

**BAYFRONT ADVISORY COMMISSION
APPROVED MINUTES
NOVEMBER 19, 2020
VIRGINIA BEACH CONVENTION CENTER**

Chairman Phil Davenport, Wally Damon, Bill Hearst, Morgan Ayers, Bob Magoon, Stacy Shiflet,

STAFF/PRESENT:

Mark Shea – Planning, Kay Wilson – City Attorney, Hao Dao - Planning

OTHERS PRESENT:

Todd Solomon – Shore Drive Community Coalition, Empsy Munden – Cape Story by the Sea, Andrea Lindemann – Ocean Park, Rob Beamon – Troutman Pepper, Scott Ayers – Ocean Park, Rona Marsh – Thalia, Carly Swift – Ocean Park, John Harbin – Ocean Park, Richard Coleman – HK by the Bay, John Peterson – Marlin Bay Apts., Tuck Bowie – Marlin Bay Apts., Joe Bovee

APPROVAL OF MINUTES:

Mr. Davenport called the meeting to order. Mr. Hearst made a motion to approve the minutes from October were approved by unanimous vote.

CHAIRMAN REPORT:

Mr. Davenport mentioned that four members of BAC had excused absences from the meeting. Mr. Davenport re-introduced Ms. Wilson as the BAC Attorney.

STAFF REPORTS:

Mr. Shea mentioned that the meeting has been moved to the Convention Center in order to comply with City social distancing policies for public meetings. He indicated that there are no Board of Zoning Appeal applications and a Chesapeake Bay application on Bay Island Road for a swimming pool.

COMMITTEE REPORTS:

Design: Mr. Magoon stated that he communicated with Faith Christie and Volunteer Joe Bovee regarding the four applications before the Board tonight. He distributed the Design committee notes on each of the items for Commissioners to reference today with review of the applications

There were no Communications or Transportation/Infrastructure reports

PRESENTATIONS/DISCUSSIONS:

HK on the Bay

Mr. Coleman briefly described his renovation project. Mr. Magoon stated that the Design Committee liked the application and the building fits nicely with the neighborhood. Mr. Magoon made a motion that the application was consistent with the Shore Drive Corridor Plan and Shore Drive Corridor Guidelines. Ms. Shiflet seconded the motion and the motion passed by unanimous vote.

7- Eleven Shore and Pleasure House

Mr. Beamon briefly described the application. The entrance points will be as far away from the intersection as possible. He talked briefly about the building design and brought up his discussion with Mr. Magoon and city staff about using the recently approved 7-Eleven at Shore and Greenwell as a better starting point for design work. Mr. Damon asked if there would be a fast food attached to the use. Mr. Beamon answered that there would not. Mr. Shea briefly explained that the Commission wants to cancel their December meeting. However, if the applicant was ready in time and still wanted to stay on the Planning Commission agenda they could come in December or work with staff to come up with similar design to the approved 7-Eleven.

Marina Shores Apartments

Mr. Rob Beamon thanked Mr. Magoon for working with him to make design changes as suggested by BAC last month. Mr. Beamon briefly went over the revised site layout and building elevation that reduces the building height by one story and adds landscaping along Great Neck Road. Both of these actions should lessen the buildings impact when viewed from Great Neck Road. The total new units are reduced from 60 to 49. Mr. Magoon thanked Mr. Beamon for his efforts to improve the project.

Mr. Solomon expressed a concern regarding that approval of this application will set a precedent for other similar projects that have proffers related to total density. He also suggested that BAC/Staff conduct research to see how many other similar situations exist in the Shore Drive corridor.

Mr. Magoon made a motion that the application was consistent with the Shore Drive Corridor Plan and Shore Drive Design Guidelines. Ms. Shiflet seconded the motion and the motion was approved.

Marlin Bay Apartments

Mr. John Peterson gave a 15-20 minute presentation related to the design and marketing for the proposed Marlin Bay Apartment development. This development will consist of 222 apartment

units and an existing boat sales business on 6.2 acres of land. The zoning request is for B-4 to replace the current B-2 and PDH-1 zonings on the property. Since the application was filed in April, the development team has met with the leadership of the Shore Drive Community Coalition (SDCC) and the Ocean Park Civic League (OPCL). In addition, a website was established containing the development information included with this presentation. Mr. Peterson indicated that he has received numerous e-mails from the community regarding the project.

BAC discussion began with the design committee discussion of the pro's and con's of the project design.

Pro's include:

- Building setback from the corner of Shore Drive and Marlin Bay Drive.
- Building setbacks 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.
- Concealed parking.
- Landscaping and continuation of the multi-use trail along Shore Drive.

