

# AGENDA

## NEWPORT NEWS CITY COUNCIL WORK SESSION

OCTOBER 26, 2010

*10<sup>th</sup> Floor Conference Room*

- 3:30 p.m. I. City Manager Recommended Capital Improvement Plan (CIP) for FY 2012-2016
- 4:00 p.m. II. Oyster Point/Triton Court Pump Station
- 4:30 p.m. III. Public Hearings on Evening Agenda - (Discussion and Questions)
- ZT-10-285, Definition of Family
  - ZT-10-286, Adding Regulations for Persons Occupying Language on Borders
  - ZT-10-294, Front Yard Setbacks
- 5:00 p.m. IV. Comments/Ideas/Suggestions
- 5:30 p.m. V. Closed Meeting
- Legal
- 6:00 p.m.. VI. Dinner

## ITEM I

- City Manager Recommended Capital Improvement Plan (CIP) for FY 2012-2016

# CITY OF NEWPORT NEWS

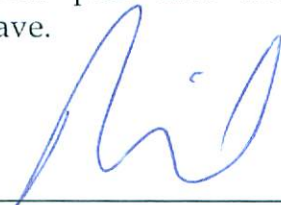
## OFFICE OF THE CITY MANAGER

October 20, 2010

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** FY 2012 - FY 2016 Proposed Capital Improvement Plan

At your October 26 work session, it is my intention to distribute my detailed recommended FY 2012 - FY 2016 Capital Improvement Plan (CIP) to City Council. By ordinance, the City Manager is obligated to present this to City Council no later than November 1 of each year.

As in previous years, the distribution of the detailed document will occur at the work session, and an overview of the CIP highlights will be presented by staff. A more in-depth discussion of the CIP will be scheduled for the second November work session, once you have had an opportunity to review the five-year plan and advise staff of any suggestions or questions you may have.



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Neil A. Morgan

NAM/LJC:rsw

## ITEM II

- Oyster Point/Triton Court Pump Station

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

October 21, 2010

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Triton Court Pump Station Project

On October 12, 2010, City Council approved the appropriation of funds for the design of a new pump station along Triton Court. This pump station supplements our ability to provide sanitary service for the recent Canon expansion and is required to allow current development in the Oyster Point area because of regulations imposed by the Sanitary Sewer Special Order by Consent.

During preliminary design and land discussions, a tentative site for the pump station on the north side of Triton Court appeared to be most feasible based on previously submitted plans. However, the developer of a proposed office building at 808 Triton Court, Robert Yancey, proposed altering that site plan to reduce the office and relocating the pump station to the south side of Triton Court on a portion of the office building parcel. This approach leaves the larger parcel at 809 Triton Court also owned by Yancey undisturbed. The overall transaction would involve these elements:

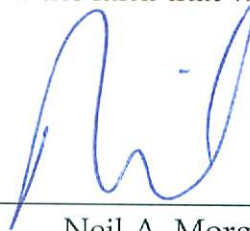
1. Yancey transfers the pump station site (about 1/3 acre) and a 15' easement (about 1/16 acre) along the office building frontage to the City.
2. The City transfers the end bulb of the Triton Court cul-de-sac (about 1/6 acre) and releases existing drainage easements of 5' along the south side of the property (about 1/12 acre) to Yancey.
3. The City considers recordation fees and pump station participation/connection fees of approximately \$32,000 to be prepaid, and pays to Yancey an additional \$24,819 as the balance of the land values and prepaid fees. Fee simple land values were based on

The Honorable City Council  
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Triton Court Pump Station  
October 21, 2010

assessed value plus 60% for both parties, and easements were valued at half the fee simple value of the land.

There are significant advantages to both parties in this arrangement. The City will save in excess of \$100,000 because the new site has a shorter and easier access that reduces costs for piping and access roads. The new site is also further from existing development and closer to major drainage features, limiting future development from encroaching on the pump station. Finally, the project can be constructed promptly because land issues have been amicably resolved. Yancey will retain the larger parcel undisturbed, and has locked in the participation fees (to a reasonable limit established in the agreements) and sewer capacity by prepaying the fees.

