

**MINUTES OF THE PLANNING COMMISSION MEETING**  
**Wednesday, July 20, 2011**  
**City Council Chambers**  
**2400 Washington Avenue**  
**Newport News, Virginia**

**PRESENT:** Sharyn Fox, Chairwoman; Victor Albea, Vice-Chairman; Robert B. Jones; Clara Swanson; H. Eugene Roberts; Cleon Long; Lorraine P. Austin; J. Doug Coenen, Jr.; (Staff: Sheila W. McAllister, Director of Planning; Kathy James-Webb, Manager of Current Planning; Angela Hopkins, Senior Planner; Saul Gleiser, Senior Planner; Carl Jackson, Senior Planner; David Watson, Planner; Johnnie Davis, Planner; Sandy Hitchens, Planning Technician; Lauren White, Planning Intern; Eduardo Diaz-Etchevehere, Planning Intern; Robert E. Pealo, Assistant City Attorney I; Christine Mignogna, Zoning Administrator)

**ABSENT:** Wesley Maxwell

**CALL TO ORDER**

The Chairwoman called the meeting to order at 2:00 P.M.

**INVOCATION**

Mr. Long 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. Albea seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

Mr. Roberts presented the invocation.

**MINUTES**

The minutes of the June 1, 2011 public hearing and the June 15, 2011 work session were approved as presented.

**PUBLIC HEARING**

***FRAMEWORK FOR THE FUTURE 2030 PLAN AMENDMENT (PLN-11-05)***

The proposed plan amendment will change the land use designation shown on the city's *Framework for the Future 2030* comprehensive plan land use map from community commercial to industrial for the property located at 5857 and 5875 Jefferson Avenue.

Ms. Angela Hopkins, Senior Planner, presented the staff report (copy attached to record minutes).

Mr. Long asked if there had been any interest from any businesses that wanted to move into that area for community commercial. Ms. Hopkins stated no.

There being no questions or comments, Ms. Fox opened and then closed the public hearing.

Mr. Roberts made a motion to recommend adoption of plan amendment PLN-11-05 to City Council. The motion was seconded by Mr. Coenen.

**Vote on Roll Call**

**For:** Jones, Swanson, Roberts, Albea, Long, Austin, Coenen, Fox

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (8:0) to recommend adoption of plan amendment PLN-11-05 to City Council.

**CHANGE OF ZONING**

**CZ-11-311, Master Land Holdings LLC.** Requests a change of zoning from C2 General Commercial to M1 Light Industrial to allow for the operation of a machine shop on a 1.34 acre property located at 5875 Jefferson Avenue. The proposed amendment recommends an industrial use. The Parcel No. is 283.00-02-15.

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

Mr. Long asked if the Planning Commission has ever submitted a change of zoning and a plan amendment to City Council at the same time. Mr. Gleiser stated yes, last month.

Mr. Coenen stated that it appears this change of zoning will not impose any transitional buffers on adjacent properties. Mr. Gleiser stated that is correct. He stated that the property has been developed, and there is no room to provide the buffers. The property owners are going to plant the only area that they can plant.

Ms. Fox opened the public hearing.

Mr. Arthur Kamp, 739 Thimble Shoals Boulevard, Suite 105, representative for the applicant, stated the owners and the applicant were present and have been involved in a lengthy process with the Planning Department and other city departments to reach this point. He stated he was present for questions but wanted to compliment the staff for working with them on this project. He stated that the appearance of this area is going to be significantly better once this is completed, as it will take a piece of property that is derelict and put it to good use.

There being no questions or comments, Ms. Fox closed the public hearing.

Mr. Jones made a motion to recommend approval of change of zoning CZ-11-311 with the submitted proffers to City Council. The motion was seconded by Mr. Roberts.

**Vote on Roll Call**

**For:** Swanson, Roberts, Albea, Long, Austin, Coenen, Jones, Fox

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (8:0) to recommend approval of change of zoning CZ-11-311 with proffers to City Council.

**Z-11-312, Moore and Warren LLC.** Requests a change of zoning from O1 Office to C1 Retail Commercial to be consistent with the comprehensive plan on a 0.41 acre property located at 301, 303, 303 A, 305 Main Street and 306 Tyler Avenue. The *Framework for the Future 2030* comprehensive plan recommends neighborhood commercial for the site. The Parcel No. is 263.00-02-41.

