1. Planning Commission Meeting Documents

Documents:

CPC AGENDA 2.6.19.PDF
CPC MINUTES 1.16.19.PDF
CPC WORK SESSION MINUTES 1.16.19.PDF
CU-2018-0010.PDF
ZT-2018-0008.PDF
A. CALL TO ORDER

B. INVOCATION

C. MINUTES OF JANUARY 16, 2019

D. MINUTES OF JANUARY 16, 2019 WORK SESSION

E. PUBLIC HEARING

CONDITIONAL USE PERMIT

CU-2018-0010, North Riverside Baptist Church. Requests a conditional use permit to allow for the operation of a pre-school with child care center as part of a community facility on property located at 311 Selden Road. The parcel contains 5.38 acres and zoned R3 Single-Family Dwelling. The Parcel No. is 237.00.03.32. (Contact Planner: Saul Gleiser at 926-8076)(To be heard by City Council on February 26, 2019)

ZONING TEXT AMENDMENT

ZT-2018-0008, City of Newport News. Requests an amendment to the Zoning Ordinance to define communication towers fifty feet in height or greater, communication towers less than fifty feet in height, small cell facility and wireless facility; the districts where they would be allowed; and the regulations pertaining to communication facilities. (Article II., Section 45-201; Article IV., Section 45-402; and Article V., Section 45-523) (Contact Planner: Flora Chioros at 926-8080)(To be heard by City Council on February 26, 2019)

F. EXECUTIVE SECRETARY REPORT

G. COMMITTEE REPORTS

H. UNFINISHED BUSINESS
I. NEW BUSINESS

J. ADJOURN MEETING

Sheila W. McAllister, AICP
Executive Secretary
MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, January 16, 2019
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

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

ABSENT:  None

CALL TO ORDER

Deputy City Attorney Lynn Spratley called the meeting to order at 2:00 P.M.

Mr. Mulvaney 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. Carpenter seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

INVOCATION

Dr. Maxwell presented the invocation.

ELECTION OF OFFICERS

Ms. Spratley presided over the meeting and opened the floor for the nomination of Chairman for the Planning Commission. Mr. Mulvaney made a motion to nominate Mr. Simmons as Chairman. Ms. Fox seconded the motion. There being no other nominations, the nominations were closed. Ms. Spratley called for a vote for the position of Chairman.

Vote on Roll Call
For: Maxwell, Fox, Mulvaney, Carpenter, Simmons, Stodghill, Wittkamp, Willis, Groce
Against: None
Abstention: None

The City Planning Commission voted unanimously (9:0) to elect Mr. Simmons to the position of Chairman.
CPC MINUTES
PAGE 2
January 16, 2019

After being elected Chairman, Mr. Simmons presided over the meeting. He thanked his fellow commissioners for electing him Chair. Mr. Simmons opened the floor for the nomination of Vice-Chairman. Ms. Fox made a motion to nominate Ms. Stodghill as Vice-Chairwoman. Ms. Willis seconded the motion. There being no other nominations, the nominations were closed. Mr. Simmons called for a vote for the position of Vice-Chairman.

Vote on Roll Call
For: Maxwell, Fox, Mulvaney, Carpenter, Stodghill, Wittkamp, Willis, Groce, Simmons
Against: None
Abstention: None

The City Planning Commission voted unanimously (9:0) to elect Ms. Stodghill to the position of Vice-Chairwoman.

MINUTES

The minutes of the December 19, 2018 public hearing were approved as presented.

EXECUTIVE SECRETARY REPORT

Ms. McAllister congratulated Mr. Simmons and Ms. Stodghill on their appointments as Chairman and Vice-Chairwoman.

Ms. McAllister stated on January 15, 2019, the Board of Zoning Appeals approved a special exception to reduce the transitional buffer area for 756 McGuire Place.

Ms. McAllister stated the February 6, 2019 public hearing will include a conditional use permit to allow a pre-school with childcare as part of a community facility at 311 Selden Road and a zoning text amendment to re-define communications towers and their regulations.

Ms. McAllister asked Ms. Willis to present information on the Denbigh-Warwick Area Plan design charrette held January 9, 2019 and January 10, 2019. Ms. Willis stated there was a nice community turnout and a lot of opinions were shared and discussed. She stated we will be waiting for the consultant to present their findings. Ms. McAllister stated we may be having another community meeting in February or March in order to bring back what was heard at the design charrette and show some ideas of designs for the public sites along Warwick Boulevard and the Grissom Library site.

Ms. McAllister stated last night, January 15, 2019, we had a community meeting to update the community on the Choice Neighborhoods Initiative (CNI). She stated it was an update on the implementation process and what has been done thus far. Ms. McAllister stated there was a good turnout and it was a good meeting. Ms. Fox asked if the federal government shutdown has affected the decision on the city's application.
Ms. McAllister stated yes, but in the meantime we will be moving forward with implementation.

COMMITTEE REPORTS

Mr. Carpenter stated the Regulations Committee met today, January 16, 2019, and had a lively debate regarding short-term rentals and food trucks on private property. He stated he does not know when they will be coming to the Planning Commission.

There being no further business, the meeting adjourned at 2:08 P.M.

Recording Secretary

Executive Secretary
MINUTES OF THE PLANNING COMMISSION WORK SESSION
Wednesday, January 16, 2019
10th Floor City Council Conference Room
2400 Washington Avenue
Newport News, Virginia

PRESENT:  Daniel L. Simmons, Jr., Chairman; Katie Stodghill, Vice-Chairwoman; Willard G. Maxwell, Jr.; Sharyn L. Fox; Mark W. Mulvaney; Michael F. Carpenter; Zachary E. Wittkamp; Elizabeth W. Willis; N. Steve Groce; (Staff: Sheila McAllister, Director of Planning; Flora Chioros, Assistant Director – Current Planning; Latara Branch, Neighborhood Revitalization Coordinator; Angela Hopkins, Senior Planner; Saul Gleiser, Senior Planner; Johnnie Davis, Planner; Lynn Spratley, Deputy City Attorney; Nyoka Hall, Zoning Administrator; Christin Frank, Zoning Coordinator; Matt Johnson, Economic Development Manager; Bryan Stilley, Chief of Civil Design Engineering; Jacqueline Kassel, Chief of Transportation Engineering; Bridgette Parker, Studies & Programs Lead Engineer) GUESTS:  Lindsey Carney; David Taylor; Karen McPherson; Bryan Witt; and Skip Smith

ABSENT:  None

Mr. Simmons opened the work session at 2:30 P.M.

Ms. Chioros introduced the first item on the agenda: Master Plan: Tech Center Research Park. She stated the general purpose of the O3 zoning is to promote research and development parks and science centers based on a master plan, to orderly expand research and development oriented industries within Newport News. Ms. Chioros stated what we are looking at today is how the Tech Center master plan is laid out. She stated this includes where buildings are situated, parking is located, what amenities are provided, and establishing building heights, setbacks, signs and landscaping. Ms. Chioros stated this is a master plan submittal and not a rezoning with proffers. She stated the applicant has provided copies of the design guidelines and will be making a presentation.

Ms. McAllister asked the applicant and their support staff to introduce themselves: Mr. Skip Smith, W.M. Jordan Development Company; Mr. Bryan Witt, W.M. Jordan Development Company; Lindsey Carney, Patton, Worom, Patton and Diamonstein; David Taylor, Timmons Group; Karen McPherson, McPherson Consulting.

Ms. McAllister stated Building One came through as Phase I of the master plan. She stated this is the final phase of the master plan, and once it is adopted by City Council it becomes the site plan for that particular property.

Ms. Carney gave an introduction of the Tech Center master plan and Mr. Taylor gave a presentation on the design guidelines (copy attached to record minutes).
Mr. Mulvaney stated the largest two buildings are 100,000 square feet. He asked if that is an attempt to limit the employee base so there is not an impact on green space. Mr. Taylor stated that is more of a delicate balance between the amount of square footage available to us and the amount of parking.

Mr. Wittkamp asked if the tenant base would be private or governmental. Ms. Carney stated it will be a combination of both.

Mr. Groce asked where are the wetlands. Mr. Taylor pointed out the jurisdictional wetlands.

Mr. Mulvaney asked, of the 6,000 jobs being created, what percentage would be commuters what percentage are anticipated to relocate. Ms. Carney stated she does not have exact information on it, but the thought is that it will attract both residents and commuters.

Mr. Mulvaney asked what is the estimated end date for the build-out. Mr. Taylor stated 15 to 20 years, but it is purely market-driven.

Ms. Willis asked how they obtained a street running straight through the wetlands. Mr. Taylor stated they were given a permit to impact four acres, including that street location.

Ms. Fox asked what is the impact of the new accelerator, if we get it or we do not get it. Mr. Smith stated Jefferson Lab is studying putting out a procurement for it, but we have an advantage over our competitor because of Tech Center. He stated our chances are good because we already have a beam, giving them an advantage to go to the next generation beam. Mr. Smith stated if we do not get it, we can build new buildings where the new beam location is proposed and enlarge the park. Ms. Fox asked if the overall configuration of the park is not tied exclusively to the beam. Ms. Carney stated no, because this is a win-win no matter what. Mr. Smith stated do not forget that Tech Center is affiliated with Virginia Tech and their KnowledgeWorks program which provides business formation and growth support services.

Mr. Carpenter asked what is the time frame for the Department of Energy to make a decision. Mr. Smith stated he cannot answer that.

Mr. Mulvaney asked if there are prospective tenants who are contingent on the second beam. Mr. Smith stated no.

Mr. Mulvaney asked what are the driving factors for the anticipated economic impact. Ms. Carney stated sales tax from food and entertainment, people relocating to the city in terms of housing and improvements in the housing market. She stated there will also be a lot of money that will be generated by the real estate taxes.
Mr. Mulvaney stated he is concerned about the impact on traffic at the busiest intersection in Newport News. He stated that is a big component to look at with the creation of 6,000 jobs. Ms. Carney stated yes, and that is why we try to emphasize that there are ingress/egress points at Oyster Point Road, Village Green Parkway and Canon Boulevard. She stated we have a Traffic Impact Analysis (TIA) done in conjunction with the Ferguson build-out. Ms. Carney stated we are trying to promote a cohesive cross of pedestrians and vehicles between City Center and Tech Center, which is why we did our own TIA in conjunction with the city’s TIA for Ferguson.

