1. Planning Commission Meeting Documents

Documents:

CPC AGENDA 9.18.19.PDF
CPC MINUTES 9.4.19.PDF
SE-2019-0002 CPC STAFF REPORT.PDF
- A G E N D A -

NEWPORT NEWS CITY PLANNING COMMISSION
SEPTEMBER 18, 2019
2:00 P.M.
CITY COUNCIL CHAMBERS

A. CALL TO ORDER
B. INVOCATION
C. MINUTES OF SEPTEMBER 4, 2019
D. PUBLIC MEETING

SPECIAL EXCEPTION

SE-2019-0002, Ruth M. White. Requests a special exception to reduce the width of the required 30 foot transitional buffer area at 10 Sweetbriar Drive, zoned C1 Retail Commercial, and where the property abuts R3 Single-Family Residential zoning to the east. The parcel contains 1.07 acres and the Parcel Number is 230.00.03.03. (Contact Planner: Carolyn Poissant at 757-926-3833)(To be heard by the Board of Zoning Appeals on October 15, 2019)

E. EXECUTIVE SECRETARY REPORT
F. COMMITTEE REPORTS
G. UNFINISHED BUSINESS
H. NEW BUSINESS
I. ADJOURN MEETING

Sheila W. McAllister, AICP
Executive Secretary
MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, September 4, 2019
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

PRESENT: Daniel L. Simmons, Jr., Chairman; Katie Stodghill, Vice-Chairwoman; 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; Saul Gleiser, Senior Planner; Angela Hopkins, Senior Planner; Brian Pierce, Senior Planner; Johnnie Davis, Planner; Carolyn Poissant, Planner II; Elizabeth McRae, Landscape Planner; Robert Pealo, Deputy City Attorney; Nyoka Hall, Zoning Administrator)

ABSENT: Willard G. Maxwell, Jr.

CALL TO ORDER

Mr. Groce read the Planning Commission's purpose as stated in Section 15.2-2210 of the Code of Virginia. He made a motion to adopt the agenda before the Planning Commission. Ms. Fox seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

INVOCATION

Ms. Fox presented the invocation.

MINUTES

The minutes of the August 7, 2019 public hearing and August 21, 2019 work session were approved as presented.

PUBLIC HEARING

ONE CITY, ONE FUTURE COMPREHENSIVE PLAN 2040 AND FUTURE LAND USE AND TRANSPORTATION MAP AMENDMENTS - 2019

PLN-2019-0001. Proposing land use designation change from government/military to community commercial uses for the property located at 7401 Warwick Boulevard. The Parcel No. is 278.00.03.01. The property owner is the City of Newport News.

Angela Hopkins, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Fox asked if a rezoning had already been done on the property. Ms. Hopkins stated no. Ms. McAllister stated a conditional use permit for a day services center was approved.
for the site previously. Ms. Fox asked if the conditional use permit impacts the land use or the zoning. Ms. McAllister stated no.

Mr. Simmons opened and closed the public hearing.

Mr. Mulvaney made a motion to recommend adoption of plan amendment PLN-2019-0001 to City Council with conditions. The motion was seconded by Mr. Groce.

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

The Planning Commission voted unanimously (8:0) to recommend adoption of plan amendment PLN-2019-0001 to City Council.

**PLN-2019-0002.** Proposing land use designation change from low-density residential (density of 2 to 2.69 units per acre) to high density residential (density of 16+ units per acre) uses for properties located at 21, 23, 25, 27, 33, 35 & 37 Sweetbriar Drive. The Parcel Nos. are 230.00.02.09, 10, 11, 12, 13 and 221.00.03.08 & 73. The property owner is CNU Foundation.

Angela Hopkins, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Stodghill asked if the houses on the opposite side of the Sweetbriar properties would potentially face a four-story dormitory. Mr. Simmons stated there should be a buffer. Ms. McAllister stated right now we are just going through the land use plan. She stated how it will be developed will be determined when an application comes in for a rezoning. Ms. McAllister stated we know that the property is across the street from a single-family residential zone and we will require some protection for the single-family homes across the street.

Mr. Simmons opened the public hearing.

