

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, January 18, 2012
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

PRESENT: Victor Albea, Chairman; Sharyn Fox, Vice-Chairwoman; Robert B. Jones; Clara P. Swanson; H. Eugene Roberts; Wesley Maxwell; Cleon Long; Elizabeth W. Smith; (Staff: Sheila W. McAllister, Director of Planning; Kathy James-Webb, Manager of Current Planning; Michael King, Manager of Comprehensive Planning; Saul Gleiser, Senior Planner; Johnnie Davis, Planner; Lynn Sugg, Deputy City Attorney; Christine Mignogna, Zoning Administrator)

ABSENT: Lorraine P. Austin

CALL TO ORDER

Deputy City Attorney Lynn Sugg called the meeting to order at 2:00 P.M.

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

INVOCATION

Mr. Maxwell presented the invocation.

ELECTION OF OFFICERS

Ms. Sugg presided over the meeting and opened the floor for the nomination of Chairman for the Planning Commission. Ms. Fox made a motion to nominate Mr. Albea as Chairman. Mr. Roberts seconded the motion. There being no other nominations, the nominations were closed. Ms. Sugg called for a vote for the position of Chairman.

Vote on Roll Call

For: Jones, Swanson, Roberts, Maxwell, Albea, Long, Smith, Fox

Against: None

Abstention: None

The City Planning Commission voted unanimously (8:0) to elect Mr. Albea in the position of Chairman.

After being elected Chairman, Mr. Albea presided over the meeting. He thanked his fellow commissioners for electing him Chair and recognized Ms. Elizabeth Smith as a

new Planning Commissioner and welcomed her to the Planning Commission. Mr. Albea opened the floor for the nomination of Vice-Chairman. Mr. Long made a motion to nominate Ms. Fox as Vice-Chairwoman. Mr. Jones seconded the motion. There being no other nominations, the nominations were closed. Mr. Albea called for a vote for the position of Vice-Chairwoman.

Vote on Roll Call

For: Swanson, Roberts, Maxwell, Long, Smith, Fox, Jones, Albea

Against: None

Abstention: None

The City Planning Commission voted unanimously (8:0) to elect Ms. Fox in the position of Vice-Chairwoman.

MINUTES

The minutes of the December 7, 2011 public hearing were approved as presented.

PUBLIC HEARING

CHANGE OF ZONING

CZ-12-315, Greater Joy Church of God in Christ. Requests a change of zoning from R4 Single Family Dwelling (6.6 dwelling units per acre) to R5 Low Density Multiple Family Dwelling (11 units per acre) with proffers to allow renovation and re-use of an existing building on a 0.57 acre property located at 815 28th Street. The re-use of the building will be for a small apartment complex with no more than eight one-bedroom units. The *Framework for the Future 2030* comprehensive plan recommends urban residential (7 to 10.9 units per acre) for the property. The Parcel No. is 306.02-03-57.

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

Mr. Long asked if the project would still go forward if the tax credits are not obtained. Mr. Gleiser stated that it would not.

Mr. Maxwell asked if the address of 815 28th Street is correct. Mr. Gleiser stated that it is the address of record.

Ms. Smith asked if the basement of the building would be used for apartments or if it would have another use. Mr. Gleiser stated he believed it would be used as a basement as the apartments would be located on the first and second floors.

Mr. Albea opened the public hearing.

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Mr. Rex Todd, AICP, EDFP, 132 Luxorwind Drive, Garner, North Carolina, with The Landmark Group, stated he was appreciative of the Planning Commission's attention to this matter. He stated that they are present on behalf of the Newport News Redevelopment Housing Authority (NNHRA), and Mr. Calvin Pruden, the owner's representative. The Landmark Group is the developer, in conjunction with the NNRHA, is seeking to rehabilitate this character defined building, which is part of a larger context for a Jefferson Avenue corridor redevelopment effort that would comprise 56 units all together. This project is eight units of the larger project with 56 units. As proposed, being part of the larger context for the redevelopment of the Jefferson Avenue Corridor would be in keeping with the principles of *Framework for the Future 2030* and the goals of The Landmark Group, and they look forward to being corporate neighbors and helping to restore this neighborhood.

Mr. Roberts asked if the individual units would have their own private bathrooms. Mr. Todd stated that they are independent apartments with fully equipped bathrooms in each unit.

Ms. Smith asked if The Landmark Group was associated with 2600 Warwick Boulevard. Mr. Todd stated yes. They recently finished Noland Green, a project completed in conjunction with the NNRHA, and the day of the ribbon-cutting, the building was fully leased. Mr. Todd stated that it took a while, but was a major success and is doing very well so they are very pleased with it.

