

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, May 6, 2009
City Council Chambers
2400 Washing Avenue
Newport News, Virginia

PRESENT: J. Doug Coenen, Jr., Chairman; V. Albea; 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; Carl Jackson, District Planner; Johnnie Davis, Planner-Planning Services; Sandy Hitchens, Planning Technician; Lynn Sugg, Senior Assistant City Attorney; Christine Mignogna, Zoning Administrator)

ABSENT: R. George Hubbard; Cleon Long; Sharyn Fox, Vice Chairman

INVOCATION

Mr. Albea 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.

Mr. Roberts presented the invocation.

MINUTES

The minutes of April 15, 2009, were approved as amended.

PUBLIC MEETING

CU-09-262, Blount Family Limited Partnership. Requests a conditional use permit to amend a previously approved conditional use permit CU-08-239 which permitted the construction of a 200-foot tall communications tower located at 925 48th Street and zoned M1 Light Industrial. The amendment is to eliminate condition number five which requires the applicant to submit a \$50,000 bond for the removal of the tower if it were ever abandoned. The Parcel No. is 289.00-01-27.

Ms. Sheila McAllister, Assistant Director of Planning presented the staff report (copy attached to record minutes).

The Chairman declared the public hearing open.

Mr. Frank Blount, 7505 River Road, Newport News, stated that in June 2008 conditional use permit CU-08-239 was approved with 19 conditions; and that condition number five requires a \$50,000 bond for removal of the tower. The Blount Family Limited Partnership has been unsuccessful in securing the bond. The reason a bond has not been secured according to the company's insurer is because of the size of the company and a

termination date has not been given. He stated that they are asking that condition number five be removed or reduced to a more reasonable amount.

Ms. Lowery asked Mr. Blount, if Blount Family Limited Partnership is willing to put up the cash bond of \$7,500, in the event they are unable to secure a bond. Mr. Blount replied they are.

The Chairman declared the public hearing closed.

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

Mr. Coenen stated that the \$7,500 bid to remove the tower came from one company, he would like to see bids from at least two other companies.

Vote on Roll Call

For: Roberts, Lowery, Maxwell, Albea, Swanson

Against: Coenen

Abstention: None

The Planning Commission voted (5:1) to recommend approval of the conditional use permit as recommended by Staff to the City Council.

PRESENTATION

Mr. Carl Jackson, District Planner, presented the City-Wide Bus Shelter Plan (copy attached to record minutes).

Mr. Roberts asked if the \$250,000 for phase one was the City's shared cost or the total cost. Mr. Jackson replied that it is the total cost. Mr. Roberts asked if Mr. Jackson knew the break down for Hampton Roads Transit (HRT) and the City. Mr. Jackson replied that the money came from the Congestion Management and Air Quality (CMAQ) grant.

Mr. Riutort commented that the City has received the CMAQ grant and that the local money for the grant is paid by the State. With CMAQ money left over from the Jump over Jeff project, the amount has increased from \$110,000 to \$235,000 for City bus shelters. He stated that Mr. Jackson has been working with HRT to make the trip for transit riders more pleasant.

Mr. Coenen asked the likelihood of the CMAQ grant and State funds being granted in an expeditious manner.

Mr. Riutort replied that the funds have been approved by the Metropolitan Planning Organization; and that the grant will be administered by HRT.

Mr. Coenen asked if the Department of Public Works would be responsible for emptying the trash receptacles. Mr. Jackson replied that contractors hired by HRT will be responsible for emptying the trash receptacles and that there is enough money in the program to maintain the shelters for one year. After one year it will become the responsibility of HRT.

Mr. Coenen asked the reason some of the shelters were removed. Mr. Jackson replied that some of the shelters were removed because of damage from Hurricane Isabel and other incidents, such as traffic accidents, but they were never replaced.

Mr. Maxwell stated his concerns about people loitering in the shelters that are not riders. Mr. Jackson replied that the City and the Police are working together to have more patrols in those areas.

BY-LAWS

Mr. Coenen stated that the amended Planning Commission By-Laws have to be formally adopted.

Mr. Albea made a motion to adopt the Planning Commission By-Laws as amended. Mr. Roberts seconded the motion.

Vote on Roll Call

For: Lowery, Maxwell, Albea, Swanson, Roberts, Coenen

Against: None

Abstention: None

The Planning Commission voted unanimously (6:0) to adopt the Planning Commission By-Laws as amended.

Ms. Lowery asked if the revised Planning Commission By-Laws will be available to the general public. Ms. McAllister replied that the By-Laws are for the Planning Commission. Mr. Riutort stated that the public could obtain a copy from the Planning Department.

EXECUTIVE SECRETARY REPORT

Mr. Riutort informed the Commissioners that they received a draft copy of the Planning Commission's brochure, and advised them to review the brochure; and, if there are any changes or questions, to please inform the Planning Department. The brochure will be placed in the front lobby for citizens, to help them better understand the Planning Commission procedures.

Mr. Riutort stated that there is no business for the May 20, 2009, Planning Commission meeting, and recommended that the meeting be cancelled.

Ms. Lowery made a motion to recommend cancellation of the May 20, 2009, Planning Commission meeting. Mr. Roberts seconded the motion.

Vote on Roll Call

For: Maxwell, Albea, Swanson, Roberts, Lowery, Coenen

Against: None

Abstention: None

The Planning Commission voted unanimously (6:0) to recommend cancellation of the May 20, 2009, Planning Commission meeting.

Mr. Riutort informed the Commissioners that a letter was distributed inviting them to the City Council work session with the Industrial Development Authority (IDA) in the James Room at 10:00 AM on June 9, 2009. The work session will include discussion of possible expansion of the City Center.

NEW BUSINESS

Mr. Coenen stated that he delivered a letter to the Mayor's office and to the City Council in reference to the article in the Daily Press concerning compensation for the Planning Commissioners.

Mr. Coenen stated that the Planning Commissioners have received emails and letters concerning the development of the Kiln Creek Golf Course. He stated that nothing has been presented to the Planning Commission; therefore, no action will be taken at this time. Mr. Riutort stated that this was a result of a developer asking the Planning Department to look over some ideas for the Kiln Creek Golf Course. He stated that the Planning Department wants the public to know that there is no application on file at this time.

There being no further business, the meeting adjourned at 2:40 P.M.

Recording Secretary

Executive Secretary