I have asked Everett Skipper to review this matter at our October 26, Work Session. Formal action would involve City Council releasing for transfer, in this transaction, the portion of the right of way represented by the bulb of the Triton Court cul-de-sac and the portion of the existing drainage easement along the south of the property. City Council would also be asked to allow the City Manager to execute the documents appropriate to the overall transaction and the land that will be received by the City.



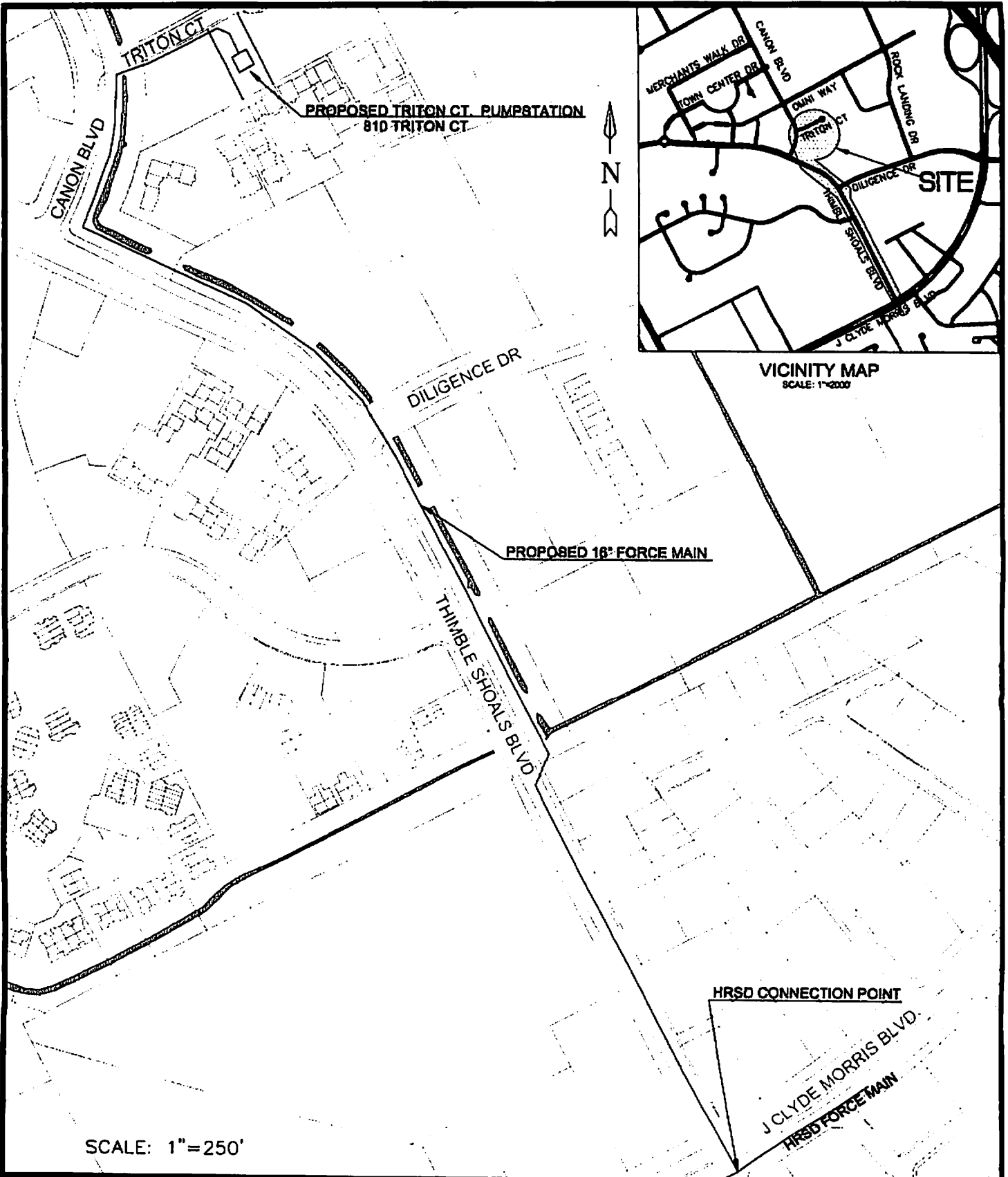
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Neil A. Morgan