Ms. Jocelyn Hawkins, 858 28th Street, stated that she is in support of this plan as a part of the overall community plan. She had a chance to look at some of the other portions of the overall community plan and she felt that it is in the best interest of protecting the community, especially in light of the fact that there are a lot of residents who are aging in the community and may need to downsize from their original homes to a facility such as this. She believed that maintaining this historical building is a worthwhile endeavor and if this is the most efficient way, then it should be supported. Over the past 50 years she has witnessed the changes of the community going from vibrant to vacant, and she is excited about the prospects of improving the area.

Ms. Lucille Jones, 803 29th Street, stated that her mother's house, located at 809 29th Street is in the back of 815 28th Street. Ms. Jones stated that her family has been in that area for over 50 years. She stated that she agreed with Ms. Hawkins in regards to rehabilitating the neighborhood; however, she does not feel that bringing in a multiple family dwelling will enhance the neighborhood. She stated she wanted more information, and to get some more people to speak on this issue. Most of the people that are adjacent to that property were not available today. There are people who have been out of the neighborhood because of foreclosures, etc., and they are renting property in the area. She would prefer to have homeowners who are diligent in keeping up the property and maintaining the status that existed in the years when people used to take care of their property.

Mr. Maxwell asked if the building was built in 1899, why it is not a historical site. Ms. McAllister stated that it is a historic building, but it has not been designated as historic.

Ms. Fox asked if adequate time had been given to notify the community of the notice for the re-zoning prior to the public hearing. Ms. McAllister stated that notifications were sent in the mail to neighboring properties and an advertisement was printed in the newspaper. She was not aware of anyone meeting with the community to discuss the proposal prior to the public hearing.

Ms. Fox asked if the by-right use is for either a special residential facility or assisted living facility. Ms. McAllister stated that this is a very old building and right now a church owns the building. The likelihood of the church being able to actually put an assisted living facility in there and bring the building back to its original glory is slim. The church is looking to sell the building. There are several older buildings in the community similar to this building and we would like to see the building saved, if possible. Ms. McAllister stated that she would like to be sure that the community is aware of the proposal and the work that The Landmark Group does, and have the community embrace the development.

Ms. Fox asked if there was an age restriction with this proposal. Ms. Kathy James-Webb deferred to Ms. Karen Wilds, Executive Director of the Newport News Redevelopment and Housing Authority.

Ms. Wilds stated that they had a chance to meet with some people in the community but they did not have an open meeting. The issue that The Landmark Group would find challenging would be the likelihood of being able to finance something like this. This would be part of an overall development package for other properties that they own along Jefferson Avenue that are already zoned appropriately, to include the Mesic Hardware building. Ms. Wilds stated that there is a once a year application time frame for low-income housing tax credits through the Virginia Housing Development Authority. Those applications are due on March 13, 2012. Her concern would be that this is one of the only opportunities to obtain financing to provide permanent residential facilities in the form of one-bedroom apartments, rather than something like a group home that would have more transient occupants. She understands that decisions need to be based on land use, but she wanted the Commission to be aware that timing is incredibly important for this application. If they miss the deadline for an application, it would be another year before they would be able to address it again.

Mr. Long asked to clarify that if the tax credits are not obtained, the project cannot go forward. Ms. Wilds stated The Landmark Group has been given an option on the property, which is contingent on getting those tax credits, so in the event they are unable to obtain the tax credits, the church would continue to own the property. If the tax credits are awarded, then the project would move forward.

Mr. Long asked about a statement regarding buildings of this nature becoming blighted and attracting criminal activity, and if that was a true statement for Newport News or in general. Ms. Wilds stated the building needs a lot of renovation and it really cannot stand empty much longer. Recently, a very attractive historic building was lost because it sat too long on 33rd Street and Huntington Avenue. The church has been using this building, but it has been minimal sporadic use. She did not believe this building has been attracting any crime, and she was unaware of any calls from the Police Department. Ms. Wilds stated that if it continues to sit there and is not used at all, it could become a problem, and they would like to deal with it now.

Ms. Fox stated the church wants to sell the building, so if there is nothing going on there as far as church activities, the building sits vacant and becomes a blight to the entire neighborhood. Ms. Wilds stated that is correct.

Ms. Smith asked how The Landmark Group proposes to maintain the property, as far as being diligent in keeping up the apartments and their properties. Ms. Wilds stated the NNRHA has created a limited liability corporation that would actually be the owner of the property and manage the property. As there are only eight one-bedroom units there, they would not have a resident manager, but because the NNHRA owns and manages Spratley House, an elderly complex at 25th Street, and Ash Manor, the same manager would likely assist in managing these properties along with the other properties along Jefferson Avenue on a daily basis.