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

Mr. Jones recalled they had talked about a plan amendment and asked if this was the first actual change of zoning consistent with that plan amendment. Mr. Gleiser stated no, this is the second. Planning Commission recommended approval of a change of zoning to commercial for two building located across Main Street from the property.

Mr. Long asked what would become of the school/law offices located in the building. He asked if they are permitted to operate under C1 Retail Commercial. Mr. Gleiser stated that they are permitted uses under commercial zoning.

Mr. Roberts stated that he is not opposed to the zoning change. But, looking at the survey that was dated in 1992 and the aerial, it appears that the parking actually is partially on the city's right-of-way. Patrons are actually backing into Tyler Avenue. He asked how staff will address that as the uses change within the building. He asked if we will require them to have on-site parking like other establishments. Mr. Gleiser stated the property owners would have to comply with the parking requirements. The property owners have an agreement with St. Matthews Anglican Catholic Church to use their parking. The Department of Codes Compliance will work with the property owners to make sure that the requirements are complied with as new businesses lease units.

Mr. Roberts stated it appears on the aerial for Tyler Avenue that there is on-street parking for the residential. But along this property there is no curb line at this point to add on-street parking. Mr. Gleiser stated that is correct.

Ms. Fox stated she assumed that parking and other zoning would preclude any type of strip mall, gas station with a convenience store, McDonalds, or similar commercial uses. Mr. Gleiser stated that is correct. Ms. Fox stated that parking issues will limit any type of business that requires intensive parking.

Ms. Fox opened the public hearing.

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Ms. Fox recognized the applicants who stated they were present and available for questions. Ms. Fox also recognized an email submitted by Ms. Robin Wade who wrote to the Commission in opposition to the change of zoning. Ms. Fox stated she felt that the issues Ms. Wade was concerned about were addressed by Mr. Gleiser's presentation. The particular zoning change they were asking for would prohibit or preclude any of the types of activities Ms. Wade was concerned about. The area was used for commercial for many years before the housing existed, but the Commission needs to consider Ms. Wade's comments in their deliberation.

Ms. Fox closed the public hearing.

Mr. Long made a motion to recommend approval of change of zoning Z-11-312 to City Council. The motion was seconded by Mr. Roberts.

**Vote on Roll Call**

**For:** Roberts, Albea, Long, Austin, Coenen, Jones, Swanson, Fox

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (8:0) to recommend approval of change of zoning Z-11-312 with proffers to City Council.

**CONDITIONAL USE PERMITS**

**CU-11-286, AJFA Associates.** Requests a conditional use permit to allow for the operation of a bus transit terminal located at 315 Chatham Drive within building unit 317 on a 7.27 acre property zoned C1 Retail Commercial. The Parcel No. is 121.00-01-13.

Ms. Fox stated that the applicants had submitted a letter of withdrawal.

**CU-11-287, Min S. Im.** Requests a conditional use permit to allow for the operation of a tattoo establishment located at 340 Oriana Road, Unit D on a 1.15 acre property zoned C2 General Commercial. The Parcel No. is 108.00-02-10.

Ms. Fox stated that the Department of Planning asked for a motion to defer the case until the Planning Commission public hearing of September 7, 2011.

Mr. Albea made a motion to recommend deferral of CU-11-287 to September 7, 2011. The motion was seconded by Mr. Long.

**Vote on Roll Call**

**For:** Long, Austin, Coenen, Jones, Swanson, Roberts, Albea, Fox

**Against:** Swanson

**Abstention:** None

The Planning Commission voted unanimously (8:0) to approve deferral of conditional use permit CU-11-287 to the Planning Commission meeting of September 7, 2011.

**SPECIAL EXCEPTION**

**S. E. 2847, Alpha Properties LLC.** Requests a special exception to expand a nonconforming adult use by allowing the construction of an attached deck with a canopy at the rear of the building located at 7824 Warwick Boulevard on a 0.14 acre property zoned C2 General Commercial. The Parcel No. is 273.00-02-09.

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

Ms. Fox asked if the foliage in the photo would remain. Mr. Watson stated yes, it is well away from any of the improvements.

Ms. Fox asked about the Police Department's objection to noise from any patrons conversing. Mr. Watson stated that it is illegal to smoke in a restaurant in Virginia and this would provide the establishment a smoking area. He stated the Police Department is concerned that the conversation noise associated with additional people being outdoors would disturb the nearby apartments. Staff respectfully disagrees with that assertion because the apartments are far enough away from the restaurant that it should not impact them. There is a fence and heavy vegetation between the apartments and the restaurant. There is also a railway switch yard which is right next to the apartments that would create far more disturbance than this use. The applicant explained that they do not want patrons outdoors any longer than possible because outdoors they are not spending money.