Mr. Doug Hornsby, Chief Executive Officer of the Christopher Newport University Real Estate Foundation, 1 Avenue of the Arts, stated the properties on Sweetbriar Drive are 600 feet deep and if and when the university determines it is time to do something and they want the foundation to do it, there is room to do things in an appropriate way. He stated the foundation has a reputation, from both the shopping center purchased and the millions of dollars spent there, to the development of the Starbucks and Chipotle site, that everything around the university is done in a Class A standard. Mr. Hornsby stated the university is an economic engine in that district and he is certain that whatever is planned, when it is brought in, it will be spectacular with appealing architecture, and it will take into account all of the good questions as to how it should look and what structures and landscaping should be between all of it. He stated all of that will be planned at a future date. Mr. Hornsby stated
today's plan amendment makes sense because we own all of the land around the properties, and their houses on Sweetbriar Drive are not in good shape.

Mr. Simmons closed the public hearing.

Ms. Fox made a motion to recommend adoption of plan amendment PLN-2019-0002 to City Council. The motion was seconded by Mr. Mulvaney.

**Vote on Roll Call**

*For:* Mulvaney, Carpenter, Stodghill, Wittkamp, Willis, Groce, Fox, Simmons  
*Against:* None  
*Abstention:* None

The Planning Commission voted unanimously (8:0) to recommend adoption of plan amendment PLN-2019-0002 to City Council.

**PLN-2019-0003.** Proposing land use designation change from regional commercial to industrial uses for properties located at 2200 Terminal Avenue, 520 21st Street and 1511 Harbor Lane. The Parcel Nos. are 312.03.01.01, 312.03.01.08 and 316.00.01.33. The property owners are the Newport News Redevelopment and Housing Authority and the City of Newport News.

Angela Hopkins, Senior Planner, presented the staff report (copy attached to record minutes).

Mr. Carpenter stated he and his wife recently drove through the downtown Newport News area and were very impressed with the improvements.

Mr. Simmons asked why the two yellow blocks adjacent to 22nd Street were separated from the boundary lines. Ms. McAllister stated those properties are currently developed with townhouses.

Mr. Simmons asked if the alley running between the properties would remain. Ms. McAllister stated yes, the alley will remain.

Ms. Stodghill asked what is in the square at the end of 19th Street. Ms. McAllister stated that is a pump station.

Mr. Simmons opened and closed the public hearing.

Mr. Mulvaney made a motion to recommend adoption of plan amendment PLN-2019-0003 to City Council. The motion was seconded by Ms. Willis.

**Vote on Roll Call**

*For:* Carpenter, Stodghill, Wittkamp, Willis, Groce, Fox, Mulvaney, Simmons  
*Against:* None  
*Abstention:* None
The Planning Commission voted unanimously (8:0) to recommend adoption of plan amendment PLN-2019-0003 to City Council.

**PLN-2019-0004.** Proposing land use designation change from industrial to regional commercial uses for property located at 1200 Jefferson Avenue. The Parcel No. is 316.00.02.48. The property owner is the Newport News Redevelopment and Housing Authority.

Angela Hopkins, Senior Planner, presented the staff report (copy attached to record minutes).

Mr. Simmons opened and closed the public hearing.

Ms. Fox made a motion to recommend adoption of plan amendment PLN-2019-0004 to City Council. The motion was seconded by Mr. Carpenter.

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

The Planning Commission voted unanimously (8:0) to recommend adoption of plan amendment PLN-2019-0004 to City Council.

**EXECUTIVE SECRETARY REPORT**

Ms. McAllister stated on September 18, 2019 the Planning Commission will hear a special exception at 10 Sweetbriar Drive. She stated the Denbigh-Warwick Area Plan will be heard by the Planning Commission on October 2, 2019.

**NEW BUSINESS**

**Amendment to Planning Commission Bylaws Article XI. Business Procedures, Section 1. Order of Business**

Mr. Simmons stated we have a proposed amendment to our bylaws to include the Planning Commission creed and the Pledge of Allegiance. He read the Business Procedures.

Mr. Carpenter asked what is the law for using certain words such as “God” or “Jesus.” Mr. Pealo stated the City Attorney’s office can look into that and give a more formal response, but in general you should not favor one sect over another, which is why City Council invites different pastors from the community to different meetings so that it is not always one person from the same faith giving the invocation. Mr. Simmons stated he likes that idea. Ms. Fox asked if that can be left for discussion at another time.
Ms. Willis made a motion to amend the bylaws to read “Creed and Approval of the Agenda” and “Invocation and Pledge of Allegiance”. The motion was seconded by Mr. Mulvaney.

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

The Planning Commission voted unanimously (8:0) to approve the amendments.