Ms. Stodghill asked if there is any discussion about adding more residential. Mr. Taylor stated yes, we have the ability to cross-use a parking structure and do multi-family. Ms. Chloros stated this is an office, research and development zone and that would have to be outside of the O3 zoning district. Ms. Carney stated this is really truly the only O3 zone in the city. She stated it was envisioned that this was going to be used as research and development, so we have never considered trying to rezone it to multi-family or mixed-use. Ms. Carney stated there are other areas and we have plans to try to pursue those. Mr. Smith stated that they are looking at some place in City Center for housing and mixed use.

Ms. Willis asked what kind of entrance is at Canon Boulevard. Ms. McPherson stated the connection of the Village Green Parkway extension up to Canon Boulevard is proposed to be a traffic signal with a dedicated left-turn lane. Mr. Wittkamp asked if the Canon Boulevard would be widened. Ms. McPherson stated yes.

Ms. Willis asked if there is only one access in and out of both of the parking garages. Ms. McPherson stated yes.

Mr. Mulvaney stated he is concerned that the largest economic impact is going to be in a confined area: City Center and Tech Center. He stated you are not developing this so the rest of the city can benefit from the opportunistic components of 6,000 people showing up. Mr. Mulvaney stated we want them to eat, shop and play within the entire city, not just this one small section. He asked how do we connect that. Ms. Carney stated the programs that KnowledgeWorks and Virginia Tech are going to put on are going to benefit the rest of the city. She stated they are going to seek outside partners like food places to cater and outside people for entertainment.

Mr. Mulvaney stated he is concerned there will not be easy ingress/egress on high-volume days, particularly at lunchtime for workers. Mr. Smith stated the difference here is researchers and developers tend to work their own schedules, which could begin anywhere from 3:00 A.M. or noon. He stated they are not typically 9:00 A.M. to 5:00 P.M. workers. Mr. Mulvaney stated you will still have regular commuters who will come during those hours. He stated he would just like to see the rest of the city be able to benefit from these workers and not just in City Center and Tech Center. Ms. Carney stated because we are opening Village Green Parkway, people will be able to access
the interstate interchange and traverse to exits north to Jefferson Avenue or south to J. Clyde Morris Boulevard.

Mr. Carpenter asked what improvements will be done at Oyster Point Road and Interstate 64. Ms. Carney stated the city has a project request they are working on for dual rights at Canon Boulevard and Oyster Point Road, and we have looked to extend some of the turn lanes there, as well as some of the additional turn lane extensions along Canon Boulevard.

Ms. Chioros stated the TIA has not been finalized between City Traffic Engineering and the consultant, but the Planning Commission will receive a copy of the executive summary prior to the public hearing.

Ms. Willis asked if there are any other proposed uses for the wetlands. Ms. Carney stated we tried to get a permit for a pedestrian walking trail, but so far no.

Mr. Mulvaney asked if the proposed buildings will meet the standards of Leadership in Energy and Environmental Design (LEED). Mr. Taylor stated they would probably qualify for LEED silver, but we are not asking for LEED accreditation right now.

Mr. Mulvaney asked if building signage will be limited to a major tenant or multiple tenants. Mr. Smith stated you need to be a major tenant to have your name on a building.

Mr. Mulvaney asked if there would be public transportation available within Tech Center. Mr. Taylor stated that is still being discussed internally.

Mr. Simmons asked will the city be responsible for building and maintaining the streets and the Best Management Practices (BMP). Mr. Stilley stated the city handles BMPs that handle public water. Mr. Smith stated if it is public water, the city has it; and if it is on the building site, the applicant has it.

Mr. Carpenter asked who is building the parking garages. Mr. Taylor stated that is still being worked out.

Mr. Carpenter asked if there will be any restaurants, coffee shops or bars in the development. Ms. Carney stated it is not allowed. Mr. Gleiser stated you can have a cafeteria in the building for your employees.

Mr. Simmons thanked Ms. Carney and Mr. Taylor for their presentation.

Mr. Mulvaney asked if the Planning Commission will have an opportunity to review the TIA before the public hearing. Ms. Chioros stated you will have a copy of the executive summary prior to the April 3 public hearing. Ms. Kassel stated the TIA should be completed by the end of the month.
Ms. Fox asked what kind of flexibility do we have with the master plan. Ms. McAllister stated you can suggest changes.

Ms. Willis stated she is concerned the parking garages only have one access for ingress/egress. Ms. McAllister stated there is a second access in case of an emergency. Ms. Chioros stated there is a plaza between Buildings 9 and 3 as well as between Buildings 2 and 6 that can be used for emergency access. Ms. Willis asked if you can do anything with the wetlands that will allow their use. Mr. Mulvaney stated you can put in an elevated walking trail through there.

Ms. Stodghill asked what the current vacancy rate is for office buildings in Newport News. Mr. Carpenter stated this is a huge addition of office space and we do not have a large office market, but the promise is they will be bringing in companies from outside of the area.

Ms. Willis asked if daycare is allowed in O3. Mr. Gleiser stated not as a standalone, but it could be a building amenity.

Mr. Mulvaney stated we need to have another work session on the master plan to discuss our concerns and propose solutions. He stated this project is so big and there are so many moving parts, it is unfair for us to sit here and look at a presentation and be comfortable voting on it.

Mr. Mulvaney made a motion to have another work session to discuss the master plan. The motion was seconded by Mr. Groce.

Ms. Fox stated we need to have a copy of the TIA prior to the work session.

Ms. Stodghill asked if there has been any public presentation on the master plan other than Planning Commission. Ms. McAllister stated they have been presenting the plan since the Marketplace opened. Ms. Stodghill asked if the master plan was part of the first application. Ms. Chioros stated it was discussed and generally identified.

Mr. Mulvaney stated to be cautionary because when we recommended approval of the Marketplace, there were things that did not occur afterward with the green space, buffers, wetlands, etc.. He stated these are things to think about going forward that we make sure we hold the developer accountable. Mr. Gleiser stated the Marketplace was a proffered rezoning, and this is a master plan. Mr. Mulvaney stated yes, but if you put it out there that we did our part to ensure the applicant meets the requirements that are set forth. Ms. McAllister stated the walkway through the wetlands was part of the rezoning. She stated it did not happen because, as proffered, if environmental conditions would not allow it to happen, then they were not required to do it. Ms. Fox asked what happened. Ms. Chioros stated the Army Corps of Engineers did not allow it. Mr. Mulvaney stated it would not hurt to re-address it.
Ms. McAllister stated this plan is not just for the developer but also the city. Mr. Carpenter stated the rezoning had conditions, but the master plan needs to be approved before it goes forward, so if there are things we do not like we need to tell the developer.

Mr. Mulvaney asked if we could do a mailer or a phone call to citizens of Newport News to be aware of the proposed master plan. He stated we advertise our public hearings in the Daily Press, but their circulation is fewer and fewer. Ms. Fox asked if we could advertise on Newport News Now. Mr. Simmons asked if we could advertise on NNTV. Ms. McAllister stated she does not see this being something that will rise to the level that people will come out and have real comments. She stated the property is already zoned for this type of development. Ms. McAllister stated the major change was when we did the Marketplace rezoning, and people did come out to speak on it, and while some people did not get what they wanted, the general public seems to be okay with the final product. She stated she does not see someone coming out just to approve a design. Ms. McAllister stated this has to be left to the Planning Commission and what you think is the best layout for this particular site. Ms. Fox stated we are citizens and we are looking at these things from our perspective, which should be somewhat the same perspective that our fellow citizens have. She stated we have been entrusted to make decisions on these sorts of things.

The Planning Commission voted by acclamation to schedule a second work session.

There being no further business, the meeting adjourned at 4:22 P.M.
Purpose and Intent

PURPOSE OF MASTER PLAN & DESIGN GUIDELINES

The Master Plan and Design Guidelines are used to delineate and regulate the design, details, and construction of the development of Tech Center. The Design Guidelines will assist in ensuring the consistency and quality of the development. Development for Tech Center shall be substantially in accordance with the Newport News City Council approved Master Plan and consistent with the guidelines and requirements within this document. All final designs shall be reviewed and approved by the Newport News Economic Development Authority, or its designee.

Pursuant to Ordinance No. 7280.16, the Council of the City of Newport News approved on June 28, 2016, Phase 1 of Master Development Plan 03-16-01 for the parcel designated as Parcel C-3, consisting of 3.23 acres, located in Q 0.3 Office/Research Development District, on which Parcel Building One of Tech Center is under construction. The intent of the Master Plan and Design Guidelines set forth herein is to facilitate and direct the development of the entirety of the Tech Center Research Park by applying the principles and guidelines for development that were approved by City Council for Phase 1. Accordingly, Parcel C-3, herein referred to as the Building One parcel, is included herein, and this Master Development Plan shall replace and supersede the previously approved Master Development Plan for Building One such that all parcels located within the Tech Center Research Park shall be submitted to this Master Plan and the Design Guidelines set forth herein.
Boundary Description

Overall Master Plan

The Master Plan establishes the framework and strategy for all project development. The street sizes and locations will be set and the plan will control building placement, associated parking (both surface and structured), service areas, common areas, open space, and stormwater management facilities.

LEGEND: All square footages, building heights, and parking garage spacings are approximate.

Building
1. Office (2-Story) 81,662 sf
2. Office (3-Story) 81,000 sf
3. Office (3-Story) 80,000 sf
4. Office (4-Story) 80,000 sf
5. Office (5-Story) 100,000 sf
6. Office (3-Story) 80,000 sf
7. Office (3-Story) 80,000 sf
8. Office (4-Story) 100,000 sf
9. Office (5-Story) 80,000 sf
10. Office (5-Story) 80,000 sf
GRAND TOTAL 842,662 sf

Site
A. Central Green
B. Small Places
C. Landscaped Courtyards
D. Entry Features
E. Stormwater Management
F. Surface Parking
G. Pump Station
H. Parking Structure (5-Story - 500 Spaces)*
I. Parking Structure (5-Story - 850 Spaces)*

PARKING Totals
Office 2,616 Spaces

*NOTE: Building square footages and heights shown are so currently planned. There is the potential to increase height/square footages due to funding needs within the real estate market. If so, all parking will be increased to comply with the required parking ratios as set forth herein. Moreover, parking structure size and space counts are also so currently planned and will be adjusted as needed to comply with the required minimum parking requirement as set forth in the Parking/Storm Water page of these Design Guidelines. The actual number of parking spaces required by the minimum parking requirement set forth herein shall be provided prior to issuance of a certificate of occupancy.
Master Plan - Phase I

The Master Plan for Phase I of Tech Center depicts five separate office buildings, all self-supported with surface parking. Stormwater management facilities will be both site specific and shared. The strategy is to develop the office park in sequential fashion, and as the market dictates absorption.

