

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, June 3, 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; Cleon Long; Lucille Lowery; Wesley Maxwell; Clara Swanson; 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; Angela Hopkins, Senior District Planner; Carl Jackson, Senior District Planner; David Watson Environmental Planner; Saul Gleiser, Senior District Planner; Sandy Hitchens, Planning Technician; Johnnie Davis, Planner-Planning Services; Lynn Sugg, Senior Assistant City Attorney; Michael Nall, Assistant Director; Christine Mignogna, Zoning Administrator)

INVOCATION

Mr. Roberts 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. 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 May 6, 2009, were approved as presented.

PUBLIC HEARING

Z-09-273, Newport News City Planning Commission. Requests a change of zoning from C1 Retail Commercial and R5 Low Density Multiple Family Dwelling with proffers to R5 Low Density Multiple Family Dwelling with a maximum density of 11 units per acre for properties located at 800 to 818 Chapin Wood Drive. These properties are located in the Jefferson Creek single family residential subdivision and are zoned commercially. A change of zoning to residential is being requested to bring the uses into conformity with a residential zoning classification. The *Framework for the Future* recommends low density residential with a density of 2 – 6.9 units per acre for the area. The Parcel No's are 044.00-04-06 thru 10, and 044.00-04-30 thru 38.

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

Mr. Long asked if the proffers with the earlier rezoning were in line with R4 Single Family Dwelling; and, he questioned the reason R4 Single Family Dwelling seems more compatible. Mr. Jackson replied that the original proffers were for R5 Low Multiple Family

Dwelling; and that the subdivision was rezoned to R5 Low Multiple Family Dwelling with proffers, preventing townhouse development. Rezoning to R5 without proffers would permit townhouse construction; and, changing to R4 Single Family Dwelling zoning would permit only single family residences.

Ms. Fox asked Mr. Jackson if he had received any comments from the residents at the community meeting. Mr. Jackson replied that the residents would prefer the R4 zoning.

The Chairman declared the public hearing open.

Mr. Ricardo Santamaria, 801 Chapin Wood Drive, stated that he was unable to refinance his home because of the zoning issue, and asked that the Planning Commission recommend approval of the rezoning.

Mr. Jude Nazon, 800 Chapin Wood Drive, stated that after investing in his home he did not want the value to decrease. The neighborhood already has traffic issues; and, he would prefer the neighborhood remain residential. He requested that the rezoning be recommended for approval.

Mr. Roger Russo, 813 Chapin Wood Drive, stated that when he purchased his home, he was unaware that the property was zoned commercial. He stated that he has invested in his home and asked that the Planning Commission take that into consideration and recommend approval of the rezoning.

Ms. Latisha Ackies, 803 Chapin Wood Drive, stated that like her neighbors, she wants to protect the investment in her home. The area is already overcrowded and there is no need for anymore businesses in that area.

The Chairman declared the public hearing closed.

Ms. Fox made a motion to recommend approval of the change of zoning as recommended by Staff to the City Council. Mr. Hubbard seconded the motion.

Vote on Roll Call

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

Against: None

Abstention: None

The Planning Commission voted unanimously (9:0) to recommend approval of the change of zoning as recommended by Staff to the City Council.

CU-09-264, Wesley Sharpe. Requests a conditional use permit for the operation of a small motor vehicle repair and service facility on a 0.90 acre parcel located at 450 Bellwood Road and zoned M1 Light Industrial. The Parcel No. is 266.00-08-57.

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

The Chairman declared the public hearing open.

Mr. Charles Lane, 92 Concord Crescent, stated that he owns the rental property at 454 Bellwood Road and that he has concerns about the open ditches and narrow street that dead ends at the railroad tracks. He stated that there has been a problem in the past with people turning around; and, asked if anything was going to be done to the street to make it more accessible for a business. Mr. Coenen replied that he understands Mr. Lane's concern, but that the request is for a conditional use permit for a land use issue; and that the matter with the streets is an issue that should be addressed with the Engineering Department. Mr. Riutort stated that the Planning Department will take his concerns to the Engineering Department. Mr. Watson stated that there is a parking area on the property. Mr. Hubbard stated that when he toured the property, he was able to turn around using the parking area on site. Mr. Lane stated that if the parking area were to remain open that would improve the situation.

