

**MINUTES OF THE PLANNING COMMISSION MEETING**  
**Wednesday, July 15, 2009**  
**City Council Chambers**  
**2400 Washing Avenue**  
**Newport News, Virginia**

**PRESENT:** J. Doug Coenen, Jr., Chairman; Sharyn Fox, Vice-Chairman; V. Albea; R. George Hubbard; Lucille Lowery; Wesley Maxwell; Clara Swanson; H. Eugene Roberts; (Staff: Al Riutort, Director of Planning; Sheila W. McAllister, Assistant Director of Planning; David Watson, Environmental Planner; Sandy Hitchens, Planning Technician; Johnnie Davis, Planner-Planning Services; Lynn Sugg, Deputy City Attorney; Michael Nall, Assistant Director of Codes Compliance; Christine Mignogna, Zoning Administrator)

**ABSENT:** Cleon Long

**CALL TO ORDER**

The Chairman called the meeting to order at 2:00 PM

**INVOCATION**

Ms. Lowery 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. Roberts presented the invocation.

**MINUTES**

The minutes of June 3, 2009, were approved as presented.

**PUBLIC HEARING**

**ZT-09-274, City of Newport News.** Requests an amendment to the Zoning Ordinance text that would regulate the use and storage of freight containers within the City's zoning districts (Sec. 45-528). (***Deferral***)

Mr. Coenen stated that zoning text amendment ZT-09-274 has been deferred.

**ZT-09-276, City of Newport News.** Requests an amendment to the Zoning Ordinance text to reference recent changes to the Code of Virginia that would amend the reconstruction of nonconforming uses (Sec. 45-2902).

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

Mr. Hubbard asked if the amendment was limited to fire damage. Mr. Watson replied the amendment does not address other forms of damage, the old language read, "Nonconforming uses destroyed by fire and acts of God may be rebuilt." The new language added was, "by accidental fire and excludes arson committed by a property owner." Ms. Sugg stated that acts of God defined by the Virginia Code include floods by natural disasters. Ms. Swanson stated that the amendment does not include damage caused by the property owner.

The Chairman declared the public hearing open.

Mr. Riutort informed Mr. Coenen of the revised language distributed by the City Attorney's office. Ms. Sugg stated that there are revisions to the language in paragraph five of the Zoning Ordinance.

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 as recommended by Staff to the City Council. Mr. Hubbard seconded the motion.

**Vote on Roll Call**

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

**Against:** None

**Abstention:** None

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

Mr. Riutort asked Ms. Sugg if the Planning Commission needed to take action on the deferral of zoning text amendment ZT-09-274. Ms. Sugg replied that if zoning text amendment ZT-09-274 was being deferred with a specific date, action should be taken. Mr. Riutort asked the Planning Commission to take action on the deferral of zoning text amendment ZT-09-274 until their public hearing of September 2, 2009.

Ms. Lowery made a motion to defer action of zoning text amendment ZT-09-274 to their public hearing of September 2, 2009. Mr. Roberts seconded the motion.

**Vote on Roll Call**

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

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (8:0) to defer action of zoning text amendment ZT-09-274 until their public hearing of September 2, 2009.

**ZT-09-277, City of Newport News.** Requests an amendment to the Zoning Ordinance text to reference recent changes to the Code of Virginia in relation to the Board of Zoning Appeals' hardship provision (Sec. 45-3203).

Mr. David Watson, Environmental 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.

Ms. Fox made a motion to recommend adoption of the zoning text amendment as recommended by Staff to the City Council. Mr. Albea seconded the motion.

Mr. Coenen stated he wants everyone to understand that this amendment has been reviewed carefully by the Planning Commission, City Attorney's office, and the Regulations Committee.

**Vote on Roll Call**

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

**Against:** None

**Abstention:** None

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

**EXECUTIVE SECRETARY REPORT**

Mr. Riutort stated that the City Wide Bus Shelter Plan was approved by the City Council on Tuesday, July 14, 2009.

Mr. Riutort stated that a presentation of the Oyster Point Central Business District Expansion Project was presented to City Council on June 9, 2009, in a work session. The Planning Commission has been provided with hard copies of the presentations.

Mr. Riutort stated that there was a work session on July 14, 2009, with the City Council, Industrial Development Authority (IDA) / Economic Development Authority (EDA), and the Newport News Redevelopment Housing Authority (NNRHA) on the Southeast Community Redevelopment Plan activity. The Planning Commission has been provided with hard copies of the presentations.

Mr. Riutort reminded the Planning Commission of today's work session at the Downing-Gross Cultural Arts Center, in the banquet room, at 6:00 PM, on the Jefferson Avenue Corridor Study. The presentation will be presented by Mr. Alan Mountjoy from Chan Krieger Sieniewicz Consultants. Questions will be open to the public and the plan will be

presented to the Planning Commission at their public hearing of August 5, 2009.

Mr. Riutort presented the application of Mr. Derrick Greenhill for appointment to Planning District I Task Force and asked the Planning Commission to take action on his appointment. He stated that Mr. Greenhill lives in Planning District I and is a member of the Newport News Fire Department. He welcomed Mr. Greenhill to the meeting.

Ms. Lowery made a motion to recommend approval of the appointment of Mr. Derrick Greenhill to Planning District I Task Force. Mr. Albea seconded the motion.

Mr. Coenen asked Mr. Albea if he would like to make a statement concerning Mr. Greenhill.

Mr. Albea stated that he recommended that Mr. Greenhill apply for appointment to the Planning District I Task Force. Mr. Greenhill chose to live in downtown Newport News and has an interest in the district. He works as a firefighter medic and does a great job. He stated that he feels Mr. Greenhill will be an asset to the Planning District I Task Force.

**Vote on Roll Call**

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

**Against:** None

**Abstention:** None

The Planning Commission voted unanimously (8:0) to appoint Mr. Derrick Greenhill to the Planning District I Task Force.

Mr. Coenen thanked Mr. Greenhill for his interest.

Mr. Riutort informed the Planning Commission that the Planning Commission Guide, the Annual Report, the Planning Commission Agenda, Minutes and Staff recommendations are now on the internet for citizens to review.

There being no further business, the meeting adjourned at 2:19 P.M.

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Recording Secretary

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Executive Secretary