There being no further business, the meeting adjourned at 2:45 P.M.
**SPECIAL EXCEPTION SE-2019-0002**  
**RUTH M. WHITE**

| **OWNER/APPLICANT** | Ruth M. White | **ZONING** | C1 Retail Commercial  
(Appendix A-1) |
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<tr>
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<tbody>
<tr>
<td><strong>LOCATION</strong></td>
<td>10 Sweetbriar Drive</td>
<td><strong>PRESENT USE</strong></td>
<td>Law office</td>
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<tr>
<td><strong>PROPOSED USE</strong></td>
<td>Dental office</td>
<td><strong>ACREAGE</strong></td>
<td>0.37 acre</td>
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**REQUEST** Requests a Special Exception to reduce the width of the required 30 foot transitional buffer area to 1 foot for the first 100 feet and to 8 feet for the remaining 110 feet along the eastern property line. (See Appendix A-4.)

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**FACTS**

- **North**  CNU maintenance facility on property zoned C1 Retail Commercial
- **South**  Vacant offices on property zoned C1 Retail Commercial
- **East**  Single-family homes on property zoned R3 Single-family Dwelling
- **West**  CNU buildings / parking on property zoned C1 Retail Commercial

**Zoning History** The property has been zoned C1 Retail Commercial since the citywide comprehensive rezoning became effective August 1, 1997.

**Regulatory Review** Section 45-2802(e) of the zoning ordinance requires a 30 foot transitional buffer area between the C1 Retail Commercial district and the R3 Single-family Dwelling district.

The applicant is proposing to establish a dental office in the existing building, which has been used as a law office since 1973, prior to the transitional buffer area requirement. The parking requirement for this use...
is two spaces per exam room, for a total of 16 spaces. This necessitates the construction of a parking area in the rear of the property and the use of the existing paved 24-foot wide drive aisle to access the parking. The drive aisle will encroach 29 feet and the parking area will encroach 22 feet into the required 30-foot wide transitional buffer area along the eastern property line.

Section 45-3204 of the zoning ordinance states the Board of Zoning Appeals shall authorize as a special exception the use and/or reduction of any buffer area for uses associated with the higher intensity district and not otherwise permitted within the buffer area whenever the board finds the buffer area is screened or fenced in a manner that insures that any authorized concentration of people, cars, noise or associated activities will not adversely affect any use permitted in the abutting lower intensity district and the granting of such special exception is:

a. Necessary for the reasonable use of the property;
b. Not detrimental to uses in or permitted in the abutting lower intensity district; and,
c. Any reduction shall not reduce the required number of trees for the remaining buffer area.

The board in authorizing such special exceptions may impose reasonable conditions as may be required to insure compliance with this provision.

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

COMPLIANCE WITH REQUIREMENTS

a. The property abuts residentially zoned property on the east property line. The property has been utilized as a law office since the early 1970s, predating the buffer requirement. Parking for the law office was located in the front yard and within what will become the driveway to the rear parking lot. The reduction in the buffer width is necessary to provide an adequate amount of parking to serve the proposed dental office with a total of 8 exam rooms. The parking spaces needed for the use can only be accommodated in the rear of the property. By relocating the parking lot to the rear, it will enable the office to have a landscaped front yard more in keeping with the residential use to the east.

b. The activity of the dental office is limited to typical weekday hours of 8:00 AM to 5:00 PM, which would not be detrimental to the abutting residential use. The business plan indicates there will be a total of 9 full-time employees. Vehicular traffic into and out of the property will be staggered because patients are seen by appointment. Deliveries will not require large vehicles to access the property.
c. The applicant will plant and maintain a row of evergreen shrubs within the remaining transitional buffer area and will provide additional landscaping in front of the building along Sweetbriar Drive. (See Appendix A-5.) The applicant also proposes to install an opaque fence surrounding the perimeter of the property. The fence will commence at the eastern property line and be 4 feet in height for the first 25 feet or to the frontyard setback and transition to 6 feet in height for the remaining length along the eastern, southern and western property lines surrounding the parking lot.

CONCLUSION

The existing building was constructed as a single-family residence and has housed a professional law office since 1973. The property is zoned for commercial uses and the dental office is a permitted use. Converting the property to a dental office will allow the property to remain active. As conditioned, it will remain in harmony with and compatible with surrounding properties.

STAFF RECOMMENDATION

Recommend approval of special exception SE-2019-0002 to reduce the width of the transitional buffer area from 30 feet to 1 foot for the northern 100 linear feet of the eastern property line, and reduce the width of the transitional buffer area from 30 feet to 8 feet for southern 110 linear feet of the eastern property line.