NOTE: The proposed phasing depicts an anticipated rate of expansion. Buildings 7 & 8, due to their location on the perimeter of the Tech Center development, could be constructed at any time in the development of Tech Center, and parking requirements shall be completed with accordingly.

LEGEND - All square footages, building heights, and parking garage capacities are approximate. Sizing and shape is legend as currently planned, but is subject to change.

<table>
<thead>
<tr>
<th>Building - Phase I</th>
<th>Office (3-Story)</th>
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**GRAND TOTAL: 439,662 sf**

Parking Total:
Office: 1,410 Spaces

*NOTE: Building One is currently under construction and complies with the Master Plan and the design guidelines set forth herein.

*NOTE: In addition to accommodating some of the stormwater runoff created by the development of Building One in the stormwater management facilities shown herein, the drainage system for additional runoff that will be created by development of Buildings 1 & 4 will be toward Jefferson Avenue. In addition to accommodating some of the Stormwater runoff created by the development of Buildings 2, 3, & 5 in the stormwater management facilities shown herein, the drainage system for additional stormwater runoff that will be created by development of Buildings 2, 3, & 5 will be toward Canon Boulevard.

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Master Plan - Phase II(A)

The Master Plan for Phase II(A) of Tech Center depicts one additional building (Building 9) that will be located on the surface parking area used for Building 3 as shown in Phase I. Prior to commencing construction of Building 9, surface parking for Building 3 will be constructed in the area shown herein as 2A09. Building 9 and the parking structure will be constructed in the area shown herein as 2A09.

LEGEND - All Square footages, building heights, and parking garage capacities are approximate. Sizing and shape is legend as currently planned, but is subject to change.

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<th>Building - Phase I</th>
<th>Office (3-Story)</th>
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**GRAND TOTAL: 502,642 sf**

Parking Total:
Office: 1,676 Spaces

*NOTE: The drainage system for stormwater runoff that will be created by development of Building 9 and the parking structure will be toward Canon Boulevard.
Master Plan - Phase II(B)

The Master Plan for Phase II(B) of Tech Center depicts five additional buildings that will be served by structured parking and surface parking. The parking structure located in area 2A will be placed on a location previously used as surface parking and will replace the surface parking spaces removed due to structure construction.

**LEGEND** - All square footage, building heights, and parking garage spaces/lines are approximate. Sequencing of additions is legend to be clarified prior to release, but is subject to change.

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**Building - Phase IA(A)**

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**Building - Phase IB(B)**

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**Grand Total** 842,162 sf

**Parking Total** 2,810 Spaces

*NOTE: As previously noted, Building 1BB, due to their location on the perimeter of the Tech Center development, could be constructed at any time in the development of Tech Center.

*NOTES: In addition to accommodating some of the stormwater runoff created by the development of Building 8, the stormwater management facilities shown herein, additional stormwater runoff that will be created by the development of Buildings 7, 8, 9, and 10 and the parking structure shown herein, will be toward Cannon Boulevard.

Architectural Character

**EXISTING VERNACULAR**

Adjacent to Tech Center are several existing developments which offer a variety of architectural elements which serve as precedents or which to emulate or enhance. The two new developments which are part of the Tech Center in-use/consumer-friendly community - Marketplace and Venture Apartments - have a variety of rich building materials, earth tone colors, and simple geometry which will be carried into the architecture of Tech Center. Building materials, colors and similar geometry are also expressed in the adjacent ARC, Jefferson Lab, and Bayport Credit Union buildings. The high-tech world of Jefferson Lab will also play a role in developing an architectural expression which denotes a modern, cutting edge environment.
Scale and Massing

Tech Center shall have a distinct architectural character that is consistent in theme with the adjacent properties. Though not identical, but complementary to each other, the buildings shall be designed to provide a clear, unified, and easily identifiable image and appearance. Clean, simple, geometric forms shall be incorporated, and a definite sense of human scale included relative to building massing and form. Massing shall always respect the architectural context and respective building adjacency and either complement or provide for smooth transition. Emphasis shall be placed on the development of a non-slender building, which not only provides for massing connectivity, but places a premium on sun and wind protection while maximizing opportunities for natural daylight and renewable energy. Building height shall have relevancy as well, especially as it frames the street.

Minimum building height: 2 Stories

Facades / Entrances

The building facade shall reflect an overall coordinated design concept reinforcing the massing and form. Facades shall give life and character to each building without being overly decorative. Facades shall also provide a level of interest from both vehicular and pedestrian points of view. There shall be an appropriate balance of wall and glazed surfaces, and identity could be achieved through setbacks and projections. All facades facing streets, whether in the front, side, or rear yard, shall have a high quality and finished appearance. The emphasis shall be 4-sided architecture with no blank walls.

Building entrances shall be clearly defined and easily recognizable. Whenever possible, entrances shall be enhanced through massing and fenestration, and accented with re-cesses, columns, or other architectural elements. The entry shall always be an integral part of the overall building composition, and weather protection and security shall always be addressed. Entrances may provide opportunities for signage, color, and specialty lighting.
Materials / Color Palette

Building materials shall enhance the overall form and massing of an individual structure. The use of rich materials is encouraged in areas where they will have the most visual impact. Exterior building materials shall be types that are of high quality, attractive appearance, durable, and easy to maintain for the entire life of the building. Materials to be utilized include brick, stone, masonry, architectural precast concrete, fiber-cement panel, metal panel, and wood/recycled wood.

Single-skin metal siding and EIFS are not encouraged and shall be permitted by specific approval of the Newport News Economic Development Authority or its designee when the overall design of the building is enhanced by it or special development circumstances require its use. Colors shall consist of complementary and rich earth tones, and be consistent with the adjacent developments at Marketplace, Venture Apartments, and Jefferson Lab. Colors shall also be integral to the material and enhance design features and complement building massing.

Declaration of Covenants, Conditions, and Restrictions shall be recorded as an encumbrance against the property upon which Tech Center shall be located. Enforcement of said Declaration shall be by the Newport News Economic Development Authority or its designee.

Architectural Character

Crafting a Style

Simple and elegant geometric forms, proportionally massed with suitable fenestration shall be used. This style best expresses a style consistent with adjacent architectural expression and captures a modern flavor which reinforces the research and development environment. This style and form allow the easy and balanced application of multiple building materials, which can be focused to accentuate key points of interest in the structure.

Building One, which is currently under construction, emulates and reinforces existing adjacent architectural vernacular. As Tech Center proceeds in development, careful consideration will be taken to ensure architectural consistency throughout the park, but it is not the design intent to ensure identical building facades in appearance.

PROPOSED STYLE - BUILDING ONE
Screening

All mechanical appurtenances located on site or projecting above the building itself, such as roof hatches, stairways, exhaust fans, HVAC equipment, plumbing vents, storage tanks, generators, satellite dishes, and communication equipment shall be screened from view from any adjacent public street with a parapet, wall, or other opaque screening consistent in finish, texture and color with the exterior skin of the building.

Trash enclosures at grade shall be screened from view of adjacent streets with building materials that complement the exterior skin of the building.

Streets

Streets form the framework of a development, and although their primary function is to provide mobility, they also play a significant role in defining the visual space. They create the overall single uniform and linkage while providing edges to facilitate buildings, foci, gathering and open spaces, landscape zones, and pedestrian activity and circulation. All streets within Tech Center are intended to be public and will frame open spaces, incorporate medians of varying sizes, and include both an 8’ wide multi-use trail and 3’ wide sidewalks:

1. Multi-Use Trail (Within Public R.O.W.)
Open Space

There are two established areas of common open space that vary in size and scale. The central amenity formally known as the “Drillfield” (A) is the heart of the Tech Center Research Park that provides a platform for both passive and active recreational activities. It can also serve potential community functions such as gatherings and concerts, and provide an attractive visual space. Located along the streets at intersections between some key buildings are small outdoor gathering areas (B) that provide additional public seating for dining and/or conducting business. Behind buildings, spaces are designed to provide outdoor private space for each individual building (C) for similar gathering, socializing, dining, and professional activities.
Open Space

Drillfield Pavilion

The Pavilion stands at the focal point of the Drillfield, the green at the core of Tech Center. Its character complements the organization of the Open Space and the materials of the surrounding buildings. As a multipurpose structure, it affords shelter for both scheduled and spontaneous events such as performances, picnics, festivals, outings and celebrations. Additionally, it provides a gathering space for office or employee activities and functions. The Pavilion reinforces, enhances and unifies the “Tech Center experience” for tenants and the public alike. It is anticipated that both water and electrical services will be provided in close proximity to the Pavilion.

Potential Architectural Character

Building Placement

The key element of the Tech Center Master Plan is the arrangement of buildings, parking, circulation areas, and open spaces, and how they create an overall scheme and pattern for development. Buildings are placed close to the street, providing a strong architectural narrative and aesthetic linkage throughout the entire park via the streets and streetscape. Parking is located behind the buildings as much as possible to screen or soften its appearance. The main entries for the buildings are oriented both towards the street and subsequent parking fields. The building placement also provides the ability to frame key open space areas and establish communal seating and gathering spaces. More intimate building related existing areas are located adjacent to the rear entrances. The street itself becomes the circulation link for the entire research park, facilitating connections between buildings, open spaces/gathering areas, and the adjacent Marketplaces, Venture Apartments, and Jefferson Labs.