NAM/CSS/plw

Attachment

cc: Director of Engineering



SCALE: 1" = 250'

HRSD CONNECTION POINT  
 J CLYDE MORRIS BLVD.  
 HRSD FORCE MAIN

CITY OF  
 NEWPORT NEWS

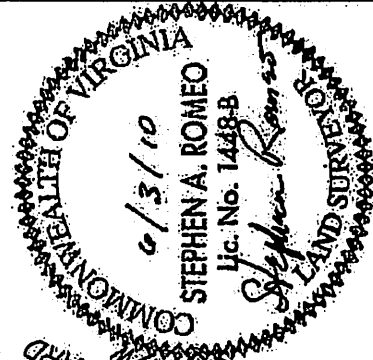
DEPARTMENT OF  
 ENGINEERING

TRITON COURT PUMP STATION  
 PROJECT



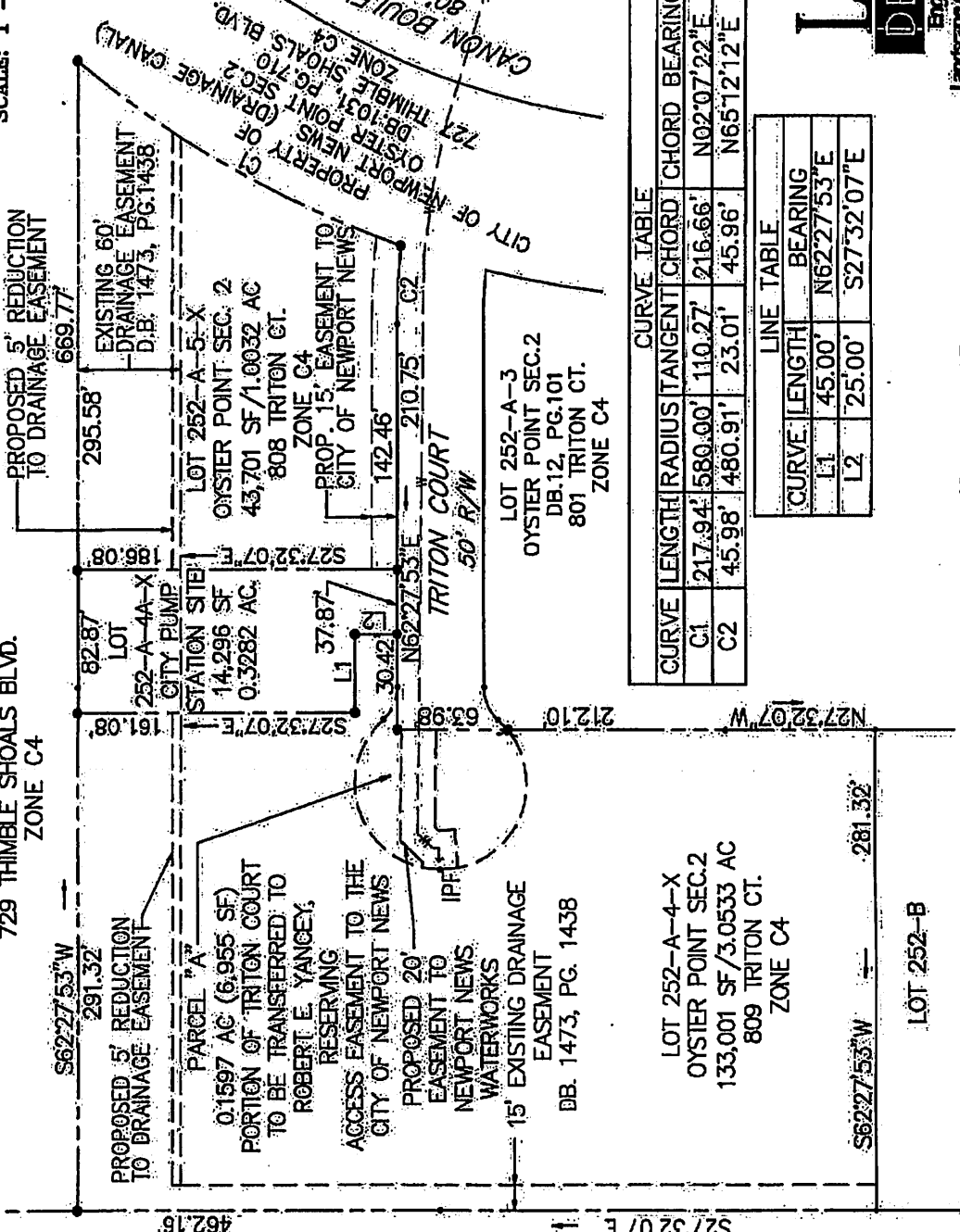
PLAT TO ACCOMPANY  
 PROPERTY TRANSFER BETWEEN  
 ROBERT E. YANCEY  
 AND  
 THE CITY OF NEWPORT NEWS, VA  
 SCALE: 1"=100' DATE: 6/3/10  
 SHEET 1 OF 1

