

MINUTES OF THE PLANNING COMMISSION HEARING
Wednesday, January 7, 2009
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

PRESENT: William C. Cowardin, Jr., Chairman; Millard White, Vice-Chairman; Victor Albea; J. Doug Coenen, Jr.; Sharyn Fox; Cleon Long; Lucille Lowery; Wesley Maxwell; H. Eugene Roberts (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; Saul Gleiser, Senior District Planner; Angela Hopkins, Senior District Planner; David Watson, Environmental Planner; Johnnie Davis, Planner of Planning Services; Sandy Hitchens, Planning Technician; Lynn Sugg, Senior Assistant City Attorney; Julia Evans, Zoning Coordinator Doug Winstead, Manager of Special Development Projects; Mark Rogers, Project Coordinator)

Mr. White 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. Maxwell seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

INVOCATION

Mr. Maxwell presented the invocation.

MINUTES

The minutes of December 17, 2008, were approved as presented.

PRESENTATION

Resolutions presented to Mr. Larry Orié and Mr. Gary West. Mr. Orié and Mr. West thanked the Planning Commission and staff.

PUBLIC HEARING

CU-09-256, Muller Martini Manufacturing Corp. Requests a conditional use permit to allow for the construction of a monopole communications tower 150 feet in height with an equipment shelter on a 3600 square foot leased area located at 725 Middle Ground Boulevard and zoned C5 Oyster Point Business / Manufacturing. The Parcel No. is 184.00-01-62.

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

Mr. White stated that he recalls lattice towers being constructed in a way of self-collapsing and asked if this is something new for monopole stealth towers. Mr. Watson responded that it has become a part of the standard conditions. Mr. White asked Mr. Watson to explain how self-collapsing towers are designed. Mr. Watson responded that when the tower structure breaks

at the breaking point the structure will not tumble over and hit anything within the fall radius.

Mr. Roberts asked if the recommendation for flush mount antennae will allow additional users on the pole. Mr. Watson replied that three additional users will be allowed and there have been concerns that coverage may be reduced, but there is no major concern.

Ms. Fox asked if the triangular mounting is acceptable to the applicant. Mr. Watson responded that the triangular mounting is a request of the applicant and stated that the applicant's engineer can better explain. Ms. Fox asked if the coverage area will be reduced a great deal. Mr. Watson deferred to the applicant.

The Chairman declared the public hearing open.

Mr. Glenn Hampton, 501 Independence Parkway, Chesapeake, stated that he is an attorney representing nTelos. The applicant stated the conditional use permit is being requested after they attempted to locate on the RBC Centura, the Marriott, and the Omni. He stated that he also checked about five or six Dominion Virginia Power structures along the corridor and could not get an agreement because the land owners who had the easement for the power lines would not agree to allow access to the easements. The new facility will pick up the three existing nTelos facilities located at 122 Production Drive in York County, 12990 Nettles Drive and 473 Wolf Road. All three surrounding sites are utilized by several users in keeping with the City's Ordinance. The proposed tower will fit in between the three and give collocation opportunities to at least three other users on the facility. It is in a business and manufacturing area and will be 750 feet back from the road, in the rear corner of a manufacturing parcel surrounded by mature trees, many of which will be used to screen at least as high as the tree canopy.

Mr. Hampton stated that the applicant does not object to the conditions recommended by staff; however, there are three concerns. He stated that they prefer triangular arrays and do not want flush mount. The standard array would be in a manufacturing area, not residential. In order for someone to see the triangular array that person would have to be on the highest floor of another building. It reduces the ability for the carriers to provide this expanding array of broadband digital services. There is coverage for cellular phones but there may not be as many collocators lining up, because their engineers may notice that nTelos is at 150 feet in height and they will have to be lower and they may wish to collocate only if the triangular array is available. Mr. Hampton stated that they can make it work, but by requiring flush mount it may not work for other companies. The second issue is with condition number two which recommends the height including the whip antenna be 150 feet in height. He asked that condition number two be amended to not exceed 154 feet in height instead of the suggested 150 feet in height. Mr. Hampton stated that the Federal Aviation Administration (FAA) approved the tower at 154 feet in height and that the Newport News Williamsburg International Airport has no objection to the 154 feet. He stated that Jefferson Lab has no objection to the tower after checking and determining there will be no interference. Mr. Hampton stated that the third issue is painting the pole brown. The pole will be concealed against the mature trees and behind the manufacturing buildings until it gets out passed the canopy of trees. Once it gets past the canopy of trees it is against the sky. The brown will make it stand out more. The

galvanize steel is what the industry has deemed less intrusive and is more appropriate and there is no required maintenance for peeling paint.