1. A class 2 site plan shall be submitted to and reviewed by the Site Plan Review Committee and approved by the Director of Planning. This site plan shall be in general conformance with the Concept Plan prepared by “vhb” dated July 31, 2019 (Appendix A-5).

2. The class 2 site plan submittal shall also include a complete landscape plan, which shall include species, size, and planting specifications, in general conformance with the Landscape Plan prepared by “vhb” dated July 31, 2019 (Appendix A-6). The Landscape Plan shall conform to the city’s site regulations and the zoning ordinance and such landscaping shall be maintained in healthy condition in perpetuity.

3. A four-foot (4'-0") high privacy fence shall be installed along the eastern property line from the northern property line to the 25-foot frontyard setback line. A six-foot (6'-0") high privacy fence shall be installed along the eastern property line, beginning at the 25-foot frontyard setback line continuing along the southern and western property lines to enclose the new parking area. The materials, color and design of the fence shall be reviewed and approved by the Director of Planning prior to the issuance of a
fence permit. The fence shall be maintained in good condition for the duration of the use.

4. Parking lot lighting shall include motion detector sensors and shall meet all applicable city standards to ensure that there will be no detrimental or spillover effects onto adjacent properties.

5. 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 special exception 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 special exception and shall further comply with all conditions contained herein.

6. Violation of any of the above conditions and safeguards attached there to shall be deemed a violation of the zoning ordinance.

7. Notwithstanding any other provision of law, this special exception is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this 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 special exception shall be void and the use permitted by this special exception shall be invalid. If this special exception 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 special exception.
APPENDIX

A-1 ZONING MAP
A-2 AERIAL MAP
A-3 SITE SURVEY / EXISTING CONDITIONS – Sheet Sv-1
A-4 CONCEPT (LAYOUT) PLAN – Sheets CP 3.0
A-5 LANDSCAPE PLAN – Sheets CP 5.0
A-6 FENCE DETAIL
SUMMARY

- PARCEL AREA: 16,097 SF (0.37 ACRE)
- ZONED: C1
- EXISTING USE: ATTORNEY'S OFFICE
- EXISTING SITE CONDITIONS: EXISTING OFFICE BUILDING WITH NON-CONFORMING IMPROVEMENTS
- EXISTING COVERAGE: 10,089 SF PERVIOUS, 5,984 SF IMPERVIOUS
- PROPOSED USE: MEDICAL OFFICE WITH 8 EXAM ROOMS
- PROPOSED SITE CONDITIONS: RECONFIGURE ACCESS AND PARKING CONSISTENT WITH REQUIREMENTS FOR CHANGED USE, CONVERT FRONT YARD IMPERVIOUS COVER TO GREEN AREA. ADD 40% PERIMETER SCREENING FOR ADJACENT PROPERTIES, ADD LANDSCAPING TO PROVIDE BUFFER FOR ADJACENT RESIDENTIAL PROPERTY
- PROPOSED COVERAGE: 4,444 SF PERVIOUS, 11,593 SF IMPERVIOUS
- CONSIDERATION OF USE OF PERVIOUS PAVING BLOCKS @ PARKING STALLS TO MINIMIZE INCREASE IN IMPERVIOUS COVER ATTRIBUTABLE TO CHARGE IN USE
- PROPOSED COVERAGE: 6,733 SF PERVIOUS, 9,304 SF IMPERVIOUS

PROPERTIES ACROSS ADJOINING RIGHT OF WAY

1. 15 SWEETBRIAR DRIVE
   PARCEL ID: 230002019
   OWNER: RECTOR AND VISITORS OF CHRISTOPHER NEWPORT UNIVERSITY
   ZONING: C1

2. 17 SWEETBRIAR DRIVE
   PARCEL ID: 230000318
   OWNER: RECTOR AND VISITORS OF CHRISTOPHER NEWPORT UNIVERSITY
   ZONING: C1

3. 19 SWEETBRIAR DRIVE
   PARCEL ID: 230000220
   OWNER: RECTOR AND VISITORS OF CHRISTOPHER NEWPORT UNIVERSITY
   ZONING: C1

A TO B = 100 FT, REDUCE TRANSITION BUFFER 29 FT TO 1 FT.
B TO C = 110 FT, REDUCE TRANSITION BUFFER 22 FT TO 0 FT.
PRIVACY FENCE DETAIL

6'0" HT