

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, April 15, 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; Lucille Lowery; Wesley Maxwell; Clara Swanson; (Staff: Al Riutort, Director of Planning; Sheila W. McAllister, Assistant Director of Planning; Michael King, Manager of Community Planning; Angela Hopkins, Senior District Planner; Carl Jackson, District Planner; Johnnie Davis, Planner-Planning Services; Sandy Hitchens, Planning Technician; Lynn Sugg, Senior Assistant City Attorney; Christine Mignogna, Zoning Administrator; Mark Rogers, Project Coordinator)

ABSENT: H. Eugene Roberts

INVOCATION

Ms. Swanson read the Planning Commission's purpose as stated in Section 15.2-2210 of the Code of Virginia. She made a motion to adopt the agenda before the Planning Commission Ms. Fox seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

Mr. Maxwell presented the invocation.

MINUTES

The minutes of April 1, 2009, meetings were approved as distributed.

PUBLIC MEETING

S.E. 2815, Key Elements, LLC. Requests a special exception to reduce the number of required off street parking spaces from 70 to 19 for the reuse of the old Whittaker Hospital as an elderly housing complex on a 0.92 acre parcel located at 1003 28th Street and zoned R8 High Density Multiple Family Dwelling. The Parcel No. is 307.01-01-52.

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

Mr. Maxwell asked Ms. Hopkins, if the building across from the Whittaker Hospital is a part of the request. Ms. Hopkins replied that building is under separate ownership and is not part of this request.

Mr. Albea asked if the City has had prior requests for parking reductions for senior housing facilities. Ms. McAllister replied that the City has had similar uses that have tried to go into this particular building, that have requested a reduction in parking.

The Chairman declared the public hearing open.

Mr. Todd Copeland, 168 Business Park Drive, Virginia Beach, stated that he is part of the development team and present to answer questions.

Mr. Albea stated that he has concerns with the off-street parking as proposed being an option for residents 62 years of age and older. He asked if there will be doors facing the outside parking area of the facility or will the building stay in its current architectural state, with only one entrance at the front of the building. Mr. Copeland replied that the entrance will be repositioned to the back of the building. RST Development plans to maintain the property as a historical monument and cannot make a lot of exterior changes to the building. For security reasons, the back of the building will be the main entrance and there will be emergency exits. The entrance will have a courtyard appearance. There are 19 parking spaces on the property and an easement agreement with the Peninsula Institute for Community Health (PICH) for shared parking, providing an additional 50 parking spaces. RST Development does not anticipate many residents with vehicles and does not envision more than one car per household. Mr. Albea stated that if each resident has their own vehicle and if the parking lot is fully used, the residents would have an extensive walk to the main entrance. Mr. Copeland stated that the new access RST Development is planning for the building is the closest to the parking area. There will be plenty of parking for potential residents. RST Development has tried to address all the possible parking concerns associated with the project.

Mr. Albea asked Mr. Copeland if RST Development plans to use City funds for this facility. Mr. Copeland replied the funds will come from various state and federal programs.

Ms. Fox stated that it is her understanding that the plan is for an independent living facility and not an assisted living facility. Mr. Copeland replied that is correct. Ms. Fox asked if independent seniors are likely to have their own transportation, and if their parking plan is the best solution for the project. Mr. Copeland responded it is. Ms. Fox asked if their plan is unacceptable would their project still go forward. Mr. Copeland replied it would not.

Mr. Albea asked if RST Development would consider reducing the number of residents to accommodate the parking. Mr. Copeland replied that it would not be cost effective to manage the property without a sufficient amount of residents.

Mr. Long asked does RST Development own other facilities similar to the one proposed and what percentage have cars. Mr. Copeland replied RST Development has 8,000 units and all are multi-family rental facilities. The facilities in urban areas have no parking and those in the suburban areas have two parking spaces per unit. Due to the number of units, the target market and the proximity to the bus line, RST Development believes the project has adequate parking.

Mr. Floyd Bailey, 2708 Orcutt Avenue, Newport News, stated his concern about treating the building with pesticide and he asked if Police protection would increase. Mr. Copeland

replied he cannot promise increased security, but that there will be security at the facility and cameras on the grounds. During renovation, they are going to use pesticide treatment for the building. Mr. Bailey stated his concern about the parking being reduced from 70 to 19 parking spaces and that it may cause an increase of vehicles in the neighborhood.

Mr. Coenen informed Mr. Bailey that the developer is allowed to reduce the parking spaces from 70 to 19 spaces. Mr. Coenen stated that regardless of what use may be allowed in the former Whittaker Hospital, it will always have the right to use the parking on the adjacent site because of the recorded parking easement.

The Chairman declared the public hearing closed.

Ms. Lowery made a motion to recommend approval of the special exception with conditions as recommended by staff to the Board of Zoning Appeals. Mr. Long seconded the motion.

Vote on Roll Call

For: Swanson, Lowery, Maxwell, Fox, Long, Hubbard, Coenen

Against: Albea

Abstention: None

The Planning Commission voted 7:1 to recommend approval of the special exception with conditions as recommended by staff to the Board of Zoning Appeals.

S. E. 2820, Patricia A. Caputo. Requests a special exception to operate a kennel for the keeping of six dogs on a 0.21-acre parcel located at 99 Anchorage Drive and zoned R3 Single Family Dwelling. The Parcel No. is 127.00-01-22.