Ms. Fox asked if up to three collocators will be allowed. Mr. Hampton responded that up to three collocators will be permitted. She asked if there will be an issue with flush mount antennas. He replied that it is his understanding that flush mount would be okay with just cellular phone service, but for the maximum coverage, which includes other services the triangular array would be more appropriate. Ms. Fox asked if the applicant is asking that the tower not be painted. Mr. Hampton responded that they prefer the tower not be painted and stated that they are willing to work with the City.

Mr. Albea asked if the additional four feet will be only for the lightning rod. Mr. Hampton replied that the top of the antenna array is within the four feet. The tower will not exceed a total of 154 feet in height. Mr. Albea asked if anything additional is required since the Airport approved the tower at 150 feet in height. Mr. Watson responded that he contacted the Airport and was told that they would be fine with anything below 165 feet in height.

Mr. White asked if three other collocators would be allowed if a stealth monopole tower is used. Mr. Hampton replied that the tower is structurally designed to allow the cables that are needed to come up through the tower and the weight would allow three other users.

Mr. Cowardin asked if the flush mount antenna is approved and some other user came back and decided to change the antenna would it be allowed in lieu of another pole. Mr. Hampton responded that is a possibility and there would be an application to amend the conditions of the conditional use permit so at that point there would be some flush mount antenna and some would not.

Ms. Fox asked about the requirement for painting the pole. Mr. Riutort mentioned that some of the poles the City have considered were painted and are in industrial areas. If it was in an industrial area with concrete then it might be different, but in a treed area it seems to blend in a bit more and a flush mount is plain and not obtrusive. When you go to 150 feet in height with four triangular arrays it is more noticeable than a flush mount. He stated that the tower at Menchville High School is flush mount and not obtrusive or as visible as a galvanized pole would. The pole will be visible from City Center. A brown pole will blend in better with the trees and is not out in the open. Ms. Fox asked about the brown painted pole. Mr. Riutort stated that there have not been any problems.

The Chairman declared the public hearing closed.

Mr. Coenen stated that he is inclined to concur with Mr. Hampton regarding the color of the pole. Once the pole rises above the trees it would be less obtrusive if it were galvanized and is at 154 feet in height.

Mr. Albea stated that he strongly oppose poles going up at schools, but to allow the triangular array in an industrial area will somewhat prohibit other entities from coming in to try to add poles and this is something the Planning Commission needs to consider.

Mr. Cowardin suggested that the Planning Commission approve the galvanize pole with flush mount at 154 feet in height now and if necessary just consider changing it later.

Mr. White made a motion to recommend approval of the conditional use permit with conditions as amended to the City Council. Mr. Coenen seconded the motion.

Vote on Roll Call

For: Roberts, Lowery, Maxwell, White, Coenen, Fox, Long, Cowardin

Against: Albea

Abstention: None

The Planning Commission voted 8:1 to recommend approval of the conditional use permit with conditions as amended to the City Council.

CU-09-257, Newport News Redevelopment and Housing Authority. Requests a conditional use permit 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. The Parcel No's. are 305.02-04-49, 48, 31, 50, 30 & 29.

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

Ms. Fox asked if the hours of operation are Monday through Friday from 7:00 A.M. to 5:00 P.M. and closed on Saturdays and Sundays. Ms. Hopkins responded they are. Ms. Fox asked if the hours of operation conditioned. Ms. Hopkins replied that the hours of operation were not conditioned. It was put in the report for information purposes only.

Mr. Maxwell asked if the house at 620 34th Street is vacant. Ms. Hopkins replied that she did not know.

Mr. White asked if there was opposition. Ms. Hopkins responded that the Planning Department's receptionist did receive a telephone call from a resident on Madison Avenue that opposes the request, but they did not state their reason for opposition.

Mr. Cowardin asked if the current fence is opaque and if not should one be required. Ms. McAllister responded that an opaque fence is required when it abuts single family residential. The applicant is enclosing the parking area around the building and that she is not sure if they are proposing an opaque fence. Mr. Cowardin stated that it seems an opaque fence would be an advantage to those in the residential area that are being affected by the reduced transitional buffer area. Mr. Riutort replied that the fence's condition can be dealt with during the public meeting of the special exception.