ARCHITECTURAL EDGE

LEGEND
A Buildings Forward of Site
B Parking in the Rear
C Main Entries
D Framed Open Space/Drillfield
E Gathering Spaces
F Drillfield Pavilion

*NOTE: Accessibility for emergency and life safety access between Buildings 3 & 9 and between buildings 2 & 8 to provide safe access to the parking structures shown herein will be addressed and accommodated during site plan review.
Setbacks / Site Criteria

There are two zones of development within Tech Center that are influenced by setbacks (build-to lines), perimeter and interior. All setbacks (minimum) are measured from public right-of-ways or perimeter property lines. All setbacks shall be green areas and shall not contain any buildings, roads, storage areas, accessory buildings or mechanical equipment. Paved entries or plazas/gathering areas may be located within the setbacks. Subsequent furnishing and low walls for seating or space division may also be located within the setbacks.

**Perimeter Setbacks are relative to perimeter and bounding principal and arterial streets (these setbacks affect both buildings and parking areas).**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson Avenue</td>
<td>70'</td>
</tr>
<tr>
<td>Oyster Point Road</td>
<td>70'</td>
</tr>
<tr>
<td>Canon Boulevard</td>
<td>70'</td>
</tr>
</tbody>
</table>

**Interior Setbacks are relative to the individual building sites and internal public streets (these setbacks affect building placement).**

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>15'</td>
</tr>
<tr>
<td>Side Yard</td>
<td>13'</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>13'</td>
</tr>
</tbody>
</table>

*Demolition/cleanup and underground utilities may extend to within the front setback.

*Building footings may cross beyond the setback.

Perimeter Yard Parking: 6'
Parking / Site Lighting

Parking areas include parking spaces, drive aisles, parking stiles, and other associated vehicular areas on site. The parking lots at Tech Center shall have continuous circulation around its perimeter while also maintaining a clear sight line to pedestrian circulation between parked cars. In addition, parking stalls shall conform to the applicable Newport News ordinance regulating design requirements.

Minimum parking requirements:

- 1 parking space per 300 square feet of office area.

The parking lots shall be subject to the following requirements:

- A minimum 6'-wide open space strip shall surround the parking lot perimeter.
- Parking stalls shall have a single landscaped island located at either end, so that a single parking row does not exceed 100 spaces/183' in length.
- Internal landscape islands can be eliminated when parking spaces abut landscape strips or blenders.
- Landscape islands shall be a minimum of one parking space in size, exclusive of any internal islands.
- A minimum of 1 tree for every 5 parking spaces shall be provided in landscaped islands, curbs, walls, or islands.
- Landscape islands shall be planted with low growing shrubs, groundcovers, or trees.
- If possible, stormwater management techniques such as bio-retention should be incorporated within or at the perimeter of parking lots.

Lighting is intended to create a night-time character that reinforces the image of Tech Center as a welcoming and modern research park. All exterior lighting shall be generally consistent in height, spacing, color, and style/character. Exterior lighting is to be provided to enhance safety and security for pedestrians, employees, and guests. Exterior lighting includes lighting for parking areas, vehicular and pedestrian circulation, building exterior, security, and special effects.

Site lighting shall be designed to be as energy efficient as possible while still maintaining the appropriate light levels as characterized by best engineering practices. The use of shields and reflectors shall be used to limit glare and light spillage. All exterior on-site lighting must be shielded and confined within site boundaries.

Vehicular Circulation and Parking Area Lighting

Street and parking lot lighting shall be strategically located throughout for both safety and security. The lights shall incorporate shields and reflectors to direct light towards the targeted ground plane areas and ensure compatibility with the surrounding areas. Lenses shall not be visible beyond the fixture housing. Maximum pole height shall not exceed 25 feet.

Pedestrian Lighting

Pedestrian walkways and building entries shall be illuminated to provide for pedestrian orientation and to clearly identify a secure route between parking areas and points of entry to the building. Walkway lighting shall be mounted at a uniform height of no more than 12 feet above the walkway. Building entries may be lit with wall, bollard, step, or comparable lighting. Step or bollard lighting shall be used to clearly illuminate level changes and handrails for stairs and ramps.

Outdoor Space Lighting

Courtyards, gathering, and seating areas shall be lighted to promote pedestrian use and safety. A variety of mounted and ground-level lighting may be used to create interest and provide for special effects in coordination with the character and function of the specific area. Energy efficiency shall be maintained.

Accent Lighting

Unique lighting may be used to feature architectural elements, landscaping, entries, and site signage provided it is compatible with other lighting, especially in color.

Architectural Lighting

All exterior architectural lighting shall utilize indirect or hidden lighting sources. Acceptable lighting includes wall washing, overhead down lighting, and interior light that spills outside. Entry areas shall also be lit to provide an inviting glow from the marquee.

Signage

Tech Center Signage shall:

1. Identify each building, provide direction, provide identity, address, and occupancy for the buildings, and identify the research park limits. A comprehensive package has been developed that is consistent in character, materials, and color and will match signage used at both MarketPlace and Venture Apartments.
Signage

Signage shall be designed to be legible, unobtrusive, appropriate for the locations, and not obstruct public view of the buildings and/or the identity of the research park tenants, while identifying the presence of and collaboration with Jefferson Lab. A comprehensive package of elements developed for the research park tenants is consistent with the design model and scale, and which shall comply with the sign and scale guidelines that have been used in public universities and university campuses to support the unique needs of the City.

The Master Plan, together with the comprehensive package guidelines, is intended to guide the use, placement, number, and physical characteristics of signs. The City Center is subject to the larger sign guidelines of the Master Plan and supplementary to them. Sign orientation, shading, and overall aesthetic characteristics of the sign shall meet the requirements of the Architectural Guidelines.

The Master Plan, together with the comprehensive package guidelines, is intended to guide the use, placement, number, and physical characteristics of signs. The City Center is subject to the larger sign guidelines of the Master Plan and supplementary to them. Sign orientation, shading, and overall aesthetic characteristics of the sign shall meet the requirements of the Architectural Guidelines.

Bylaws (where these criteria conflict with the requirements of the Master Plan) and additional provisions for the research park name, research park logos, Jefferson Lab name and logo and any other content approved by the EDA or its designee. Entrance Signage located within the public right-of-way shall meet the requirements of the Architectural Guidelines.

(1) Entrance Signage for the research park identified collectively as "Entrance Signage" and individually as "Entrance Sign" shall be permitted in the City center right-of-way in the general location identified in the Master Plan and may identify the research park name, research park logos, Jefferson Lab name and logo and any other content approved by the EDA or its designee. Entrance Signage located within the public right-of-way shall meet the requirements of the Architectural Guidelines.

(2) Maximum height for Entrance Signage shall be fifteen (15) feet from the highest point of the structure to the top of the sign (including environmental and decorative embellishments).

(3) The total permitted areas for each Entrance Sign shall not exceed one hundred thirty-two (132) square feet per sign (with a maximum of two panels per Entrance Sign). For determining compliance with this regulation, there are a total of Entrance Signs defined as a portion of an area of a right-of-way or street pavement by a sign pole or pole. Sponsors, boxes, and other structural elements shall not be included in the calculation of square footage. Signage footrests and sign bases shall be not more than one sign pole.

(4) Electronic display signs shall be permitted as a portion of the total allowable area for each Entrance Sign with a maximum area of thirty-six (36) square feet of electronic display area per Entrance Sign.

B. Directional Signage

(1) Directional signage shall be identified collectively as "Directional Signage" and individually as "Directional Sign" at the Master Plan for City Center Study. It shall not be permitted in the City center right-of-way, in the general location identified in the Master Plan and may identify the research park name, research park logos, Jefferson Lab name and logo and any other content approved by the EDA or its designee. Entrance Signage located within the public right-of-way shall meet the requirements of the Architectural Guidelines.

(2) Directional Signage shall be permitted in one or more areas (not to exceed fifty (50) square feet) per sign panel for each sign panel (with a maximum of two panels per Entrant Sign). For determining compliance with this regulation, there are a total of Entrance Signs defined as a portion of an area of a right-of-way or street pavement by a sign pole or pole. Sponsors, boxes, and other structural elements shall not be included in the calculation of square footage. Signage footrests and sign bases shall be not more than one sign pole.

(3) Every effort shall be made to reduce the number of sign panels to a maximum of two panels per Entrance Sign. Signage footrests and sign bases shall be not more than one sign pole.

(4) Electronic display signs shall be permitted as a portion of the total allowable area for each Entrance Sign with a maximum area of thirty-six (36) square feet of electronic display area per Entrance Sign.

C. Building Identification Signage

(1) Building identification signage shall be permitted for each building. Building identification signs shall not exceed one hundred (100) square feet per sign panel (with a maximum of two panels per building). For determining compliance with this regulation, there are a total of Entrance Signs defined as a portion of an area of a right-of-way or street pavement by a sign pole or pole. Sponsors, boxes, and other structural elements shall not be included in the calculation of square footage. Signage footrests and sign bases shall be not more than one sign pole.

(2) Every effort shall be made to reduce the number of sign panels to a maximum of two panels per building. Signage footrests and sign bases shall be not more than one sign pole.

D. Building Signage

(1) Building signage shall be identified collectively as "Building Signage" and individually as "Building Sign" at the Master Plan for City Center Study. It shall not be permitted in the City center right-of-way, in the general location identified in the Master Plan and may identify the research park name, research park logos, Jefferson Lab name and logo and any other content approved by the EDA or its designee. Entrance Signage located within the public right-of-way shall meet the requirements of the Architectural Guidelines.

(2) Building signage shall be permitted as a portion of the total allowable area for each entrance sign with a maximum area of thirty-six (36) square feet of electronic display area per entrance sign.

(3) More than one (1) Building Signage or a single building front is permitted subject to the other regulations set forth herein.

Legend

- Building Front Yard
- Parking Perimeter/Street
- Parking Perimeter/Property Boundary

Required Yards/ Landscaping

There are three yard areas or zones within the Tech Center that will require additional elements and landscape treatment. The primary objective of these zones is to provide additional site softening or buffering to form adjacent land uses. These three zones are the front yard setback between buildings and the street, the parking lot perimeter yard adjacent to the street, and the parking lot perimeter yard adjacent to the street.

Note: It is critical to note that all three zones are narrow in width, and as it relates to the first two described, there are already required street trees directly adjacent to these areas.