Mr. Albea closed the public hearing.

Ms. Fox stated that she found the project to be a very innovative and creative project. She felt that the time is of the essence and she hoped the neighbors feel that the notice they were given was adequate. The fact is this project re-uses this historic building, and allows aging in place. The transition going on in the neighborhood is beneficial, and the senior housing aspect is wonderful. Mr. Albea agreed with Ms. Fox, and stated that to prevent this facility from going into blight, he felt The Landmark Group would do a great job with the rehabilitation and the apartments.

Ms. Fox made a motion to recommend approval of change of zoning CZ-12-315 with the submitted proffers to City Council. The motion was seconded by Mr. Long

Vote on Roll Call

For: Roberts, Maxwell, Fox, Long, Smith, Jones, Swanson, Albea

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to recommend approval of change of zoning CZ-12-315 with proffers to City Council.

SPECIAL EXCEPTION

S. E. 2853, Alexander Posley. Requests a special exception to expand a nonconforming single family dwelling use by constructing an 1,107 square foot addition on a 0.17 acre property located at 410 Stallings Court and zoned R7 Medium Density Multiple Family Dwelling. The Parcel No. is 071.00-02-66.

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

Mr. Long asked if the description of the enlargement was included in the special exception when it goes before the Board and Zoning Appeals and it is approved, or is it just a general description that they would like to enlarge their property. Mr. Watson stated that the site plan description is precisely what they want to build and there is a certain square footage that they cannot exceed. Mr. Long asked if everything described is based on the description that the applicant has provided, he wanted to ensure that the special exception is the enlargement of the square footage as described in the package. The recommendations give a general addition, not anything actually being done to the house. Mr. Watson stated it will follow the site plan and the square footage written in the site plan, which is reviewed by the Department of Codes Compliance who will ensure that the square footage is what they asked for and that it does not exceed that. Ms. McAllister stated that although the square footage is not conditioned as part of the special exception, it is a part of the special exception request and the applicant is tied to that.

Ms. Smith expressed concerns about the windows and doors on the elevation photos because they did not promote a very good looking front to the neighborhood and she had concerns regarding safety. Mr. Watson stated that the architect only illustrated the new additions to the existing residence and did not draw the windows and doors that currently exist.

There being no questions or comments, Mr. Albea opened and then closed the public hearing.

Mr. Long made a motion to recommend approval of special exception S.E. 2853 to the Board of Zoning Appeals. The motion was seconded by Ms. Fox.

Vote on Roll Call

For: Maxwell, Fox, Long, Smith, Jones, Swanson, Roberts, Albea

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to recommend approval of special exception S.E. 2853 to the Board of Zoning Appeals.

EXECUTIVE SECRETARY REPORT

Ms. McAllister acknowledged and thanked J. Doug Coenen, Jr., whose last meeting was in December. He had served two four-year terms and she thanked him for his service. Ms. McAllister also welcomed Ms. Elizabeth Smith, the new Planning Commissioner replacing Mr. Coenen.

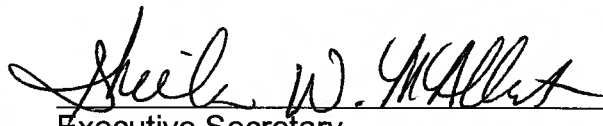
Ms. McAllister informed the Planning Commission that at the January 10, 2012 City Council meeting, SPO-11-15 was approved, which amended the Site Regulations to be consistent with changes to the Code of Virginia that limits bonds or other performance guarantees to those items depicted on approved site plans or development plans.

There are two cases coming up for the meeting on February 1, 2012. They are conditional use permits for an electrical substation located at 11836 Rock Landing Drive, and a banquet/function hall at 200 Old Marina Lane. In addition, a work session is scheduled for the Planning Commission on February 1, 2012 at 12:30 P.M. in the 10th Floor conference room to discuss the proposed comprehensive plan amendment of a portion of the Mariner's Museum property. On February 15, 2012, there are no applications and the Planning Commission may cancel that meeting, unless there is a work session item the Commission would like to discuss. Mr. Alba stated the Commission would decide whether or not to cancel the February 15, 2012 meeting at the next public hearing on February 1, 2012.

Mr. Roberts stated that, because Mr. Coenen is no longer on the Regulations Committee, a new committee member needs to be appointed so that they are more likely to achieve a quorum at the meetings.

There being no further business, the meeting adjourned at 2:44 P.M.

Recording Secretary



Executive Secretary