**EXHIBIT**  
 1



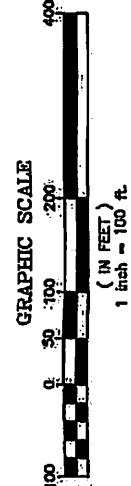
**LANDMARK  
 DESIGN GROUP**  
 Engineers • Planners • Surveyors  
 Landscape Architects • Environmental Consultants  
 One Columbus Center, Suite 1100  
 Virginia Beach, VA 23462 Tel. (757)  
 473-2000 / Fax (757) 497-7933  
 Email: lmdg@landmarkdkg.com  
 DWG. NO. : 17655EW

McCALE PROFESSIONAL PARK  
 DB.1542, PG.1354  
 (IN CONDOMINIUM—MULTIPLE TAX PARCELS)  
 729 THIMBLE SHOALS BLVD.  
 ZONE C4



CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT CHORD	CHORD BEARING	DELTA	
C1	217.94'	580.00'	110.27'	216.66'	N02°07'22"E	2131'46"
C2	45.98'	480.91'	23.01'	45.96'	N65°12'12"E	5'28'42"

LINE TABLE	
CURVE	BEARING
L1	N62°27'53"E
L2	S27°32'07"E



VA STATE PLANE  
 50' ZONE

LOT 403  
 SECT. 3  
 OYSTER POINT

## ITEM III

- Public Hearings on Evening Agenda - (Discussion and Questions)

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

October 20, 2010

**TO:** The Honorable City Council

**FROM:** City Manager

**SUBJECT:** Amendments to Family Definition, Persons Occupying a Dwelling Unit and Accessory Uses and Structures Customarily Incidental to Residential Uses – Work Session

The Zoning Ordinance text amendments will amend the family definition language in Section 45-201, add a new Section 45-516.1 Persons Occupying a Dwelling Unit and revise Section 45-518 Accessory Uses and Structures Customarily Incidental to Residential Uses. Both of these amendments will affect the number of persons that can reside in residential dwelling units within the city.

The existing family definition has been identified as ambiguous or vague by the court. The proposed definition more narrowly defines what constitutes a family within the Zoning Ordinance by reducing the number of extra persons that could be a part of a family and defining what is considered a blood relation.

The City Attorney's opinion is that the current and proposed definition without the regulation section is unenforceable. By only defining family in the Zoning Ordinance, it prohibits the Zoning Administrator from being able to use the regulatory power expressly given by the Code of Virginia that is contained in Section 15.2-2286 4. This Code of Virginia section allows the Zoning Administrator to petition the district court to issue a subpoena against a violator for refusing to produce data and information on family relationships and copies of leases. A new general regulation has been created using the language in the proposed family definition as a platform, which will give the Zoning Administrator the power to subpoena against a violator.

Based on comments from the Peninsula Apartment Council at the first Planning Commission public hearing, the number of unrelated persons was increased from three to four for dwelling units that are part of an attached multiple family building. However, the Peninsula Apartment Council would

The Honorable City Council

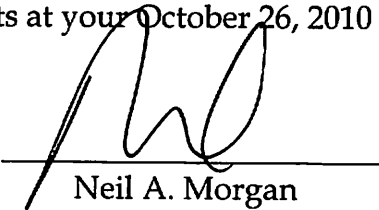
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Amendments to Family Definition, Persons Occupying a Dwelling Unit  
and Accessory Uses and Structures Customarily Incidental to Residential  
Uses – Work Session  
October 20, 2010

prefer not to be governed by our current or proposed dwelling unit  
occupancy definition.