Criteria:

- Building Front Yard: Optional 2 small canopy trees to be placed at the driveway or intersection. The trees shall be at least a minimum of 12" at the base.
- Parking Perimeter/Street: A continuous evergreen hedge, maximum height not to exceed 42". The shrubs shall be a 3'-6" spread at time of planting.
- Parking Perimeter/Property Boundary: One Deciduous or Evergreen Tree planted a maximum of 60' on center. The deciduous tree shall be 2'-3' 1/2" caliper, and the evergreen tree shall be 3'-4' 1/2" height at time of planting.

Existing Tree Preservation

Open areas/zones within the research park and established perimeter yards provide an opportunity to save existing trees. All existing healthy evergreen and deciduous trees, with a caliper of 6", or greater shall be retained to the maximum extent possible within the locations. Trees may be pruned or removed to accommodate access drives, vehicular sight distances, or where preservation, due to the condition or location of the trees, would create a demonstrable public health or safety hazard.

The trees which are to be pruned or removed are to be protected before, during, and after the development process. These trees shall be shown on the landscape plan and clearly marked in the field. In wooded areas, groups of trees shall be selected for preservation rather than single trees. Protection shall be provided with a 10' height, "day-glow" orange spray paint, which shall be placed at the drip line of the tree to be protected.
Streetscape Planting

Streetscape planting along both sides of internal roads will assist in creating a cohesive visual framework. Thickets of continuity defined by street trees will establish the character and hierarchy of the research park streets.

Street trees shall partially define the vehicular corridors with strong projections, hierarchy, and monoculture stands. There shall be penetration of pedestrian and vehicular views past the roadways and peripheral areas, allowing for good visibility. Care shall be taken to create seamless character between streetscapes within the research park. Sun and wind protection for climate mitigation is an added benefit.

Criteria:
- On-center street tree placement shall not exceed 50’.
- Street trees shall be deciduous in nature.
- Large canopy trees shall be used in open zones between buildings and along entrance corridors.
- Medium/Small canopy trees shall be utilized where buildings are adjacent to the street.
- Medium or small canopy trees shall be utilized within the median.
- Minimum tree size at planting shall be 2”-2 1/2” in caliper.

LEGEND
- A Large/Medium Canopy Tree Behind Sidewalk
- B Medium/Small Canopy Tree Behind Curb
- C Medium/Small Canopy Tree in Median

Building Foundation Planting

Building foundation planting shall provide opportunities for a variety of design approaches, depending on building orientation. Landscape design objectives are to provide a strong street-side appearance and enhance main entrance locations. There shall be a landscape expression at the building edge, especially at building corners. The building architecture shall be enhanced at the ground level, especially at key structural or facade features.

Landscape treatments at entrances and private hosting patios shall include a balance of hard and soft landscape materials. Low shrub masses defining spaces is important, and consideration shall be taken to change pavers materials at key gathering and entry locations.

Note: It is critical to understand that the modern architectural / contemporary style of the research park lends itself to a low-profile type of foundation planting, especially due to the varying types of building materials carried to the ground plane. Additional, this helps to reinforce the simple geometric shapes and massing of the individual office building.

Criteria:
- A minimum of 25% of the total building base shall receive foundation planting treatment. The minimum planting would be an evergreen shrub, hedge, maximum mature height not to exceed 30” in height. Shrubs shall be 18”-24” spread at time of planting.
- Upright shrubs can be utilized at main building entrances and building corners.
- A minimum of two small canopy trees shall be provided per main entrance. The minimum size at planting shall be 2”-2 1/2” caliper.
Plant List

Plant List: Approved Street Trees

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Mature Size</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer saccharum 'Vernon'</td>
<td>Maple, Red Gum</td>
<td>20-30</td>
<td>Brilliant orange red fall color, well adapts to urban conditions.</td>
</tr>
<tr>
<td>Acer rubrum 'Trentino'</td>
<td>Maple, Red Maple</td>
<td>20-30</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
</tr>
<tr>
<td>Acer saccharum 'Vernon'</td>
<td>Maple, Red Gum</td>
<td>20-30</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
</tr>
<tr>
<td>Catalpa speciosa 'Frigid'</td>
<td>Magnolia, Red Magnolia</td>
<td>20-30</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
</tr>
<tr>
<td>Crataegus phaenopyrum 'Fastigiata'</td>
<td>Serviceberry, Red Serviceberry</td>
<td>20-30</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
</tr>
<tr>
<td>Magnolia grandiflora 'Hallsii'</td>
<td>Magnolia, Large Magnolia</td>
<td>20-30</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
</tr>
<tr>
<td>Osmanthus heterophyllus</td>
<td>Osmanthus, Red Ginger</td>
<td>20-30</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
</tr>
<tr>
<td>Quercus rubra 'Pendula'</td>
<td>White Oak, Red Oak</td>
<td>20-30</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
</tr>
<tr>
<td>Ulmus americana 'Atropurpurea'</td>
<td>Elm, Red Elm</td>
<td>20-30</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
</tr>
</tbody>
</table>

Plant List: Xeriscaping

<table>
<thead>
<tr>
<th>Plant Name</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Mature Size</th>
<th>Lith Res.</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIERGERI</td>
<td>先导者(Chinese Elm)</td>
<td>Chinese Elm</td>
<td>20-30</td>
<td>5-10</td>
<td>1.2m</td>
</tr>
<tr>
<td>EPHEMERICI</td>
<td>先导者(Chinese Elm)</td>
<td>Chinese Elm</td>
<td>20-30</td>
<td>5-10</td>
<td>1.2m</td>
</tr>
<tr>
<td>HAYNESI</td>
<td>先导者(Chinese Elm)</td>
<td>Chinese Elm</td>
<td>20-30</td>
<td>5-10</td>
<td>1.2m</td>
</tr>
<tr>
<td>L. R. MILLER</td>
<td>先导者(Chinese Elm)</td>
<td>Chinese Elm</td>
<td>20-30</td>
<td>5-10</td>
<td>1.2m</td>
</tr>
</tbody>
</table>

Design Guidelines - Landscape

Tech Center Design Guidelines

Plant List - continued

<table>
<thead>
<tr>
<th>REQUIRED MOST TOLERATE CONDITIONS</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Mature Size</th>
<th>Lith Res.</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer saccharum 'Vernon'</td>
<td>Maple, Red Gum</td>
<td>20-30</td>
<td>1.2m</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
<td></td>
</tr>
<tr>
<td>Acer rubrum 'Trentino'</td>
<td>Maple, Red Maple</td>
<td>20-30</td>
<td>1.2m</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
<td></td>
</tr>
<tr>
<td>Crataegus phaenopyrum 'Fastigiata'</td>
<td>Serviceberry, Red Serviceberry</td>
<td>20-30</td>
<td>1.2m</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
<td></td>
</tr>
<tr>
<td>Magnolia grandiflora 'Hallsii'</td>
<td>Magnolia, Large Magnolia</td>
<td>20-30</td>
<td>1.2m</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
<td></td>
</tr>
<tr>
<td>Osmanthus heterophyllus</td>
<td>Osmanthus, Red Ginger</td>
<td>20-30</td>
<td>1.2m</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
<td></td>
</tr>
<tr>
<td>Quercus rubra 'Pendula'</td>
<td>White Oak, Red Oak</td>
<td>20-30</td>
<td>1.2m</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
<td></td>
</tr>
<tr>
<td>Ulmus americana 'Atropurpurea'</td>
<td>Elm, Red Elm</td>
<td>20-30</td>
<td>1.2m</td>
<td>Brilliant orange red fall color, well adapted for urban conditions.</td>
<td></td>
</tr>
</tbody>
</table>

DESIGN GUIDELINES - LANDSCAPE

Tech Center Design Guidelines 20
### Plant List - continued

#### DESIGN GUIDELINES - LANDSCAPE

<table>
<thead>
<tr>
<th>BSN.MAT.TRE</th>
<th>Magnolia</th>
<th>Magnolia soulangeana</th>
<th>5' x 10'</th>
<th>2.5 x 5, 3.5 x 7.5</th>
<th>evergreen deciduous tree, very hardy not easy to transplant</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSN.MAT.TRE</td>
<td>Robinia</td>
<td>Robinia pseudoacacia</td>
<td>5' x 10'</td>
<td>2.5 x 5, 3.5 x 7.5</td>
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<tr>
<td>BSN.MAT.TRE</td>
<td>Acer</td>
<td>Acer Rubrum</td>
<td>5' x 10'</td>
<td>2.5 x 5, 3.5 x 7.5</td>
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<tr>
<td>BSN.MAT.TRE</td>
<td>Quercus</td>
<td>Quercus rubra</td>
<td>5' x 10'</td>
<td>2.5 x 5, 3.5 x 7.5</td>
<td>evergreen deciduous tree, very hardy not easy to transplant</td>
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<tr>
<td>BSN.MAT.TRE</td>
<td>Ulmus</td>
<td>Ulmus americana</td>
<td>5' x 10'</td>
<td>2.5 x 5, 3.5 x 7.5</td>
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<tr>
<td>BSN.MAT.TRE</td>
<td>Carpinus</td>
<td>Carpinus caroliniana</td>
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<tr>
<td>BSN.MAT.TRE</td>
<td>Fraxinus</td>
<td>Fraxinus americana</td>
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<tr>
<td>BSN.MAT.TRE</td>
<td>Betula</td>
<td>Betula nigra</td>
<td>5' x 10'</td>
<td>2.5 x 5, 3.5 x 7.5</td>
<td>evergreen deciduous tree, very hardy not easy to transplant</td>
</tr>
</tbody>
</table>