The Chairman declared the public hearing closed.

Ms. Lowery made a motion to recommend approval of the conditional use permit with conditions as recommended by Staff 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 approval of the conditional use permit with conditions as recommended by Staff to the City Council.

City-Wide Bus Shelter Plan. The purpose of this plan is to initiate a citywide bus shelter replacement, upgrade and new shelter installation program in cooperation with Hampton Roads Transit. This plan will be financed by a Congestion Mitigation and Air Quality (CMAQ) grant from the Federal Transit Administration. With the implementation of each phase of the plan, it is envisioned that all major bus stops in Newport News will have clean, comfortable bus shelters with added features like advanced notification systems and solar lighting that will encourage increased transit ridership.

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

Mr. Coenen asked if the City has a deadline for the funds requested from Congestion Management and Air Quality (CMAQ) and Hampton Roads Transit (HRT). Mr. Jackson replied that hopefully within the next year, the funds are available, but have to be approved

by the City Council.

The Chairman declared the public hearing open.

Mr. Paul Adamo, Hampton Roads Transit Senior Planner, 3400 Victoria Boulevard, Hampton, stated that he has been working with Mr. Jackson on identifying primary locations for the bus shelters; and that he supports the City-Wide Bus Shelter Plan. He asked that the plan be recommended for approval.

The Chairman declared the public hearing closed.

Mr. Roberts made a motion to recommend approval of the City-Wide Bus Shelter Plan as recommended by Staff to the City Council. Mr. Maxwell 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 recommend approval of the City-Wide Bus Plan as recommended by Staff to the City Council.

STUDY FOR *FRAMEWORK FOR THE FUTURE* COMPREHENSIVE PLAN AMENDMENT

Request for a comprehensive plan amendment and study for properties identified as 5100, 5560 and 5570 Marshall Avenue, located within a study area bounded by Marshall Avenue, Copeland Industrial Park, Achievable Dream High School /Russell Court and Roanoke Avenue.

Ms. Angela Hopkins, Senior District Planner presented the Study for *Framework for the Future* comprehensive plan amendment.

Mr. Albea asked if the City can give past land uses on any of the adjacent properties from a historical perspective. Ms. Hopkins replied that the property to the north was the former Woodsong apartment site containing about 480 units that were demolished in 1997, and that the property has since been subdivided. Currently in that vicinity is the Macedonia Baptist Church, City owned property, and the future site for the Gethsemane Baptist Church. Ms. McAllister stated that the 1993 *Framework for the Future* identified the properties within the study area as high density residential and the hospital as community facilities, which was there at that time.

Ms. Fox asked the reason for changing the site from community facilities to another land use designation. Mr. Riutort replied that the biggest change is that the area is shown as community facilities, in the new comprehensive plan, but that was before the hospital was

torn down. Ms. Fox asked when the hospital was demolished. Mr. Riutort replied that the hospital was demolished during the recent year; and, the hope that a hospital or care facility will be relocated on the site was lost.

Mr. Albea asked if the Planning Commission agrees to the study, will it open the door for another situation similar to Woodsong apartments. Ms. McAllister replied the City hopes that situation does not reoccur. In reevaluating the property, it is a good site for some form of residential, and it is up to the Planning Commission to decide; and, hopefully agree with the City that the property should be medium density or some other form of land use.

Mr. Riutort stated that there is a three-acre piece of property between the two churches that the Newport News Redevelopment and Housing Authority (NNRHA) would like to put single family homes on, which also is identified for community facilities.

Mr. Coenen asked if there is a visible plan for the property. Ms. McAllister replied that there is a plan and a proposal on the property, but that should not be the basis for deciding how the property should be identified. The land use study should be able to stand on its own. She stated that the land use should not be determined by a proposal to rezone.

Mr. Long asked the total acreage of the study area. Ms Hopkins replied that the hospital area is 26 acres.

Mr. Maxwell asked if this would interfere with the church on Orcutt Avenue. Ms. Hopkins replied that the entrance to the property is off of Marshall Avenue and has no connection with Orcutt Avenue.

The Chairman declared the public hearing closed.

Mr. Albea made a motion to recommend that the Planning Department not perform the study of the area under consideration. Mr. Roberts seconded the motion.

