

1. Planning Commission Meeting Documents

Documents:

[CPC AGENDA 1.16.19.PDF](#)
[CPC MINUTES 12.19.18.PDF](#)



NEWPORT NEWS CITY PLANNING COMMISSION

2400 WASHINGTON AVENUE
NEWPORT NEWS, VIRGINIA 23607

MARK W. MULVANEY
Chairman

(757) 926-8761

SHEILA W. McALLISTER
Executive Secretary

DANIEL L. SIMMONS, JR.
Vice-Chairman

- A G E N D A -

NEWPORT NEWS CITY PLANNING COMMISSION

January 16, 2019

2:00 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER**
- B. INVOCATION**
- C. ELECTION OF OFFICERS**
- D. MINUTES OF DECEMBER 19, 2018**
- E. EXECUTIVE SECRETARY REPORT**
- F. COMMITTEE REPORTS**
- G. UNFINISHED BUSINESS**
- H. NEW BUSINESS**
- I. ADJOURN PUBLIC MEETING**
- J. WORK SESSION – 10th FLOOR CITY COUNCIL CONFERENCE ROOM**

Sheila W. McAllister, AICP
Executive Secretary

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, December 19, 2018
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

PRESENT: **PRESENT:** Daniel L. Simmons, Jr., Vice-Chairman; Sharyn L. Fox; Zachary E. Wittkamp; Michael F. Carpenter; Katie Stodghill; Elizabeth W. Willis; N. Steve Groce (Staff: Sheila McAllister, Director of Planning; Flora Chioros, Assistant Director – Current Planning; Saul Gleiser, Senior Planner; Johnnie Davis, Planner; Lynn Spratley, Deputy City Attorney; Nyoka Hall, Zoning Administrator)

ABSENT: Mark W. Mulvaney, Chairman and Willard G. Maxwell, Jr.

CALL TO ORDER

Ms. Willis 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.

INVOCATION

Mr. Wittkamp presented the invocation.

MINUTES

The minutes of the October 3, 2018 public hearing were approved as presented.

PUBLIC MEETING

SPECIAL EXCEPTION

SE-2018-0002, 756 Associates, LLC. Requests a special exception to reduce the required transitional buffer area from 30 feet to 0 feet along the rear property line of a 0.39 acre parcel at 756 McGuire Place. The property is zoned O1 Office. The Parcel Number is 206.00.01.15.

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

Ms. Fox asked if the drainage easement is currently acting as the buffer area. Mr. Gleiser stated it is a 20 foot easement with 10 feet on the abutting property. He stated it is not a buffer because you cannot plant on it.

CPC MINUTES
PAGE 2
December 19, 2018

Ms. Fox asked if the fence is allowed because it can be taken down. Mr. Gleiser stated that is correct. Ms. Fox asked if the Director of Planning will determine the fencing material. She stated there does not appear to be any type of fencing now. Mr. Gleiser stated that right now there is a chain link fence on the rear of the property, but it does not provide screening. He stated screening is one of the requirements of the special exception.

Ms. Willis asked how the small 2-foot area behind the fence will be maintained. Mr. Gleiser stated the fence will be on the property line and the applicant is not responsible for the area behind the fence.

Ms. Stodghill stated what is drawn on the site plan is not correct. Mr. Gleiser stated it is a conceptual site plan. Ms. Chioros stated there is a storm drop inlet right at the property corner which is why it may preclude the applicant from putting the fence directly on the property line. She stated that we may want to allow the owner some flexibility rather than requiring the applicant to install the fence on the property line.

Mr. Simmons asked if the drainage easement will be maintained by the city. Mr. Gleiser stated that is correct. He stated that is why the fence is easily removable.

Mr. Carpenter asked if the adjacent property owners were notified of the application. Mr. Gleiser stated yes. He stated he received one phone call about the application and there were no concerns.

Mr. Carpenter asked why the request is taking the setback down to 0 instead of 18 feet to accommodate the building addition. Ms. Stodghill stated because the overlap between the buffer and the easement cannot be planted. Mr. Gleiser stated that is correct.

Ms. Willis asked if any additional parking spaces will be needed. Mr. Gleiser stated there is sufficient parking.

Ms. Willis stated the property looks like it is going to be covered with concrete and she is concerned about drainage. Mr. Gleiser stated drainage will be addressed in site plan review.

Mr. Simmons opened the public meeting.

Mr. Joe Frank, 739 Thimble Shoals Boulevard, representative for the applicant, thanked Planning staff and gave a brief presentation of the application.

Mr. Wittkamp asked if the applicant has a timeline in which to get the addition built. Mr. Frank stated progress on the project is subject to approvals by the Board of Zoning Appeals and Codes Compliance permitting.

Mr. Simmons closed the public meeting.

Ms. Fox made a motion to recommend approval of special exception SE-2018-0002 to the Board of Zoning Appeals. The motion was seconded by Mr. Groce.

Vote on Roll Call

For: Fox, Wittkamp, Carpenter, Stodghill, Willis, Groce, Simmons

Against: None

Abstention: None

The Planning Commission voted unanimously (7:0) to recommend approval of special exception SE-2018-0002 to the Board of Zoning Appeals.

