

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, April 1, 2009
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

PRESENT: J. Doug Coenen, Jr., Chairman; Sharyn Fox, Vice-Chairman; V. Albea; R. George Hubbard; Cleon Long; Wesley Maxwell; H. Eugene Roberts; Clara Swanson; (Staff: Al Riutort, Director of Planning; Sheila W. McAllister, Assistant Director of Planning; Kathy James-Webb, Manager of Environmental Planning; Carl Jackson, District Planner; Johnnie Davis, Planner-Planning Services; Sandy Hitchens, Planning Technician; Lynn Sugg, Senior Assistant City Attorney; Christine Mignogna, Zoning Administrator)

ABSENT: Lucille Lowery

INVOCATION

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. Hubbard seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

Mr. Maxwell presented the invocation.

MINUTES

The minutes of February 18, 2009 meeting were approved as distributed.

PUBLIC HEARING

CZ-09-267, Community Housing Partners Corporation. *(Deferred from the Planning Commission meeting of March 4, 2009)* Requests a change of zoning from R7 Medium Density Multiple Family Dwelling with proffers (maximum density of 20 units per acre) to R7 Medium Density Multiple Family Dwelling with proffers (maximum density of 20 units per acre) by amending the proffers. The request will amend the proffers by deleting the requirement that the project will be developed utilizing the United States Department of Housing and Urban Development's Section 202 Supportive Housing for the Elderly Program guidelines. The request will permit the completion of the final phase of the Checed Creek Senior Housing complex on a 2.07 acre parcel located at 15319 Warwick Boulevard. The *Framework for the Future* comprehensive plan recommends medium density residential for the site. The Parcel No. is 078.00-02-19.

Mr. Carl Jackson, District Planner, presented the staff report (copy attached to record minutes).

Mr. Hubbard asked if the applicant was present to answer questions. Mr. Jackson replied the applicant is present.

Ms. Fox asked if the Fire Department has withdrawn all of their objections. Mr. Jackson replied they have. Ms. Fox asked if all of the concerns have been addressed. Mr. Jackson responded they have.

The Chairman declared the public hearing open.

Mr. John Bolton, 100 W. Franklin Street, Suite 300, Richmond, stated that the request was deferred to address the Fire Department's concerns and since the last public hearing those concerns have been addressed. There was a City Council work session held, which went well; and, there were a few questions and no serious objections.

Mr. Bolton stated that he has had an opportunity to meet one of the residents of Checed Warwick, Ms. Dukes, who has concerns with the lack of parking. He stated that although they provide the minimum parking required for multi-family, five to eight more parking spaces will be gained in the next phase of the project.

Mr. Hubbard asked Mr. Bolton if he or City staff requested that the perennial stream study be done. Mr. Bolton stated that it was staff's request to produce a perennial stream study to determine the perennial limits on the property; and, it was determined there was no perennial stream there. Ms. McAllister stated that the calculations were included in the staff report because the letter references the attachment.

Ms. Julia Dukes, 15315 Community Lane, stated that she has been a resident of Checed Warwick for a year and is concerned with the parking. She stated that she lives in the backside of the established development. It is her understanding that there are currently 48 apartments in the development with 43 parking spaces and there is a dumpster onsite that takes up some of the parking spaces. Ms. Dukes stated that the ditch from the stormwater runoff looks bad and hopes that the City will inspect the new development thoroughly because the current development has issues with ventilation. Ms. Dukes explained the issues she has been having with her clothes dryer and stated that she has spoken with management, but they were not able to help.

Mr. Coenen stated that the parking requirement is one parking space per unit. Ms. Christine Mignogna, Zoning Administrator of the Department of Codes Compliance stated that the Zoning Administrator can reduce the parking for senior housing. Mr. Coenen stated that the dryer issue is an issue that has to be resolved by the management of the apartment complex. Ms. Dukes stated that she has been to management with her concern; and, other residents also have had problems with ventilation. It seems that had the builders, contractors and/or inspectors been more aware of possible problems, the issues could have been prevented. Ms. Mignogna stated that once a building is built occupancy is not permitted until all of the inspections have been completed and a Certificate of Use and Occupancy has been issued to the building. She stated that she is pretty sure that was done. Ms. Mignogna stated that she will be happy to talk with management about the problem.