Con's include:

- Height and massing of building along Shore Drive. Height and massing resulting from maximizing density to 36 units per acre whether it be on 4 or 6 acres.
- Height of buildings along rear property lines of single-family attached homes on Ocean Tides Drive.
- Leaving in place the property/parcel line between multi-family housing and boat sales properties with the possibility that, in the future, the boat sale parcel segregates itself and is redeveloped as a stand-alone multi-family development achieving maximum density.

Suggestion for possible approval:

- Reduce the height of the two wings from the four-story building surrounding the parking garage toward the corner of Shore Drive and Marlin Bay Drive and the four story building toward Marlin Bay Drive and the single-family attached housing along Ocean Tides Drive to three stories.

Mr. Peterson stated that there would not be a possibility of building units on the boat sales portion of the property.

Chairman Davenport mentioned that he received approximately 200 emails in opposition. Mr. Peterson stated that he received them as well. He mentioned that he has met with the leadership of SDCC and OPCL but due to pandemic it has been difficult to meet with the full civic league membership.

Commissioner Ayers made a statement that she did not understand how the parking would meet demand. She acknowledged that the existing use of the land was not attractive. However, the roadways in the neighborhood are also in need of upkeep.

Commissioner Damon expressed concerns with traffic from the development. He asked the applicant about development with the existing zoning. Mr. Peterson responded by stating that it would not be economically feasible. He continued to state that retail was considered for the property approximately 4 years ago but was found not feasible.

After some more general discussion of the character of the neighborhood., Mr. Peterson indicated that he was willing to work with the design committee to improve the product. He further indicated that the application is targeted for the February Planning Commission meeting.

Commissioners had additional questions about the lot separation. Ms. Wilson stated that lot did not exist except for the project. She further stated that the use of the marine building could be changed in the future with City Council action.

Chairman Davenport then asked for comments by the public. These comments were as follows:

Ms. Rona Marsh – Thalia resident. She expressed appreciation with the discussion to create a positive development. She indicated that current zoning would allow for 48 units. She also indicated that staff indicated that 101 units would have two bedrooms, 8 units would have two bedrooms with dens, and 12 units would have three bedrooms. She indicated that the 413 proposed parking spaces would not be enough, and the City does not need another B-4 development.

Ms. Carly Swift – Ocean Park resident. She expressed that the OPCL is working with Mr. Peterson and is pro-development. She likes the landscaping and design features but does not like it being four stories in height.

Ms. Andrea Lindemann – Ocean Park resident. She appreciated the comments from the BAC Design committee and agreed with the discussion of height and massing. She indicated that the narrow neighborhood streets make the problem worse. It is an attractive design that does not fit the neighborhood.

Mr. Scott Ayers – Ocean Park resident for 40 years and former BAC commissioner for over 20 years. He mentioned that the Urban Land Institute Study should be referenced as it was the foundation for the establishment of the Commission. The goal of this study is to preserve the character of Shore Drive. He expressed disturbance that the overlay district allows for 36 units per acre. Mr. Ayers stated that the scale of the proposed buildings need to drastically change. He expressed frustration with the lack of nicely designed newer commercial centers along the corridor.

Mr. John Harbin – Ocean Park resident. He liked the idea that a compromise can be forged to create a high quality well designed development that would meet the concerns of the neighborhood.

Mr. Danny Murphy – Ocean Park Civic League Vice- President. Mr. Murphy indicated that the OPCL membership is unanimously opposed to the current development plans. He stated that OPCL was willing to work with the applicant to improve the design.

After some final discussion by the commissioners, no motion was made as the applicant expressed desire to work with the design committee regarding the project.

Short Term Rental Ordinance and district

Chairman Davenport stated that there was a letter of opposition from the Cape Story by the Sea Civic League regarding the proposed district on the east side of the Lesner Bridge. He further stated that Chesapeake Beach and Ocean Park are not included as districts due to earlier opposition. General discussion then centered on opposition to any district along Shore Drive.

Mr. Magoon made a motion to oppose short term rental overlay districts along Shore Drive but to support the ordinance as now written. Ms. Ayers seconded the motion and the motion was approved by unanimous vote.

OLD BUSINESS:

The Commission agreed to cancel the December meeting unless the applicant for the 7-Eleven at Shore/Pleasure House was ready and desired to go to Planning Commission in January.

NEW BUSINESS:

No new business

COMMUNITY REPORTS:

Mr. Solomon, with SDCC, expressed that there is a need to get public input on the proposed public input policy. A schedule with milestones needs to be established.

Ms. Munden, with Cape Story by the Sea, stated that she was upset with the proposed public input policy. She also indicated support for a yellow blinking light at the dangerous Great Neck and Lynnhaven Drive intersection. Chairman Davenport indicated that improvements to this intersection is on the strategic plan.

The meeting adjourned at 6:00 p.m.