#### DESIGN CENTER DESIGN GUIDELINES

<p>| BSN.MAT.TRE | Acer saccharinum | 5' x 10' | 2.5 x 5, 3.5 x 7.5 | evergreen deciduous tree, very hardy not easy to transplant |
| BSN.MAT.TRE | Magnolia | Magnolia soulangeana | 5' x 10' | 2.5 x 5, 3.5 x 7.5 | evergreen deciduous tree, very hardy not easy to transplant |
| BSN.MAT.TRE | Quercus | Quercus rubra | 5' x 10' | 2.5 x 5, 3.5 x 7.5 | evergreen deciduous tree, very hardy not easy to transplant |
| BSN.MAT.TRE | Ulmus | Ulmus americana | 5' x 10' | 2.5 x 5, 3.5 x 7.5 | evergreen deciduous tree, very hardy not easy to transplant |
| BSN.MAT.TRE | Carpinus | Carpinus caroliniana | 5' x 10' | 2.5 x 5, 3.5 x 7.5 | evergreen deciduous tree, very hardy not easy to transplant |
| BSN.MAT.TRE | Fraxinus | Fraxinus americana | 5' x 10' | 2.5 x 5, 3.5 x 7.5 | evergreen deciduous tree, very hardy not easy to transplant |
| BSN.MAT.TRE | Betula | Betula nigra | 5' x 10' | 2.5 x 5, 3.5 x 7.5 | evergreen deciduous tree, very hardy not easy to transplant |</p>
<table>
<thead>
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<th>Plant List - continued</th>
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<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Common name</th>
<th>Height</th>
<th>Spread</th>
<th>Notes</th>
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<tr>
<td><em>Phragmites australis</em></td>
<td>Reedmace</td>
<td>8-12 ft</td>
<td>3-6 ft</td>
<td>in groups</td>
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<tr>
<td><em>Acorus gramineus</em></td>
<td>False Solomon's Seal</td>
<td>24-36 in</td>
<td>2-3 ft</td>
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<td>Date</td>
<td>Plant</td>
<td>Species</td>
<td>Designation</td>
<td>Height</td>
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<td>-------</td>
<td>---------</td>
<td>-------------</td>
<td>--------</td>
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<tr>
<td>6/30/91</td>
<td>Boxwood</td>
<td>Buxus sempervirens</td>
<td>3'-4'</td>
<td>4.5'</td>
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<tr>
<td>6/30/91</td>
<td>Hemlock</td>
<td>Tsuga heterophylla</td>
<td>2'-3'</td>
<td>3'</td>
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<tr>
<td>6/30/91</td>
<td>Arborvitae</td>
<td>Thuja occidentalis</td>
<td>3'-4'</td>
<td>3'</td>
</tr>
<tr>
<td>6/30/91</td>
<td>Holly</td>
<td>Ilex</td>
<td>3'-4'</td>
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</table>

**FICHESS ORNAMENTAL PLANTS**

- **Maple**
- **Magnolia**
- **Osmanthus**
- **Orientalis**
- **Paeonia**
- **Philadelphus**
- **Rhododendron**
- **Syringa**

**Soil Requirements**

- Well-drained soil, full sun, moderate to high moisture, average to fertile soil.

**Light Requirements**

- Full sun to partial shade.
CU-2018-0010

North Riverside Baptist Church
CONDITIONAL USE PERMIT NO. CU-2018-0010
NORTH RIVERSIDE BAPTIST CHURCH

OWNER/APPLICANT          North Riverside Baptist Church / City Life Church

ZONING                    R3 Single-Family Dwelling (Appendix A-1)

LOCATION                  311 Selden Road

ONE CITY ONE              Community Facilities (Appendix A-4)

FUTURE 2040               Community Facilities (Appendix A-4)

PRESENT USE               Church

ACREAGE                   5.38 acres

REQUEST                    Operation of a pre-school or day school with or without child care as part of a community facility

FACTS

North, West, and South East

Single-family dwellings on properties zoned R3 Single-Family Dwelling Riverside Elementary School on property zoned P1 Park (See Appendix A-1)

Zoning History

The property has been zoned R3 Single-Family Dwelling since the citywide comprehensive rezoning became effective August 1, 1997.

Regulatory Review

Section 45-402 of the city’s zoning ordinance permits a pre-school or day school with a child care center as part of a community facility in the R3 Single-Family Dwelling district with the approval of a conditional use permit.

The Commonwealth of Virginia Department of Social Services licenses, regulates, and monitors child care providers. If the license is issued to the child care provider, all State regulations apply. Religious institutions can apply to the state for exemption from the state licensing requirements. City Life Church plans to apply for this religious exemption. Given that, a
condition that limits the KidLife Club as a ministry of the church is proposed.

The zoning ordinance requires one parking space per employee in addition to on-site circulation for the safe drop-off and pickup of children. The preschool or day school with child care center will employ a staff of up to 10, and is required to provide 10 parking spaces. The site plan indicates the provision of 61 on-site parking spaces and a circulation pattern that allows one-way vehicular circulation on the site. (See Appendix A-2.)

The departments of Codes Compliance, Engineering, Public Works, Public Utilities, Fire, Police, Parks, Recreation and Tourism and Development have no objection to the request.

Comprehensive Plan Review

The One City One Future 2040 comprehensive plan land use map designates Community Facilities uses for the property. The proposed pre-school or day school with or without child care will operate as part of a community facility (church) and is compatible with the designation. (See Appendix A-4.)

ANALYSIS

The church is centrally located within a large single-family residential neighborhood directly across the street from an elementary school. City Life Church leases the facility and wishes to expand their ministry by offering a pre-school with child care that is able to provide full-time child care services for families in the community. The ministry which is known as KidLife Club will accept children that will range in age from 2 1/2 to 5 years old. The number of children served on a typical day is anticipated to be up to 25 children. The hours of operation are from 6:00AM until 6:00PM Monday through Saturday, excluding holidays.

The KidLife Club will utilize existing classrooms. Two of the classrooms allow for an occupancy of 10 children each, while the other 2 can serve a maximum of 6 children each. A criterion for state licensing is the provision of outdoor play area at a ratio of 75 square feet per child. Based on an enrollment of 25 children, a playground area of at least 1,875 square feet would be required. The site plan indicates a fenced open area of over 6,000 square feet with a fenced playground of approximately 1,800 square feet at the rear of the building. (See Appendix A-3.)

Residential uses abut to the north, east and west of the site and Riverside Elementary school is to the south across from the church's parking lot. There generally is some noise associated with children playing outside, as well as with vehicular traffic during the pick-up and drop-off times. However, the proposed pre-school with child care should have minimal impact on the abutting residences. The children will not be outside for extended periods of time during the day and pick-up and drop-off would be on the side of the property that abuts Riverside Elementary school.
CONCLUSION

The location of the proposed pre-school or day school with or without child care as part of a community facility is well suited to provide a needed service to the surrounding residential neighborhood and will be no more impactive than the nearby school. It is consistent with the One City One Future 2040 land use plan. The proposed use should not adversely impact the surrounding community.

STAFF RECOMMENDATION

Recommend approval of conditional use permit CU-2018-0010 to allow for the operation of a pre-school or day school with or without child care as part of a community facility at 311 Selden Road with the following conditions:

1. The applicant shall obtain and maintain the required license for a child care center from the Virginia Department of Social Services. The pre-school or day school with or without child care shall comply with the appropriate license requirements, standards, and regulations administered by the State of Virginia’s Department of Social Services.

2. The pre-school or day school with or without child care shall not be leased to an entity different from City Life Church’s KidLife Club.

3. The total number of children permitted in the pre-school or day school with or without child care shall be in accordance with the Virginia Uniform Statewide Building Code. The child care center/preschool shall have a minimum of 35 square feet of designated indoor floor space per child.

4. An outdoor fenced play area shall be provided on-site in accordance with the State of Virginia’s standards for a licensed child care center. The Director of Planning shall review and approve the location and design of the play area fencing.

5. The pre-school or day school with or without child care shall maintain a designated parking area for its employees and shall maintain a one-way circulation pattern for the pickup and drop off of children.

6. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.

7. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the
duration of the use authorized by this permit.

8. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the zoning ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.

9. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.

10. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.

11. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional or otherwise unenforceable, then the use permitted by this conditional use permit shall be void and the use permitted by this conditional use permit shall be invalid. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.

12. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event of an amendment to the zoning of the property is produced by a comprehensive implementation of a new or substantially revised zoning ordinance, the conditions imposed by the conditional use permit shall continue in effect.
APPENDIX

A-1 VICINITY/ZONING MAP
A-2 SITE PLAN
A-3 FLOOR PLAN
A-4 ONE CITY ONE FUTURE 2040 LAND USE MAP
A-5 AERIAL MAP
ZT-2018-0008

City of Newport News
BACKGROUND

The request is to amend Article II, Definitions, Section 45-201, Definition of Certain Words and Terms, by deleting the definition of communication tower/antenna and adding the definitions of communication towers fifty (50) feet in height or greater, communication towers less than 50 feet in height, small cell facility, and wireless facility; amending the definition of local utilities; amend Article IV., Summary of Uses by District to note where communication towers would be allowed; and amend Article V., General Regulations, Section 45-523, Communication tower/antenna for wireless communication facilities review.

The demand for increased wireless capacity, speed and reliability continues to grow. With this demand, companies providing wireless services and infrastructure on original high-power macro cell sites or communication towers are finding that the capacity, speed and reliability is getting worse with the volume and density of devices competing for the bandwidth provided by that tower. As a result they have created different types of technology infrastructure to meet the growth in their industry. The industry is moving into wireless infrastructure called 5G networks. While the 5G networks do not look to replace the geographically dispersed towers of the previous infrastructure, they operate with small cell technology. These small cells allow for increased capacity and speed to move very large amounts of data short distances.

With the rollout of the 5G technology, the General Assembly passed legislation on how localities may review, approve and deny requests to install communication towers that are greater than 50 feet, not greater than 50 feet, small cell facilities and wireless facilities on both private properties and public rights-of-way. Controls on locality's zoning review procedures for towers on private property include administrative approval for towers that are 50 feet or less and for collocated facilities, fees that can be charged for applications, the amount of time allowed to review applications, the reasons that an application can be denied, and the number of small cell facilities that can be included on each application.

The definitions added follow the definitions as defined in the enabling legislation and reflect the changes in the industry. The local utility definition was amended to ensure it is understood that communication towers are permitted at a height not greater than 50 feet as a local utility and permitted in all districts. The proposed regulations will continue to require new communication towers that are greater than 50 feet to obtain a conditional use permit regardless if they are on private property or within the public rights-of-way. The regulations provide an administrative process for towers that are 50 feet or less in height. This administrative process provides for structural elements to be met, a bond to be held for the removal of the structure should it become obsolete, and a construction schedule for the
completion of the tower. It does not allow a locality to deny a request for a tower on private property based on the types of materials used, the type of wireless facility, or the screening of that wireless facility. Collocation of wireless facilities mounted on existing structures and small cell facilities will continue to be allowed within industrial, commercial, office, and park zones. They may also be within publicly owned rights-of-way by written agreement of the owner in the form of an executed franchise agreement. These facilities can be either collocated on an existing pole or placed on a new pole not greater than 50 feet in height.