Mr. White asked if there were any stipulations when the Newport News Redevelopment and Housing Authority (NNRHA) acquired the property. Ms. Hopkins deferred the questions to the

representative of the NNRHA.

The Chairman declared the public hearing open.

Ms. Karen Wilds, 117 James Landing Road stated that there were no stipulations on how to utilize the site when the property was acquired. She gave some history of the property and stated that in the late 1980s the NNRHA and the City Council approved the Title 36 Plan which included the Southeast Commerce Center and the Jefferson Avenue Corridor. Ms. Wilds stated that one of the early activities of the Industrial Development Authority (IDA) of the mid 1990s was the preparation of the Southeast Commerce Center which called for redevelopment of the 15 acre site for light industrial and job generation uses. For over 15 years the NNRHA assembled the site. In 2006, as they were nearing the completion of the site assemblage the Planning Department was leading the community through the Waterfront Redevelopment planning process with Chan Krieger Sieniewicz who is also doing a study of the Jefferson Avenue Corridor. The City Manager formed a departmental team to identify the challenges and the actions that were necessary to implement the waterfront plan as well as redevelopment of the Southeast community. The initial focus of that revitalization is dealing with the Southeast Commerce Center site. She stated that IDA issued a request for qualifications for the development of the Southeast Commerce Center and Tidewater Partners Property Development which is led by Aaron Brooks was selected as the developer for the site. Also in 2006 the owners of Hornsby Tires requested that the NNRHA sell them the former Rentway building to allow for the expansion of their operation. The NNRHA Board approved the sell of the site and assisted Hornsby Tires with a loan to facilitate that project. It was determined that more work than anticipated needed to be done to the building and after a lot of discussion and research it was determined that another site on Jefferson Avenue was ideal for Hornsby Tires. The new site created a more comprehensive development of the Hornsby Tires expansion within the Jefferson Avenue corridor. Ms. Wilds stated that it is exciting to be at this final stage of the process. She introduced staff from the Department of Development Mr. Doug Winstead, Manager of Special Projects and Mr. Mark Rogers, Project Coordinator who are involved in the project along with the IDA. She stated that Mr. Mark Hornsby is present to answer questions.

Mr. Albea stated that 626 34th Street is currently for sale and asked if the NNRHA has considered purchasing the property. Ms. Wilds responded that at the time they approached the owner of that site about their interest to purchase the property it was not for sale and if it is now for sale that is something that could be pursued.

Mr. White asked if there were discussion of purchasing the old Hornsby building for renovations. Ms. Wilds replied that as part of the arrangements there will be a swap of the properties and once obtained that building will be torn down.

Mr. Mark Hornsby stated that his address is 120 Sheldon Court in Yorktown.

Mr. Albea stated that the 10 foot transitional buffer area should be 30 feet and in reviewing the square footage of the proposed site he noticed an additional fourteen spaces were added and that the transitional buffer area could be increased if a few parking spaces and two bays were

eliminated. He stated that there are other facilities similar to the proposed site with smaller showrooms and smaller garages and asked Mr. Hornsby if he would be interested in making that type of change to the site. Mr. Hornsby responded that their plan is to develop the site to be similar to the site they currently own. Mr. Albea asked if they could reduce the showroom. Mr. Hornsby replied that offices and a warehouse will also be installed, so all of the building is not just for the showroom. The proposed setup is of the same dimensions as the current operation.

Ms. Wilds stated that it is important to remember that the NNRHA asked the owners of Hornsby Tires to move so they are doing it at their request to enhance the Southeast Commerce Center site. Mr. Hornsby does not want to lose what he would have had he gone forward with the expansion plans on the west side of Jefferson Avenue.

The Chairman declared the public hearing closed.

Ms. Lowery stated that this is a beneficial situation for everyone and commended the IDA for their fine job on getting started with the corridor and that the City should appreciate Mr. Hornsby for the sacrifice he is making to relocate his business. She made a motion to recommend approval of the conditional use permit with conditions as recommended by staff to the City Council. Mr. Maxwell seconded the motion.

Mr. Coenen stated that the site drawing referenced as Appendix A-2 does show the reduction of the transitional buffer area and that from a practical standpoint the parking is probably needed. The parking shown in the package is based on zoning requirements.

Mr. Maxwell commended Hornsby Tires on their plans for the proposed site.

