term rentals and they would not need to live there.

Mr. Shook stated he believes we should have a resident owner of the property for the sake of ensuring that neighborhood norms are maintained and the rental property does not become a party house. He stated by removing the residency requirement, more affluent property owners could buy properties in Newport News, thereby reducing the housing stock for residents of the city.

Ms. Stodghill stated by removing the residency requirement of a short-term rental operator, you are removing the vested interest a person has who owns and maintains a home. She stated there is a different attitude toward a homeowner who lives there within the neighborhood. Ms. Stodghill stated she will be voting against the amended motion.

Mr. Taylor stated as a homeowner and a landlord, he thinks it is imperative that you get to know the neighborhood in which you are renting or own property so that there is some normalcy kept amongst your property. He stated he lives on a corner lot and he understands it is imperative that he keeps his lot in a condition that does not bring detriment to the neighborhood. Mr. Taylor stated if he is living out-of-state and buys a property specifically for short-term rentals, he does not need to ever visit the property. He stated he would not know if there were any property damages or detriments caused to the neighborhood he bought the house in. Mr. Taylor stated the residency requirement does not have to be 185 days, but at some point homeowners need to be on that property.

Mr. Grabowski asked if the short-term rental ordinance affects long-term rentals. Ms. Fox stated no. Mr. Grabowski asked what is the difference between a short-term rental and a long-term rental. He stated he agrees that if you are going to own a property you should know where you stand in that community, but this only applies to short-term rentals and not long-term rentals. Mr. Shook stated he lives in a neighborhood where short-term rentals are allowed because they were grandfathered as rooming houses. He stated we have people from York County who have purchased a number of properties in his neighborhood. Mr. Shook stated these homeowners do not visit the properties because they have a property manager. He stated the tenants do not care about the properties because they are short-term. Mr. Shook stated the issue is that if you are only renting the property short-term then you are not vested in the neighborhood. He stated if you are renting a property for at least a year or so, you are vested in the neighborhood because you have to live with your neighbors. Mr. Shook stated a short-term renter can be gone in five (5) days and not care about what havoc they may have created in the neighborhood. Mr. Grabowski stated he can understand that. He stated he sees everyone's point and he agrees with them, but he still dislikes the requirement.

Ms. Fox reminded the Planning Commission they are voting on Mr. Grabowski's amended motion to remove the 185 day residency requirement for short-term rental owners living in a house from zoning text amendment ZT-2022-0003.

Vote on Roll Call:

For: Grabowski, Maxwell
Against: Dyess, Stodghill, Jones, Shook, Taylor, Fox
Abstention: None

The motion failed (2:6).

Ms. Fox reminded the Planning Commission they are now voting on Mr. Taylor's initial motion to recommend adoption of zoning text amendment ZT-2022-0003, as presented.

Vote on Roll Call:

For: Stodghill, Maxwell, Jones, Shook, Taylor, Dyess, Fox
Against: Grabowski
Abstention: None

The City Planning Commission voted 7:1 to recommend adoption of zoning text amendment ZT-2022-0003 to City Council.

- (f) **ZT-2022-0004, CITY OF NEWPORT NEWS** Requests an amendment to the zoning ordinance to modify the item number identified as the special exception process for outside storage, Section 45-521.

Flora Chioros, Assistant Director – Current Planning, presented the staff report (copy attached to record minutes).

Ms. Fox opened and closed the public hearing.

Mr. Shook made a motion to recommend adoption of zoning text amendment ZT-2022-0004 to City Council. The motion was seconded by Mr. Jones.

Vote on Roll Call:

For: Grabowski, Maxwell, Jones, Shook, Taylor, Dyess, Stodghill, Fox
Against: None
Abstention: None

The City Planning Commission voted unanimously (8:0) to recommend adoption of zoning text amendment ZT-2022-0004 to City Council.

- (g) **ZT-2022-0005, CITY OF NEWPORT NEWS** Requests an amendment to the zoning ordinance to add child care center as a permitted use in the Marshall-Ridley Choice Neighborhood Overlay, Section 45-3172.

Flora Chioros, Assistant Director – Current Planning, presented the staff report (copy attached to record minutes).

Mr. Grabowski asked if the child care center is proprietary or will it be run by the city. Ms. McAllister stated it is proprietary. She stated the building will be owned by the city.

Ms. Fox asked if the proprietor is the Peake Childhood Center. Ms. Chioros stated yes.

Ms. Stodghill asked if the People Plan component of the Marshall-Ridley Choice Neighborhood Transformation Plan includes an educational component. Ms. McAllister stated yes.

Mr. Grabowski asked if there will be extreme costs for child care with this center. Ms. Chioros stated no. She stated the proposed Peake Childhood Education Center, formerly known as the Downtown Hampton Early Childhood Development Center, are looking to expand their footprint and come into Newport News. Ms. Chioros stated the Peake Childhood Education Center operates on a sliding fee scale dependent on income.

Ms. Fox opened and closed the public hearing.

Mr. Grabowski made a motion to recommend adoption of zoning text amendment ZT-2022-0005 to City Council. The motion was seconded by Mr. Taylor.

Vote on Roll Call:

For: Maxwell, Jones, Shook, Taylor, Dyess, Stodghill, Grabowski, Fox

Against: None

Abstention: None

The City Planning Commission voted unanimously (8:0) to recommend adoption of zoning text amendment ZT-2022-0005 to City Council.

G. Executive Secretary Report

Ms. McAllister stated on March 22, 2022, City Council approved the conditional use permit to operate a car wash at 11602 and 11604 Jefferson Avenue.

Ms. McAllister stated on April 19, 2022, the Board of Zoning Appeals approved the special exception for the operation of a kennel in a residential neighborhood.

Ms. McAllister stated we have no cases for the May 18, 2022 and June 1, 2022 Planning Commission meetings.

Mr. Taylor made a motion to cancel the May 18, 2022 and June 1, 2022 Planning Commission meetings. The motion was seconded by Mr. Jones. The commission voted by acclamation.

H. Committee Reports

Mr. Taylor stated all of the zoning text amendments that were heard today had been discussed at previous Regulations Committee meetings.

Mr. Grabowski stated the Community Development Block Grant committee is still waiting on the Department of Housing and Urban Development to disperse funds.

I. Adjourn

There being no further business, the meeting adjourned at 3:07 P.M.



Recording Secretary



Executive Secretary