Ms. Lowery stated that this is a result of a huge change and in order to improve the area, doing a study would be a good idea.

Mr. Albea stated that with a proposal for low-income housing, the study would be biased.

Ms. Fox stated that when the property was designated community facilities, there was no guarantee that the hospital would be utilized. Mr. Riutort replied that the City approached Riverside hospital, but the owners of Riverside did not purchase the property. Ms. McAllister stated that the Planning Commission could ask the Planning Department to study the property. Any other form of residential would require a study and plan amendment; and, the study would look at all uses for the property.

Mr. Long stated that he believes the study is a good idea. Mr. Riutort stated that there would be a community meeting to get public opinion. Ms. Fox stated this could be a great

opportunity to look at the property.

Mr. Albea stated that the area is zoned medium to high-density and asked what the study will show.

Mr. Maxwell stated he believes the study is a good idea.

Mr. Coenen stated that there has been a great deal of time and citizen opinion put into the *Framework for the Future*; and if the door is opened for a study, everything will be studied, so he is for the motion to deny a study.

Vote on Roll Call

For: Fox, Albea, Roberts, Coenen

Against: Maxwell, Long, Hubbard, Swanson, Lowery

Abstention: None

The Planning Commission voted (4:5) to recommend denial of the study. Motion failed.

Mr. Long made a motion recommending that the Planning Department perform the study of the area under consideration. Mr. Hubbard seconded the motion.

Vote on Roll Call

For: Maxwell, Long, Hubbard, Swanson, Lowery

Against: Fox, Albea, Roberts, Coenen

Abstention: None

The Planning Commission voted (5:4) recommending that the Planning Department perform the study of the area under consideration.

Mr. Riutort stated that they plan to return with a recommendation on August 5, 2009.

EXECUTIVE SECRETARY REPORT

Mr. Riutort reminded the Planning Commission of the joint work session with City Council and Economic Development Authority /Industrial Development Authority (EDA/IDA) on the City Center expansion, on June 9, 2009, at 1:00 P.M. in the James Room at City Center. The Planning Department would like the Planning Commission to take an active part in the meeting.

Mr. Riutort introduced Mr. Michael King, Manager of Community Planning, who presented the history of the City Center (copy attached to record minutes).

Mr. Long asked the intent of the work session. Mr. King replied the purpose is to give the City Council, the Planning Commission and the EDA/IDA an update on what the City has been working on and the progress.

Mr. Riutort replied that the City Manager has decided to present the following three projects over the summer at the City Council work sessions:

1. The first, the expansion of City Center on June 9, 2009;
2. The second, the Southeast Community Plan, will be presented in July 2009; and
3. The third, the City Farm recommendations will be presented in August 2009.

He stated that Mr. King will be back in August with recommendations and hopes to receive support from the City Council on how to proceed forward with City Center. There are three large parcels left of the 52-acres in City Center. The expansion will go east toward the interstate. The City needs to start planning on how big it will be and what the boundaries are; and how to develop an attractive area. Ms McAllister has been working on developing zoning for the City Center area that is flexible with more of a downtown character. The City Center expansion has been in the plans for 20 years and is not something that has just occurred.

Mr. King stated that Staff has done a great deal of work on the plans and it is important to start updating the City Council, the Planning Commission and the EDA/IDA.

Mr. Coenen asked if the Planning Commission will see a comprehensive plan on the future of the City Center at the work session. Mr. King replied they will.

Mr. Roberts asked how the expansion area of City Center was selected. Mr. King replied that is a good question to ask at the work session. Mr. Riutort replied that City Center will grow in all directions; and, that the highest buildings would be east toward the interstate.

Mr. Riutort stated that there would be no business to discuss at the Planning Commission meeting of June 17, 2009, and asked for a motion to cancel that meeting, but there would be a Regulations meeting. He reminded the Planning Commissioners that the new By-Laws eliminated the July 1, 2009 meeting.

Ms Fox made a motion to cancel the June 17, 2009, Planning Commission meeting. Mr. Hubbard 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 cancel the Planning Commission meeting of June 17, 2009.

There being no further business, the meeting adjourned at 3:13 P.M.

Recording Secretary

Executive Secretary