The amendment also deletes language that was carried over from the 1969  
Zoning Ordinance allowing up to two boarders to live in a dwelling unit  
with a family if the dwelling unit is owner occupied. If the recommended  
changes to the family definition and Section 516.1 are approved without  
this deletion, up to five unrelated persons could legally live in a single  
family detached owner occupied dwelling unit and up to six unrelated  
persons could legally live in an owner occupied dwelling unit that is part  
of an attached multiple family building.

Staff from the departments of Planning and Codes Compliance will be  
present to discuss the amendments at your October 26, 2010 work session.



Neil A. Morgan

NAM:kej

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

October 20, 2010

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Amendment to Front Yard Modifications- Work Session

A two part Zoning Ordinance text amendment that eliminates two of the three criteria used to determine the average front yard setback on a developed block and allow encroachments of no more than eight feet into a required front yard setback is being recommended.

In order to determine the setback of a structure on an infill lot three criteria must be measured. The amendment will eliminate two criteria to make it easier to determine the front yard setback for an infill lot on a developed block. The first criterion that must be measured is the average distance of the front yard setback from the front property line to the building face of all existing buildings on the developed block. This criterion is recommended to be retained. The second criterion, recommended for deletion, uses the furthest distance from the front property line to the face of the building on the lots immediately adjacent to the infill lot. The second criterion penalizes unfairly the infill lot when a building on the adjacent lot is set back further than any other building on the developed block. The third criterion, also recommended for deletion, uses the front yard setback of the subdivision plat when that distance is greater than the required front yard setback specified in the Zoning Ordinance. Allowing the one criterion that measures the distance of all the buildings on the block face to determine the front yard setback provides a more consistent setback pattern and will be easier to implement.

The second part of the proposed text amendment will allow the encroachment of covered porches and stoops into the front yard setback. Presently, the Zoning Ordinance permits chimneys, stoops, decks, uncovered or other unenclosed projections, not to exceed 10 feet in width, to encroach in the front yard while maintaining a distance of 15 feet from the front property line. To cover an existing stoop or porch or add a new

The Honorable City Council

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Amendment to Front Yard Modifications – Work Session

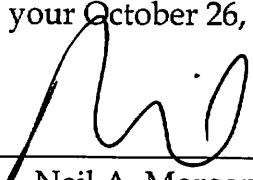
October 20, 2010

stoop or porch that does or will encroach into the front yard setback, a property owner must seek a variance through the Board of Zoning Appeals. Due to the number of requests that were coming before them, the Board of Zoning Appeals began approving encroachments of four feet into the front yard setback for covered porches and stoops and recommended that this section of the regulations be reevaluated for possible amendment.

The proposed amendment will allow an encroachment of no more than eight-feet into the front yard setback for unenclosed covered and uncovered stoops and porches, decks or other unenclosed projections while maintaining a distance of 15-feet from the front property line. This will preclude a property with less than a 15-foot front yard setback to encroach.

Additionally, it will allow homeowners to enhance the curb appeal of their homes, provide cover from the rain and snow when accessing the home, allow for more social connectivity with neighbors and provide a method to have more eyes on the street for crime prevention purposes.

Staff from the departments of Planning and Codes Compliance will be present to discuss the amendment at your October 26, 2010 work session.



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Neil A. Morgan

NAM:kej

## ITEM IV

- Comments/Ideas/Suggestions

MOTION FOR USE AT THE BEGINNING OF A WORK SESSION ITEM  
"COUNCIL IDEAS/SUGGESTIONS/CONCERNS"

"Pursuant to Section 4.06 of the City Charter and Section 2-22 of the Newport News City Code, the notice of this meeting, which was timely provided to each member of the Council, was required to contain the specific item or items of business to be transacted during this portion of the meeting. I move that the Council by unanimous consent waive the requirement."

## ITEM V

- Closed Meeting