PUBLIC HEARING

SUBDIVISION REGULATIONS AMENDMENT

SO-2018-0005, City of Newport News. Requests an amendment to Appendix B, Subdivision Regulations, Article IV. General Regulations, Section 4-01 and repealing Section 4-01.9, Subdivision Review Board.

Flora Chioros, Assistant Director – Current Planning, presented the staff report (copy attached to record minutes).

Ms. Fox asked what will happen to the Subdivision Review Board. Ms. Chioros stated if it is repealed, it will no longer exist. She stated that the Code of Virginia does not allow an administrative body to alter the requirements of code. It requires action by the legislative body. Ms. Fox asked if this is a situation where we have a code we should not have and now we are getting rid of it. Ms. McAllister stated that is correct.

Ms. Stodghill asked if we have a Subdivision Review Board. Ms. Chioros stated we do. Ms. Stodghill asked if the board is active. Ms. McAllister stated it only activates if there is a request. Ms. Stodghill asked if there are citizens on the board. Ms. McAllister stated the board consists of city staff and one Planning Commissioner.

Ms. Fox asked if removing the Subdivision Review Board would be detrimental. Ms. Chioros stated the last case heard was in 2008. She stated from 2003 to 2008 there were seven cases that came before the Subdivision Review Board, seeking relief from the creation of lots without public street frontage; however, it is not authorized through the Code of Virginia for the Subdivision Review Board to administratively release someone of requirements of the zoning code. Ms. Fox asked what would happen if we had that situation come up now. Ms. Chioros stated they would not be able to create the lot and there would be no administrative way to release someone from the zoning code. Ms. Fox asked if we are okay with that. Ms. Spratley stated City Council enacts our local ordinance changes when someone tells them that a certain provision is not

CPC MINUTES

PAGE 4

December 19, 2018

working and should be amended, repealed or changed. She stated that is how they would get relief from a code section that is not working properly. Ms. Spratley stated the Subdivision Review Board was effectively providing exceptions to the city code and an administrative body does not have that authority in Virginia to make recommendations, other than the ones that are designated, such as the Board of Zoning Appeals and Planning Commission. She stated if a change is needed from a regulation, City Council needs to do that and not an administrative board.

Ms. Stodghill asked how the Subdivision Review Board came to be. Ms. Chioros stated it was set up a long time ago as part of the family subdivision regulations.

Ms. Stodghill asked if another subdivision came and they wanted to change the size of the lots, would they ask for a rezoning. Ms. McAllister stated yes, but if City Council wants people to have relief and allow them to create a subdivision without public street frontage, then it would be the body that approves it.

Mr. Simmons opened and closed the public hearing.

Ms. Fox made a motion to recommend approval of subdivision regulations amendment SO-2018-0005 to City Council. The motion was seconded by Ms. Willis.

Vote on Roll Call

For: Wittkamp, Carpenter, Stodghill, Willis, Groce, Fox, Simmons

Against: None

Abstention: None

The Planning Commission voted unanimously (7:0) to recommend approval of subdivision regulations amendment SO-2018-0005 to City Council.

EXECUTIVE SECRETARY REPORT

Ms. McAllister stated that on October 23, 2018, City Council approved the conditional use permits for the day services center and a communication tower. She stated the day services center opened on Monday, December 17, 2018.

Ms. McAllister stated on January 16, 2019 there will be a work session following the Planning Commission meeting to discuss the Tech Center Master Plan.

Ms. McAllister wished everyone happy holidays and a blessed new year.

Ms. Fox asked if the Planning Commission will be meeting on January 2, 2019. Ms. McAllister stated no, that meeting was cancelled on February 7, 2018.

Ms. Fox congratulated Ms. Flora Chioros on her promotion to Assistant Director – Current Planning Division.

CPC MINUTES
PAGE 5
December 19, 2018

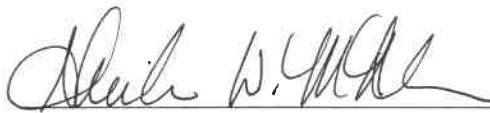
Ms. Willis asked when the Denbigh-Warwick Area Plan meeting will be held. Ms. McAllister stated there will be meetings on January 9 and 10, 2019. She stated the community meeting will be in the evening on January 9, 2019 at 6:00 P.M. Ms. McAllister stated it is a design charrette. She stated the consultants will be meeting with the core team and citizen advisory committee earlier during the day on January 9, 2019, and then will conduct a community meeting that evening. Ms. McAllister stated the next morning will be a coffee-open house for the general public. She stated a flyer will be distributed to the Planning Commission. Mr. Carpenter asked what area encompasses the plan. Ms. McAllister stated what has been defined as the Denbigh-Warwick Area Plan area is from Menchville (not including City Farm) to CSX, all the way to Oakland Industrial and including Fort Eustis to James River Road.

Mr. Simmons thanked the Planning Commission for being supportive all year. He thanked Planning staff for their hard work. Mr. Simmons wished everyone a happy holiday.

There being no further business, the meeting adjourned at 2:39 P.M.



Recording Secretary



Executive Secretary