

**BAYFRONT ADVISORY COMMISSION**  
**APPROVED MINUTES**  
**April 15, 2021**  
**VIA WEBEX**

**BAC MEMBERS PRESENT:**

Chair Phil Davenport, Vice-Chair Bob Magoon, Charlie Malbon, Wally Damon, Bill Hearst, Stacey Shiflet, Frank Rabina, Charles Guthrie, Martin Thomas, Morgan Ayers, Earnest McDonald, Joe Bovee (BAC Design Committee Volunteer)

**STAFF PRESENT:**

Mark Shea – Planning, Kay Wilson – City Attorney, Hoa Doa, Planning, Jenizza Badua, Planning

**APPLICANTS/PRESENTORS PRESENT:**

Eddie Bourdon, John Peterson III, Jonathan Speight, Lisa Murphy, Tuck Bowie

**OTHERS PRESENT:**

Todd Solomon – Shore Drive Community Coalition, Emsy Munden – Cape Story by the Sea, Rick Boyles – Thalia, Dan Murphy – Ocean Park, John Harbin, Jeff Holste – Harbour Gate, Tim Solanic, Andrea Lindemann, Marina Liacouras, Alanna Deal, Bill Virtue, Brie Virtue, Bob Curry, Lauren Harrington, Scott Ayers, Susan Lawson, William West, Windy Crutchfield

**APPROVAL OF MINUTES:**

Mr. Malbon made a motion to approve the March minutes, Mr. Damon seconded the motion and the motion was approved by unanimous vote.

**CHAIRMAN REPORT:**

No reports

**STAFF REPORTS:**

- Marina Shores approved Apts. were recently approved by City Council.
- 7/Eleven 11 at Shore/Pleasure House going to city Council on 4/20 with short term rentals.
- Overture sign will go to City Council on 5/18.
- Reported out on pre-submittals, Chesapeake Bay and Board of Zoning Appeal applications.

- The Shore Drive Corridor Plan/Design Guidelines update project was submitted for inclusion in the 2021-22 Capital Improvement Program.
- Short term rentals 5/18 staff presentation, 5/25 City Council workshop, 6/15 City Council Public Hearing
- Survey complete for Love Art. Deputy City Manager is now assisting in the approval process.

Design: No Report

Transportation/Infrastructure:

- Trolleys starting May 23<sup>rd</sup> from 8am to Midnight. Should be all trolleys. Brochures to be available soon.

### **PRESENTATIONS:**

#### Beach Building Group, Inc., 2332 Pleasure House Road (Rezoning from R-7.5 Residential to A-18 Apartments)

Mr. Bourdon gave a brief description of the project of two buildings with eight units total and one entrance on Pleasure House Road. Each unit has a two car garage and 2 spaces in front of the building.

Mr. Magoon then provided the following BAC design committee comments:

General building design: The building design lacks an articulated façade and visual interest.

Suggestions for achieving such a façade and interest and possible future approval:

Inward Facing Elevation:

- Provide a coherent composition of building components to include shed dormers, garage doors and second and third floor windows. Depict garage doors accurately. Consider breaking up the simulated shed dormer between dwelling units to reduce scale allowing the primary roof plane to continue between two shed dormers to the primary roof eave edge. Off-set the shed dormers from the front and rear primary roof edge and building plane. Without the suggested changes to the simulated shed dormers the buildings are in essence three story “boxes”.

Outward Facing Elevation:

- Add gable roofs over the decks with the same or similar pitch as the primary roof.

Front Elevation:

- Front and rear elevations: Suggest deleting windows in the side wall of the shed dormers. Again, reduce the width and scale of the simulated shed dormers to provide dimensional separation on the “Front” and rear elevations. Again, without the suggested changes to the simulated shed dormers the buildings are in essence three story “boxes”.
- Front and rear elevations: Suggest an elliptical or square window above the entry porch roof.
- Add gable roofs on Outward Facing Elevation decks.

C-2.0 and C-3.0:

- If setbacks allow, to reduce the box appearance, we suggest off-setting individual dwelling units in each duplex building.
- What is the width, material, and intent of the dividing strip between driveways? Does the proposal meet all parking requirements? Provide landscaping around entire property i.e., all four edges.

Mr. Bourdon stated that these comments seemed reasonable and he would check with the owner before committing to architectural changes. There is substantial landscaping on Windsong Apt. side of buildings and yard area would be helpful. Paver and trim on concrete areas could easily be accommodated.

Mr. Damon had questions about stormwater needs. Mr. Bourdon stated that they will have to work with City and the adjacent Windsong development. Mr. Damon asked if the units would be apartments or condominiums. Mr. Bourdon stated that they would be condo's.

Mr. Davenport asked if applicant could sit with Mr. Magoon. He will recommend that Mr. Speight will sit down to work with the suggestions. Mr. Shea will provide Mr. Bourdon with the written description of the items.

There were no community comments.

**Mr. Damon made a motion to defer the application and Mr. Malbon seconded the motion. The motion was approved by unanimous vote.**

Marlin Bay Apartments

Mr. Peterson mentioned that since the November BAC meeting, they have met with Mr. Magoon, Ocean Park Civic League leadership and Council Member Jones. To respond to BAC comments, the decision was made to eliminate 30 units and reduce the massing at the Shore Drive/Marlin Bay intersection. They will proffer that the building lot

including Lynnhaven Marine can't exceed 197 units. There is more offsets along the Shore Drive frontage to provide greater interest.