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

Ms. Fox asked if the Department of Parks, Recreation and Tourism and Animal Control objected to the request because the animals were not licensed, and if the dogs and cats have been licensed since their objections. Mr. Jackson replied they have. He stated that the Department of Parks, Recreation and Tourism and Animal Control expressed concern about a letter from a neighbor at 96 Anchorage Drive. Ms. Fox stated that one neighbor had a problem with the cats and that she did not see any complaints about barking and noise in Mr. Mike Poplawski's, Director of Parks, Recreation and Tourism, letter. Ms. Fox asked what the incidents were that triggered the citations issued by the Department of Codes Compliance. Mr. Jackson replied that there was a call to the Department of Codes Compliance about a concern and their staff visited the property and found that the property had more than the allowable amount of domestic animals. Ms. Fox asked what action was being taken by the Department of Codes Compliance; and stated that she did not see complaints about the dogs being loose, vicious, or attacking someone. Mr. Jackson replied that the dogs did manage to get out of the garage. Ms. Fox asked if that has been

resolved. Mr. Jackson replied it has because the garage has been repaired. Ms. Fox asked the reason the Police canvassed the neighborhood. Mr. Jackson replied that Assistant Police Chief Joseph A. Moore sent someone out to the neighborhood to make sure the neighbors did not have a problem with the application.

Ms. Lowery asked if the kennel license is for six domestic animals and if the City counts the rabbit as a domestic animal. Mr. Jackson replied the rabbit is not a domestic animal, only cats and dogs.

Mr. Albea asked if the special exception is denied, what the owner would be required to do with the pets. Ms. McAllister replied that is a question the applicant has to answer. The City was under the impression that the animals were being fostered until a home could be found.

Mr. Coenen asked if the Police canvas was typical in a special exception. Mr. Riutort replied that each City department may have a say in what happens in each case and that each department is asked to comment. The comments provided are included in the staff report. In response to the City inquiry, the Police Department went out and asked neighbors if there were any problems with the animals. There have been complaints about the animals kept on the property, and that is what triggered the Department of Codes Compliance to visit the property, and finding more than the four allowable domestic animals.

The Chairman declared the public hearing open.

Ms. Devin Caputo, 99 Anchorage Drive, Newport News, stated she has been an active foster parent for the Pug Rescue for five years and six animals is the greatest amount she has ever had and that the animals stay for a short period of time. She stated that she has addressed all the neighbors' concerns in a letter, which was included in the Planning Commission packet. She is requesting six domestic animals so that she can continue her work with the rescue service.

Ms. Fox asked if all of the animals are spayed and neutered. Ms. Caputo replied they are; and, that is one of the requirements of the Pug Rescue.

Mr. Maxwell asked Ms. Caputo if she kept the dogs in the garage. Ms. Caputo replied that she does not. She stated that the dogs are kept inside the home.

Mr. Long stated to Ms. Caputo that it is his understanding that she has more than four domestic animals at this time. Ms. Caputo replied she does.

Mr. Albea asked Ms. Caputo the length of time a rescued animal generally stays in her home. Ms. Caputo replied that it depends on the amount of care the animals need at the time. She stated that one month is the longest an animal has stayed in her home.

Mr. Coenen asked Ms. Caputo if she has had any other complaints about noise. Ms. Caputo replied she has not.

Ms. Charlene Moss, 6612 Gateline Drive, Richmond, stated that she was or is the Chairperson for Mid-Atlantic Pug Rescue. Ms. Moss read a letter that had been submitted and included in the Planning Commission packet. She stated that Ms. Caputo had been an integral part of their volunteer team and asked that the request be recommended for approval.

Mr. Albea asked Ms. Christine Mignogna, Zoning Administrator if a condition can be added to limit the stay of domestic animals in Ms. Caputo's care. Ms. Mignogna replied that the Planning Commission could add a condition to an approved recommendation. Ms. Mignogna also stated that it would be difficult to enforce.

Mr. Long asked how many complaints were there. Ms. Mignogna replied that the system holds only one complaint at a time. The original complaint was back in Sept. 2008, when there were five dogs on the property. In February 2009, the violation had been resolved. There is a current pending violation on the property. Ms. Fox asked if the kennel license would take care of that violation. Ms. Mignogna replied the license would take care of the second citation.

Mr. Long asked Mr. Riutort if the application is denied, is there a time period in which the applicant can reapply. Mr. Riutort replied that the Planning Commission does not deny an application, they only make recommendations. If the Board of Zoning Appeals denies the request, the applicant can appeal to the Circuit Court.

Ms. Fox stated that she has no problem recommending approval of the request. Ms. McAllister asked if that was with the standard conditions and the condition of no more than six domestic animals. Ms. Fox stated it is.

The Chairman declared the public hearing closed.

Ms. Fox made a motion to recommend approval of the special exception as recommended by the Planning Commission to the Board of Zoning Appeals. Ms. Lowery seconded the motion.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (8:0) to recommend approval of the special exception as recommended by the Planning Commission to the Board of Zoning Appeals.

EXECUTIVE SECRETARY REPORT

Mr. Riutort reminded the Planning Commission of today's work session to complete the discussion of the By-laws immediately following their public meeting in the City Council conference room on the 10th floor of the City hall building.

There being no further business, the meeting adjourned at 3:35 P.M.

Recording Secretary

Executive Secretary