Mr. Hubbard asked Ms. Dukes if she knows the total parking spaces on the site. Ms. Dukes stated that there are 43 parking spaces and 48 apartment units. She stated that if each tenant in the complex had a vehicle and needed a parking space there would not be enough spaces. Mr. Hubbard asked if everyone in the complex has a vehicle. Ms. Dukes stated that some of the residents have more than one vehicle and that there was not enough parking for guest parking.

The Chairman declared the public hearing closed.

Ms. Fox made a motion to recommend approval of the change of zoning with proffers to the City Council. Mr. Roberts seconded the motion.

Mr. Coenen reminded the Commissioners that the Fire Department's objection has been withdrawn because its concerns have been resolved by the applicant.

Vote on Roll Call

For: Swanson, Roberts, Maxwell, Fox, Albea, Long, Coenen

Against: Hubbard

Abstention: None

The Planning Commission voted 7:1 to recommend approval of the change of zoning with proffers to the City Council.

ZT-09-269, City of Newport News. Requests an amendment to the Zoning Ordinance to delete the requirement for an approval or disapproval action by the Director of Codes Compliance within 30 days for a permit to develop property located within the flood plain. (Sec. 45-3114)

Ms. Kathy James-Webb, Manager of Environmental Planning, presented the staff report (copy attached to record minutes).

The Chairman declared the public hearing open.

There being no one present to comment, the Chairman declared the public hearing closed.

Mr. Hubbard made a motion to recommend adoption of the zoning text amendment to the City Council. Mr. Roberts seconded the motion.

Vote on Roll Call

For: Roberts, Maxwell, Fox, Albea, Long, Hubbard, Swanson, Coenen

Against: None

Abstention: None

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

ZT-09-272, City of Newport News. Requests an amendment to the Zoning Ordinance to require by conditional use permit homeless shelters in the R7 Medium Density Multiple Family Dwelling and R8 High Density Multiple Family Dwelling districts. (Sec. 45-402, B.17)

Ms. Sheila W. McAllister, Assistant Director of Planning, presented the staff report (copy attached to record minutes).

The Chairman declared the public hearing open.

There being no one present to comment, the Chairman declared the public hearing closed.

Mr. Roberts made a motion to recommend adoption of the zoning text amendment to the City Council. Ms. Fox seconded the motion.

Vote on Roll Call

For: Maxwell, Fox, Albea, Long, Hubbard, Swanson, Roberts, Coenen

Against: None

Abstention: None

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

EXECUTIVE SECRETARY REPORT

Mr. Riutort stated that on March 24, 2009, the City Council approved conditional use permit CU-09-260, Martell Overman to permit the operation of a small vehicle repair service on property zoned M1 Light Industrial at 4806 Mercantile Drive. He stated that the City Council deferred acting on conditional use permit CU-09-261, Larisa Properties, LLC for construction of a two bay car wash on property zoned C1 Retail Commercial at 13182 and 13186 Jefferson Avenue. The case was deferred to the April 28, 2009 City Council meeting.

Mr. Riutort informed the Planning Commission that staff requests that the City Planning Commission initiate a rezoning of single family homes located at 800 through 818 Chapin Wood Drive from C1Retail Commercial to R5 Low Density Multi-Family. There are 14 single-family lots which are part of the Chapin Woods subdivision; and, they should be zoned the same as the other residential lots in the subdivision. These lots were part of a PRD and the plat was approved before 1997 and under pyramid zoning, residential uses then were allowed in commercial districts. This is no longer allowed.

Ms. Fox made a motion to initiate a rezoning of single family homes located at 800 through 818 Chapin Wood Drive from C1 Retail Commercial to R5 Low Density Multi-Family. Mr.

Hubbard seconded the motion.

Vote on Roll Call

For: Fox, Albea, Long, Hubbard, Swanson, Roberts, Maxwell, Coenen

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to initiate a rezoning of single family homes located at 800 through 818 Chapin Wood Drive from C1 Retail Commercial to R5 Low Density Multi-Family.

Mr. Riutort asked the Planning Commission if they wish to have a second meeting on April 15, 2009, after the Planning Commission's public meeting to conclude discussion on the By-laws. The Planning Commission agreed to conclude their discussion of the By-laws after their public meeting at 2:30 P.M. in the City Council conference room on the 10th floor of the City hall building.

There being no further business, the meeting adjourned at 2:31 P.M.

Recording Secretary

Executive Secretary