On December 5, 2018 the Regulations Committee reviewed and recommends approval of the above referenced amendment.

**STAFF RECOMMENDATION**

It is recommended that the City Planning Commission recommend to City Council adoption of the Zoning Ordinance text amendment ZT-2018-0008.
APPENDIX

A-1  ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS

A-2  ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, SUMMARY OF USES BY DISTRICT, PERMITTED USES D

A-3  ARTICLE V., GENERAL REGULATIONS, SECTION 45-523, COMMUNICATION TOWER/ANTENNA
ORDINANCE NO. __________________

AN ORDINANCE TO AMEND AND REORDERAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY DELETING THE DEFINITION OF COMMUNICATION TOWER/ANTENNA AND ADDING THE DEFINITIONS OF COMMUNICATION TOWERS FIFTY (50) FEET IN HEIGHT OR GREATER, COMMUNICATION TOWERS LESS THAN FIFTY (50) FEET IN HEIGHT, SMALL CELL FACILITY AND WIRELESS FACILITY.

WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would delete the definition of communication tower/antenna and add the definitions of communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the deletion of the term communication tower/antenna and approve the addition of the definitions of communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility in Section 45-201.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordered by deleting the definition of the term communication tower/antenna and adding the definition of the terms communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility, as follows:

   Communication tower/antenna: Any structure erected on real property or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs or similar devices used for transmission or reception of electromagnetic waves. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers/antennas under this definition. The
term communication tower/antenna shall not include any structure located in a public right-of-way less than fifty (50) feet in height, measured from the top of the closest adjacent curb or edge of pavement where no curb exists.

Communication towers greater than fifty (50) feet in height. A freestanding structure erected on real property, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure designed to support or capable of supporting wireless facilities and/or small cell facilities, not located within the boundaries of a local, state, or federal historic district. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers under this definition. The term communication towers greater than fifty (50) feet in height shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service. The term under this definition shall also not include any structure fifty (50) feet in height, or less, measured from the top of the closest adjacent curb or edge of pavement where no curb exists.

Communication towers not greater than fifty (50) feet in height. A freestanding structure, not greater than fifty (50) feet in height, measured from the top of the closest adjacent curb or edge of pavement where no curb exists, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities and/or small cell facilities, not located within the boundaries of a local, state, or federal historic district. The term communication towers not greater than fifty (50) feet in height shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers under this definition.

Micro-wireless facility. A small cell facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width and twelve (12) inches in height and that has an exterior antenna, if any, not longer than eleven (11) inches.

Small cell facility. A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of
an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission.

*Wireless facility.* Equipment at a fixed location that enables wireless communication between user equipment and a communications network.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.
ORDINANCE NO. ________________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY AMENDING THE DEFINITION OF LOCAL UTILITIES.

WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would amend the definition of local utilities; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the amendment of the definition of local utilities in Section 45-201.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordained by amending the definition of the term local utilities, as follows:

   Local utilities. Electrical power, telephone, gas, water, sewer, cable TV and storm drainage lines, stormwater management systems, air pollution monitoring stations, inline facilities such as gas regulating stations and water wells or pumping stations, sewage pumping stations, telephone exchanges, switching, and transmitting equipment underground or ground level water storage tanks, and underground electrical transmission lines, communication towers not greater than fifty (50) feet in height located in the public right-of-way, wireless facilities located in the public right-of-way, and small cell facilities located in the public right-of-way. This use does not include elevated water storage tanks.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.
ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, SUMMARY OF USES BY DISTRICT, BY AMENDING PERMITTED USES “D” UTILITIES.

WHEREAS, Section 45-402 of the Code of the City of Newport News, Virginia, contains a comprehensive listing of uses permitted by the Zoning Ordinance of the City of Newport News, Virginia, in a “matrix” format; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment, identified as ZT-2018-0008, to Section 45-402, Summary of Uses by District, which would:

1. Amend use “D.8. Communication/Tower Antenna” to “D.8. Communication Tower Greater Than 50 Feet in Height” and allowing such use in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business, C4 Oyster Point Business, C5 Oyster Point Business/Manufacturing, M1 Light Industrial, and M2 Heavy Industrial Districts by conditional use permit; and

2. Add a new use “D.9. Communication Tower Not Greater than 50 Feet in Height”, and permit such use in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research & Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business District, C4 Oyster Point Business District, C5 Oyster Point Business/Manufacturing, M1 Light Industrial, and M2 Heavy Industrial District by right; and


NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia, that Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article IV., Summary of Uses by District, Section 45-402, Summary of Uses by District, be, and the same hereby is, amended as follows:

1. Use “D.8. Communication Tower/Antenna” shall be amended to “D.8. Communication Tower Greater than 50 Feet in Height” and such use shall be allowed in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business, C4 Oyster Point Business, C5 Oyster
Point Business/Manufacturing, M1 Light Industrial and M2 Heavy Industrial Districts by conditional use permit.

2. Use "D.9. Communication Tower Not Greater Than 50 Feet in Height" shall be added and allowed in the R9 Mixed Use, P1 Park, O1 Office, O2 Office Park, O3 Office/Research and Development, C1 Retail Commercial, C2 General Commercial, C3 Regional Business District, C4 Oyster Point Business District, C5 Oyster Point Business/Manufacturing, M1 Light Industrial and M2 Heavy Industrial districts by right.


4. The rest and remainder of Section 45-402 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein and shall be deemed reordained hereby.
ORDINANCE NO. ______________

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, SECTION 45-523, COMMUNICATION TOWER/ANTENNA.

BE IT ORDERED by the Council of the City of Newport News, Virginia:

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, Section 45-523, Communication tower/antenna, be, and the same hereby is, amended and reordained as follows:

CHAPTER 45
ZONING ORDINANCE
ARTICLE V. GENERAL REGULATIONS

Sec. 45-523. Communication towers/antenna, wireless facilities and small cell facilities.

The purpose of this section is to describe minimum standards for tower/antenna construction and siting of communication towers that are greater than fifty (50) feet in height in order to minimize adverse visual effects and traffic distraction, by careful design, siting and vegetative screening and to maximize the use of any such new or existing transmission/communication towers to avoid their proliferation of towers throughout the community. Further, this section sets forth applicable administrative processes for the permitting of communication towers that are not greater than fifty (50) feet in height, and for wireless and small cell facilities.

(1) Communication towers/antennas that are greater than fifty (50) feet in height are permitted by conditional use permit in accordance with Article IV, section 45-402, and are subject to the following: Any applicable information or siting requirements detailed below may be required for administrative review:

a. Conditional use permit applications for communication towers/antennas shall contain or be accompanied by the following information in addition to that which is required under Article XXVII, section 2703:

1. A site plan drawn to scale specifying the location of tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, landscaped areas, fences and adjacent uses.
2. Verifiable evidence from the applicant of the lack of space on either suitable existing towers, buildings, and other structures to locate the tower/antenna, or on existing tower sites to construct a tower for the proposed antenna within their search area.

3. Frequency of proposed antennas and capacity of proposed structure to accommodate one additional user.

4. Information demonstrating that potential users have been contacted to discuss collocation and conveyed that current plans can/cannot be facilitated by collocation.

5. Location of proposed structure and an evaluation of its impact on the character of surrounding areas.

6. A written statement of preliminary approval or approval from the Federal Aviation Administration.

b. Action by City Council:

(1) City Council must take final action on communication-tower/antenna conditional use permit applications within one hundred fifty (150) days after a complete application has been filed with the department of planning.

(2) When communication-tower/antenna conditional use permit applications are incomplete as filed, the one hundred fifty (150) day time frame does not include the time an applicant takes to respond to a request by the department of planning for additional information to make a complete application, provided the applicant is notified that its application is incomplete during the first thirty (30) days after filing.

(3) Any person affected by any failure by City Council to act on a complete application may, within 30 days after such failure to act, commence an action in any court of competent jurisdiction.

c. Minimum setbacks of tower/antenna:

1. The minimum side and rear yard setback from the base of the tower shall be twenty-five (25) feet in all permitted districts.

2. The minimum required setback from the base of a tower/antenna to
any public street right-of-way shall be one hundred (100) feet.

3. For towers/antennas of more than two hundred (200) feet in height, for every four feet in height of the tower/antenna over forty (40) feet, there shall be an additional one foot in setback from all property lines.

4. Communication towers/antennas to be mounted on existing structures (communication towers, buildings, water towers, etc.) are exempt from minimum setback requirements.

54. Communication Towers/antennas, located in public rights-of-way having a minimum width of two hundred (200) feet, are exempt from the minimum setback requirements contained in this subsection.

d. Screening requirements are as follows:

1. For towers/antennas, one row of evergreen trees at least eight (8) feet in height shall be planted and maintained on ten (10) foot centers completely surrounding the tower/antenna and equipment building compound, excluding entrances. Where existing trees abut the compound but are located within the lease area, such trees shall be maintained and the evergreen trees shall be used as infill to achieve minimum spacing.

2. In lieu of the above requirements, in special cases, including stealth applications, the applicant may prepare an alternate landscape plan and specifications for landscape and screening, including plantings, fences, walls, buildings, topography, etc. to screen the tower/antenna. The plan may deviate from the requirements set out in c.1. above, provided that the director of planning determines that the alternative arrangement provides the same degree of screening. Stealth applications may include flag poles, light poles, simulated trees, and other similar applications where the communication tower/antenna is disguised to blend into its surroundings.

3. All required landscaping must be installed and approved by the director of planning prior to the first planting season following issuance of certificate of use and occupancy, and maintained thereafter.