Ms. Fox asked if the covered patio would be similar to the outdoor facilities at Cheddars. Mr. Watson responded that it would be.

Ms. Austin asked if the restaurant had an informal area where current patrons may step outside to smoke. Mr. Watson stated that it does. Ms. Austin also asked if the new expansion would be providing only a few more seats. Mr. Watson stated there would be four tables.

Ms. Austin asked if there had been any complaints to the Police Department about noise from the existing establishment by the people who live in the apartments. Mr. Watson stated the Police Department did not cite any specific complaints and the owner of the apartments, who expressed similar concerns about how the noise may impact his apartments, did not cite any specific complaints. Ms. Fox stated apparently noise has not been an ongoing issue. Mr. Watson stated that, to his knowledge, it has not been an issue at all.

There being no questions or comments, Ms. Fox opened and then closed the public hearing.

Mr. Jones made a motion to recommend approval of special exception S.E. 2847 to the Board of Zoning Appeals. The motion was seconded by Mr. Roberts.

**Vote on Roll Call**

**For:** Austin, Coenen, Jones, Swanson, Roberts, Albea, Long, Fox

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (8:0) to recommend approval of special exception S.E. 2847 to the Board of Zoning Appeals.

**EXECUTIVE SECRETARY REPORT**

Ms. James-Webb requested that the Planning Commission initiate a change of zoning of two properties, 622 North Avenue and 623 Center Avenue, that are split-zoned between C1 Retail Commercial and R4 Single Family Dwelling to be heard at the Planning Commission's September 7, 2011 public hearing. This would allow the two properties which have single family structures on them already, to be able to use their property as intended, and to expand the residences. Ms. James-Webb stated the change of zoning would be consistent with the comprehensive plan.

Mr. Albea asked if there are adjacent properties with residential uses, which should also be included. Ms. James-Webb stated in order to include those properties, a plan amendment would be required. To change the zoning of the two properties in question will allow the property owner currently desiring to expand the structure to do so. The improvements are in the C1 Retail Commercial portion of the property.

Mr. Roberts moved to initiate the change of zoning. The motion was seconded by Mr. Albea.

**Vote on Roll Call**

**For:** Jones, Swanson, Roberts, Albea, Long, Austin, Coenen, Fox

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (8:0) to recommend initiation of a the change of zoning as recommended by staff.

Ms. McAllister informed the Planning Commission that at the June 28, 2011 City Council meeting, the Council denied conditional use permit CU-11-284 for the establishment of a tattoo establishment. However, they did approve the zoning text amendments ZT-11-308, 309, and 310 for the banquet/function hall.

On August 3, 2011 Planning Commission will be holding a work session to discuss the Southeast Community Plan. The work session will begin with lunch at 12:00 noon in the City Council conference room. There are no applications for the Commission's August 17, 2011 meeting so that meeting could be cancelled.

Ms. Fox asked if there were any items that we would need to have a work session on for that date, and Ms. McAllister stated not that she could think of at this time.

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Mr. Roberts made a motion to cancel the August 17, 2011 Planning Commission meeting. The motion was seconded by Mr. Long.

**Vote on Roll Call**

**For:** Swanson, Roberts, Albea, Long, Austin, Coenen, Jones, Fox

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (8:0) to cancel the August 17, 2011 Planning Commission meeting.

Ms. McAllister introduced the new Planning Department intern, Eddie Diaz, who is a fourth year architectural student at the University of Virginia. He will be interning until August 15, 2011. He is working on our form based code overlay for City Center.

Ms. McAllister also informed the Planning Commission that Carl Jackson would be leaving the department. He will be going to the Virginia Department of Transportation to be a Planning Specialist II. Carl has been an asset to the department and will be missed.

Ms. Fox wished Mr. Jackson the best and stated he is a Planning Specialist extraordinaire and knows he will have a great time at VDOT.

Mr. Jackson thanked the Planning Commission. He stated it has been a pleasure to service the Planning Commission and the Planning Department. This opportunity allows him to specialize in transportation, which is something that is dear to his heart. He will still live in Newport News.

There being no further business, the meeting adjourned at 2:49 P.M.

  
Recording Secretary

  
Executive Secretary