Mr. Magoon continued by providing the following comments from the design committee:

#### Pros

- The applicant is to be applauded for reducing the height of the building wing extending towards the intersection of Shore Drive and Marlin Bay Drive from four to three stories. Doing so reduces the scale and massing along Shore Drive and Marlin Bay Drive. Additionally, the three-story height is an appropriate scale at the intersection transitioning Shore Drive from the Green to Mixed Zone shown on p. 4 of the SD Corridor Design Guidelines.
- Building setbacks from the corner of Shore Drive and Marlin Bay Drive and along Marlin Bay Drive.
- Porches that continue down to an elevated porch with railings at the first level with steps implying entry to the building. Does the same occur on the other elevations?
- Concealed parking.
- Landscaping and continuation of the multi-use trail along Shore Drive.

#### Cons

- Height and massing of the building wing extending toward and running parallel with the two-story townhomes along Ocean Tides Drive. The height, scale and massing are the result of a density of approximately 31.27 units per acre for the zoning lot. The BAC previously recommended reducing the height of the building wing from four to three stories.
- We are concerned about delivery trucks and trash trucks using the driveway between the wing and the townhomes along Ocean Tides Drive. Suggest trash trucks enter from and exit to Shore Drive by providing a turnaround.

Mr. Peterson mentioned that he could not reduce the number of units further and still provide the first class amenities and interior parking garage.

Mr. Damon expressed that he received many comments in opposition and also felt there would be too much traffic. Mr. Malbon also received comments but made a statement to support the project as the applicant has met with BAC and OPCL and made reasonable concessions. He felt there was a precedent with nearby developments east of Lesner Bridge.

Ms. Ayers asked about how the project meets the ULI Study, the Shore Drive Corridor Plan and Shore Drive Design Guidelines. She then expressed concern about how this project would protect the residential character of the corridor. The Mixed Zone along Shore recommends for retail/service and office with low to medium residential behind the business area.

Mr. Thomas expressed agreement with Ms. Ayers. It is contrary to the intent of the plan and destroys the character of the neighborhood. Ms. Ayers stated that the number of units increases Ocean Park units by 42%. This is not a true mixed use community. Mr. Thomas attempted to make a motion. However, Mr. Shea stated that we need to hear from the community speakers.

Ms. Ayers indicated that the plan should be to preserve residential neighborhoods and asked how it is in line with the character. Ms. Shiflet agreed that the development is not appropriate for that location.

Community comments were as follows:

Alanna Deal – Supported the statement made by Ms. Ayers and the project does not enhance neighborhood but would look nice elsewhere.

Andrea Lindeman – Development is too large. Shore Drive Development guidelines state that new development should be consistent and not overpower adjacent development.

Brie Virtue – Moved to neighborhood for culture and atmosphere. Apartments will change the character.

Lauren Harrington – Project does not fit the character of neighborhood. Worried about the dredge transfer facility will add 400 trucks a day to neighborhood traffic.

Todd Solomon – Mr. Solomon asked about whether BAC can vote on density with this when they could not from Westminster Canterbury and Marina Shores. Ms. Wilson stated that City Council can change proffers and zoning. She stated that the focus of comments should be on the guidelines. Mr. Thomas felt that density should be considered.

Susan Lawson – Part of VB Historic Community plans is not to add density next to older communities but can be appropriate elsewhere.

Scott Ayers – Scott said the number of people in building is being overlooked. All visitors will park on Marlin Bay Drive and this will not be available for residents and park visitors. The neighborhood also has poor infrastructure.

Empsy Munden – Opposed to project

Danny Murphy – President of OPCL. He appreciated meeting with development but leadership of OPCL is opposed. He expressed concern with impacts to Pleasure House Point Natural Area. Majority of development is 4 stories. Very concern with the 4 story wing that overlooks 2 story townhouses. Does not trust that proffers will not be changed.

**Mr. Magoon made the following motion to deny the application:**

**While we applaud the reduction in height of the wing extending towards the intersection of Shore Drive and Marlin Bay Drive from four to three-stories resulting in a reduction of scale and massing along Shore Drive and Marlin Bay Drive, doing so demonstrates the appropriateness to do the same on the wing extending towards and running parallel to the two-story townhomes on Ocean Tides Drive.**

Ms. Ayers received permission to amend the motion to include the statement below.

**In addition, we find that the application is not congruent with the existing Shore Drive Corridor Guidelines and Comprehensive Plan and therefore, recommend denial of the application.**

Ms. Wilson asked if anyone needs to abstain. Mr. Guthrie asked to abstain due to a personal interest as owner of Lynnhaven Marine. The motion passed by a vote of 6-2-1

OLD BUSINESS: None

NEW BUSINESS:

Mr. Shea stated that the City is encouraging in person meetings. Board members expressed support to meet at the Fire Department. Mr. Shea stated that he will look at options.

COMMUNITY REPORTS:

Mr. Solomon announced that Cape Story Civic League will have an in person meeting on May 10<sup>th</sup> to discuss short term rentals with Vice-Mayor Wood. He suggested contacting the Delta for use of their building. He also mentioned that hotel is allowed to serve drinks on the beach.