4. Communication towers/antennas to be mounted on existing structures (communication towers, buildings, water towers, etc.) are exempt from screening requirements.
e. Accessory facilities associated with communication towers/antennas may not include offices, vehicle storage or outdoor storage.

f. Obsolete, unused or abandoned communication towers/antenna and associated facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond may be required, of sufficient amount, to cover removal of the structure.

g. Advertising and/or signage on tower/antenna structures is expressly prohibited.

h. Towers two hundred (200) feet or less in height shall have an unpainted galvanized finish. Regulations of the Federal Aviation Administration or the Federal Communications Commission supersede this requirement, if the same are contradictory.

i. Towers more than two hundred (200) feet in height shall be painted in accordance with regulations by the Federal Communications Commission and/or the Federal Aviation Administration.

j. Towers shall be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. No lighting shall be incorporated if not required by the cited aforesaid agencies.

k. The owner shall have a structural inspection conducted annually every three (3) years by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the department of codes compliance.

l. Other conditions of approval may be specified and shall be reasonably imposed to insure compliance with the purpose and criteria of these provisions.

m. In any instance where the regulations and requirements of this section conflict with those of the Federal Communications Commission or the Federal Aviation Administration, the federal regulation or requirement shall govern.

n. In any instance where the regulations and requirements of this section conflict with those of Section 15.2-2293.1 of the Code of Virginia, 1950, as amended, the provisions of Section 15.2-2293.1, as amended, shall govern.

o. The following shall be included as conditions to any conditional use permit
granted under this section:

1. A report from a registered structural or civil professional engineer licensed in the Commonwealth of Virginia, indicating tower height and design, foundation, structure, installation and total capacity of the structure (including number and types of users that the structures will accommodate). This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Virginia Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirements of EIA-222E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" published by the Electronic Industries Association, effective June 1, 1987, or current update.

2. A statement from a registered engineer that non-ionizing electromagnetic radiation (NIER) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

(2) Communication towers not greater than fifty (50) feet in height are not subject to a conditional use permit requirement; however, such towers are permitted with administrative approval in mixed use, park, office, office park, office/research and development, retail commercial, general commercial, regional business, Oyster Point business, Oyster Point business/manufacturing, light industrial and heavy industrial district zones, and are permitted as a utility in a publically owned right-of-way by written agreement of the owner thereof. The administrative permitting process is as follows:

a. The owner shall submit an application and fee in the amount of five hundred dollars ($500.00) to the department of codes compliance.

b. Final action must be taken on the application within one hundred fifty (150) days after a complete application has been filed or within the period required by federal law. A complete application shall be deemed approved if a determination is not made on the application within the one hundred fifty (150) day time period. Such period may be extended by mutual agreement between the applicant and the department of codes compliance.

c. The owner shall submit a report from a registered professional engineer licensed in the Commonwealth of Virginia, indicating tower height and design, foundation, structure, installation and total capacity of the structure.
(including number and types of users that the structure will accommodate). This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Virginia Uniform Statewide Building Code.

d. A statement from a registered engineer that non-ionizing electromagnetic radiation (NIER) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lower applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

e. The owner shall have a structural inspection conducted every three (3) years by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the Department of Codes Compliance.

f. The department of codes compliance may deny an application if the proposed location of the tower is in an area where all cable and public utility facilities are recommended to be placed underground, and if the underground requirement existed in the city's comprehensive plan at least three months prior to submission of the application, or if the proposed location of the wireless facility is within the boundaries of a local, state or federal historic district.

g. The department of codes compliance may deny an application if the proposed location of the wireless facility is within the boundaries of a local, state or federal historic district.

h. Obsolete, unused or abandoned towers and associated facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond shall be required, of sufficient amount, to cover removal of the structure.

i. The applicant may voluntarily submit and the department of codes compliance may accept conditions that address potential visual or aesthetic effects resulting from the placement of a tower.

j. Disapproval of applications submitted hereunder shall be provided to the applicant in writing. Such disapproval shall not be based upon:

1. The applicant's business decision with respect to its designed service, customer demand for service or its service to or from a particular site;
2. The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or

3. The wireless facility technology selected by the applicant for use at the project.

k. If the applicant is not the owner of the real property on which the tower is to be erected, then the applicant shall submit proof to the department of codes compliance that permission to use the land has been granted to the applicant. In instances where the tower is proposed in the project's public right-of-way, then the applicant must submit a copy of an executed Franchise Agreement, or other comparable document, as proof of permission to use the right-of-way in question.

l. The city may make reasonable requirements of the applicant regarding the presentation or appearance of a project including reasonable requirements regarding the kind of materials used and/or the arranging, screening or landscaping of the project.

m. Nothing in this section shall prohibit the city from limiting the number of towers that can be installed in a specific location.

n. Construction of the approved project shall commence within two (2) years of final approval or the permit shall expire at such time.

(3) A new communication antenna-to-be-mounted wireless facilities mounted on existing structures (communication towers, buildings, water towers, etc.) is exempt from are not subject to a conditional use permit requirement. However, such antennas facilities are permitted with administrative approval in industrial, commercial, office and park zones, but shall not be mounted on structures used for single-family dwellings. Communication antennas wireless facilities are otherwise prohibited in multi-family and single-family zones, except that they shall be permitted in such zones with administrative approval on roofs of buildings that are four (4) stories or higher, and screened from public view. Communication antennas mounted on existing structures as described in this subsection must adhere to the following requirements: Wireless facilities are also permitted as a utility in any publically owned right-of-way by written agreement of the owner thereof. The administrative permitting process is as follows:

a. The height of the antenna including support structures shall not extend more than fifteen (15) feet above the highest point of the roof line or parapet of the building. The owner of the wireless facility shall submit an application and
fee, in the amount of five hundred dollars ($500.00) to the department of codes compliance.

b. The multiple-family structure must be a minimum of four (4) stories in height.

b. Final action must be taken on the application within ninety (90) days after a complete application has been filed or within the period required by federal law. A complete application shall be deemed approved if a determination is not made on the application within the ninety (90) day time period. Such period may be extended by mutual agreement between the applicant and the department of codes compliance.

c. A report from a registered professional engineer licensed in the Commonwealth of Virginia, indicating tower height and design, foundation, structure, installation and total capacity of the structure (including number and types of users that the structure will accommodate). This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirements of EIA-222E "Structural Standards from Steel Antenna Towers and Antenna Supporting Structures" published by the Electronic Industries Association, effective June 1, 1987, or current update:

d. A statement from a registered engineer that non-ionizing electromagnetic radiation (NIER) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lower applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

e. The owner shall have a structural inspection conducted annually every three (3) years by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the Department of Codes Compliance:

f. Obsolete, unused or abandoned communication tower/antenna facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond may be required, of sufficient amount, to cover removal of the structure.

g. To minimize distraction to traffic, towers/antennas and their appurtenances shall be inconspicuous in their appearance.
c. The department of codes compliance shall deny an application if the proposed location of the wireless facility is in an area where all cable and public utility facilities are recommended to be placed underground, and if the underground requirement existed in the city’s comprehensive plan at least three months prior to submission of the application, or if the proposed location of the wireless facility is within the boundaries of a local, state or federal historic district.

d. Obsolete, unused or abandoned wireless facilities shall be removed within twelve (12) months of cessation of use or abandonment. A bond shall be required, of sufficient amount, to cover removal.

e. The applicant may voluntarily submit and the department of codes compliance may accept conditions that address potential visual or aesthetic effects resulting from the placement of a wireless facility.

f. Disapproval of applications submitted hereunder shall be provided to the applicant in writing. Such disapproval shall not be based upon:

1. The applicant’s business decision with respect to its designed service, customer demand for service or its service to or from a particular site;

2. The applicant’s specific need for the project, including the applicant’s desire to provide additional wireless coverage or capacity; or

3. The wireless facility technology selected by the applicant for use at the project.

g. If the applicant is not the owner of the structure on which the wireless facility is to be mounted, then the applicant shall submit proof to the department of codes compliance that permission to mount the wireless facility has been granted by the owner of the structure. In instances where the wireless facility is proposed in the public right-of-way, then the applicant must submit an executed Franchise Agreement, or comparable document, as proof of permission to use the right-of-way in question.

h. The city may make reasonable requirements of the applicant regarding the presentation or appearance of a project including reasonable requirements regarding the kind of materials used and/or the arranging, screening or landscaping of the project.

i. Nothing in this section shall prohibit the city from limiting the number of wireless facilities that can be installed in a specific location.
Construction of the approved project shall commence within two (2) years of final approval or the permit shall expire at such time.

Small cell facilities mounted on existing structures (communication towers, buildings, water towers, etc.) are not subject to a conditional use permit requirement. However, such facilities are permitted with administrative approval in industrial, commercial, office and park zones, but shall not be mounted on structures used for single-family dwellings. Small cell facilities are otherwise prohibited in multi-family and single-family zones, except that they shall be permitted in such zones with administrative approval on roofs of buildings that are four (4) stories or higher. Small cell facilities are also permitted as a utility in any publically owned right-of-way by written agreement of the owner thereof. The administrative permitting process is as follows:

a. The owner of a small cell facility/facilities must submit a permit application to the department of codes compliance which may contain up to thirty-five (35) requests on a single application. A fee in the amount of one hundred dollars ($100.00) will be charged for each small cell facility for up to five (5) small cell facilities per permit application. Thereafter, a fee of fifty dollars ($50.00) will be charged for each additional small cell facility on a permit application.

b. The department of codes compliance may disapprove of a proposed location or installation of a small cell facility only for the following reasons:

1. Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

2. The public safety or other critical public service needs; or

3. Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities and agencies with jurisdiction over such property.

4. Conflict with a local historic district ordinance adopted pursuant to §15.2-2306.
c. If the applicant is not the owner of the structure on which the small cell facility is to be mounted, then the applicant shall submit proof to the department of codes compliance that permission to mount the small cell facility has been granted by the owner of the structure. In instances where the small cell facility is proposed in the public right-of-way, the applicant must submit a copy of an executed Franchise Agreement, or other comparable document, as proof of permission to use the right-of-way in question.

d. The applicant may voluntarily submit, and the department of codes compliance may accept conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.

e. Obsolete, unused or abandoned small cell facilities shall be removed within twelve (12) months of obsolescence, cessation of use or abandonment. A bond shall be required, of sufficient amount, to cover removal.

f. The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from city permitting requirements and fees.