Vote on Roll Call

For: Lowery, Maxwell, White, Coenen, Fox, Long, Roberts, Cowardin

Against: Albea

Abstention: None

The Planning Commission voted 8:1 to recommend approval of the conditional use permit with conditions as recommended by staff to the City Council.

S.E. 2814, Newport News Redevelopment and Housing Authority. Requests a special exception to reduce the required transitional buffer area from 30 feet to 10 feet along the northern, eastern, and southern property lines 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. The Parcel No's. are 305.02-04-49, 48, 31, 50, 30 & 29.

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

Ms. Fox asked if the site is already zoned commercial. Ms. Hopkins responded that the site is zoned commercial. Ms. Fox asked what was previously developed on the site. Ms. Hopkins replied that a gasoline station and a service facility were previously on the site. Ms. Fox asked if there are any buffers. Ms. Hopkins responded there are not. Ms. Fox asked if the plan will be an enhancement to the site. Ms. Hopkins replied it will be.

Mr. Roberts stated that he does not object to reducing the buffer. He stated that the parking lot to the top of the page appears to have two turnouts that encroach into the 10 foot buffer area and another segment that has a concrete pad that extends from the edge of the pavement to the fence line and the city regulations do not allow such encroachment. Ms. Hopkins responded that the site plan is conceptual and all of the details will be worked out when it is formally submitted. Ms. McAllister stated that if the transitional buffer area is reduced to 10 feet, no encroachment into the 10 feet will be permitted. The concrete pad will have to be relocated.

The Chairman declared the public hearing open.

The Chairman declared the public hearing closed.

Mr. Albea stated he does believe the 30 foot transitional buffer area can be achieved if the number of parking spaces and building footprint were reduced. He does not see where the necessary showroom space is needed that would require the additional 15 spaces to encroach upon the 30 foot transitional buffer area. Mr. Riutort responded that 30 feet would wipe out all the parking on 34th Street and take the driveway of the entrance on 33rd Street, so that would be a problem. Ms. McAllister stated that if the transitional buffer area is not reduced, then a fence is not required. The Planning Commission has two options: it is just a buffer, or if the transitional buffer area is reduced then a fence is required. It has been staff's experience that when you just require the buffer, even if the buffer is planted; it somehow starts to disappear, because the property owners within the Southeast Community will trim the trees up.

Mr. Cowardin stated that he noticed that on Appendix A-2, except for 12 feet of building at the corner of the bays, all parking goes into the transitional buffer area. Under the circumstances, building a six feet high fence and parking vehicles up against it really does not impact the abutting residential community. Overall, the presentation of a new project in that area of the City is really a good idea. He stated that he will be voting for approval.

Mr. Mark Rogers, Project Coordinator stated that the parking spaces to the rear of the property along 34th Street are parking for trucks.

Mr. Coenen stated that in terms of the transitional buffer area and the entrance on 33rd Street there is an existing entrance and the Department of Engineering would not object to repairing the existing entrance. In addition, relocating the entrance to the west will harm the circulation of the site.

Ms. Fox 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. Mr.

Roberts requested that condition number two be amended to include opaque fence. Ms. Fox and Mr. Long accepted the amendment into the motion as clarified by staff that the opaque fence only applies to the fence that abuts residential property and not necessarily along the street.

Mr. Albea expressed that he is not totally against the project, but is concerned for the residential properties in the area and feels the 30 foot transitional buffer area could have been achieved if plans were adjusted.

Vote on Roll Call

For: Maxwell, Coenen, Fox, Long, Roberts, Cowardin

Against: White, Albea

Abstention: None

The Planning Commission voted 7:2 to recommend approval of the special exception with conditions as amended to the Board of Zoning Appeals.

EXECUTIVE SECRETARY REPORT

Mr. Riutort stated that it has been a pleasure working with the Chairman and Vice Chairman and that they will be greatly missed.

UNFINISHED BUSINESS

Ms. Fox stated that the last four years have been educational, sometimes entertaining and very interesting and that she will really miss the Chairman and Vice Chairman's leadership and thought they did a great job.

Mr. White stated that it has been eight great years working on the Planning Commission and that it has been his pleasure. The City has great staff that commit a great deal of time and efforts and that the citizens are in good hands. He warned the new commissioners that they will be working with great people and that as commissioners it will be quite interesting for them with all that is involved and he thanked everyone for all their contributions and for all they do.

Mr. Cowardin's speech is attached. (See attachment).

There being no further business, the meeting adjourned at 3:34 P.M.

Recording Secretary

Executive Secretary