

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, February 4, 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; H. Eugene Roberts; Clara P. Swanson; (Staff: Al Riutort, Director of Planning; Sheila W. McAllister, Assistant Director of Planning; Michael King, Manager of Community Planning; Kathy James-Webb, Manager of Environmental Planning; Johnnie Davis, Planner-Planning Services; Sandy Hitchens, Planning Technician; Lynn Sugg, Senior Assistant City Attorney; Christine Mignogna, Zoning Administrator)

INVOCATION

Mr. Long read the Planning Commission's purpose as stated in Section 15.2-2210 of the Code of Virginia. Mr. Long 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 January 21, 2009, were approved as presented.

PUBLIC HEARING

CU-09-259, Hussey Associates & Hiden Associates. Requests a conditional use permit to allow for the operation of a restaurant (Chick-fil-A) with drive through service adjacent to residential property on a 0.40 acre lease parcel located at 12423 Warwick Boulevard which is a part of the 11 acre Hidenwood Shopping Center site at 2 Hiden Boulevard and zoned C1 Retail Commercial. The Parcel No. is 220.00-02-12 & 15.

Mr. Coenen recused himself from acting on the case.

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

Mr. Long questioned the reason for the 100 foot highway setback. Mr. Gleiser responded that the widening of the Warwick Boulevard is the reason for the setback.

Ms. Fox asked Mr. Gleiser to explain the changes to the conditions. Mr. Gleiser stated that the amended conditions include the standard conditions, which were not all included in the original staff report.

The Vice Chairman declared the public hearing open.

Mr. Greg Dodd of Horton and Dodd PC, 300 George Washington Memorial Highway, Chesapeake, stated that he is present on behalf of Chick-fil-A. He stated that the staff report he received contained 12 conditions and asked what additional conditions have been added. Mr. Gleiser gave a copy of the amended conditions to the applicant and stated that the additional conditions are standard conditions. Mr. Dodd stated that he is present to answer questions.

Mr. Scott Thigpen of Chick-fil-A Inc., 5200 Buffington Road, Atlanta, GA, stated the history and status of Chick-fil-A and that he is present to answer questions.

Ms. Fox stated that she is excited about the proposed Chick-fil-A that will be located on Warwick Boulevard.

The Vice Chairman declared the public hearing closed.

Mr. Albea made a motion to recommend approval of the conditional use permit as amended by staff to the City Council. Mr. Maxwell seconded the motion.

Vote on Roll Call

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

Against: None

Abstention: Coenen

The Planning Commission voted 8:0 with one abstention to recommend approval of the conditional use permit with conditions as amended by staff to the City Council.

ZT-09-268, City of Newport News. Requests an amendment to the Zoning Ordinance to clarify the definition of a two-family dwelling. (Sec. 45-201).

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend adoption of the zoning text amendment to the City Council.

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

At staff's request, Mr. Coenen made a motion to defer action of the zoning text amendment until their public hearing of March 4, 2009. Mr. Albea seconded the motion.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to defer action of zoning text amendment until their public hearing of March 4, 2009.

ZT-09-270, City of Newport News. Requests an amendment to the Zoning Ordinance to permit flexibility of the dimensional regulations for multiple family developments within the Neighborhood Conservation District. The amendment will also eliminate the requirement for transitional buffer areas when multiple family residential zoning abuts single family zoning. (Sec. 45-3128)

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

Mr. Long asked if the existing multiple family developments in the area currently have the transitional buffer areas that are recommended for elimination. Ms. Hopkins responded that a majority of the developments were built prior to the requirement for transitional buffer areas.

Mr. Maxwell asked if this phase of the Orcutt Homes redevelopment will replace the original units. Ms. Hopkins stated the remainder of the original units will be demolished and replaced by the proposed townhomes.

The Chairman declared the public hearing open.

Mr. Matthew G. Burton, Architect Group Manager of DJG Inc. 449 McLaws Circle, Williamsburg, stated that he is in favor of the request and believes this is needed and is present to answer questions.

Mr. Hugh Forehand, 227 27th Street, stated that he is the Community Development Director for the Newport News Redevelopment and Housing Authority (NNRHA). He stated that Mr. Kent Edwards of DJG Inc. has been working with NNRHA's staff for several months and they are currently in the planning phase of developing Orcutt Townhomes. Mr. Forehand responded to Mr. Maxwell's question about demolition, stating that the last two buildings were recently demolished. He stated that the recommendation to amend the Zoning Ordinance will allow the NNRHA to design a development that will complement the existing community and he is in favor of the request.

Mr. Kent Edwards, Land Development Group Manager of DJG Inc. 449 McLaws Circle stated that he is in favor of the request and present to answer questions.

Mr. Long made a motion to recommend adoption of the zoning text amendment as amended by staff to the City Council. Mr. Hubbard seconded the motion.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend adoption of the zoning text amendment as amended by staff to the City Council.

Ms. McAllister informed the Planning Commission that the zoning text amendment will be presented to the City Council at their work session on February 24, 2009, and the public hearing will be on March 10, 2009.

ZT-09-271, City of Newport News. Requests an amendment to the Zoning Ordinance to eliminate transitional buffer areas between multiple family and single family zoning districts within the Neighborhood Conservation District. (Sec. 45-2802)

Ms. Angela Hopkins, Senior District Planner, 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: Fox, Albea, Long, Hubbard, Swanson, Roberts, Lowery, Maxwell, Coenen

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend adoption of the zoning text amendment to the City Council.

Ms. McAllister informed the Planning Commission that the zoning text amendment will be presented to the City Council at their work session on February 24, 2009, and the public hearing will be on March 10, 2009.

EXECUTIVE SECRETARY REPORT

Mr. Riutort stated that on January 27, 2009, the City Council approved the following conditional use permits:

1. CU-09-256, Muller Martini Manufacturing Corp., a request to allow for the construction of a 154 foot monopole communications tower at 725 Middle Ground Boulevard and zoned C5 Oyster Point Business / Manufacturing; and
2. CU-09-257, Newport News Redevelopment and Housing Authority, a request to allow for the operation of a small and large motor vehicle repair and service facility on six parcels totaling 1.09 acres located at 607 33rd Street, 613 33rd Street, 620 34th Street, 3300 Jefferson Avenue, 3308 Jefferson Avenue, and 3314 Jefferson Avenue and zoned C2 General Commercial.

Mr. Riutort stated he and the Chairman and Vice Chairman discussed updating the By-laws, which have not been updated for quite some time. They suggested that the Planning Commission review the By-laws for further discussion before updating.

There being no further business, the meeting adjourned at 2:41 P.M.

Recording Secretary

Executive Secretary