Items #1 & #2
(1) MG Homes, L.L.C.
Conditional Change of Zoning
(2) Tidewater United Church of Christ
Modification of a Conditional Use Permit
2660 West Neck Road
District 7
Princess Anne
January 8, 2014

REGULAR

David Redmond: We will now address the remaining items on our agenda. Before we do, while our Secretary Mr. Thornton gets organized, I will remind folks of a couple of points. If you are an applicant you have ten minutes to speak. If you speak in opposition to a matter on behalf of an organization as designated by that organization, you will also have ten minutes to speak. Otherwise, if you’re an individual speaking on a given item, you will have three minutes to speak. When your time is up, you will see that red light on the podium. At that point, stop. And I will stop you, if you have not stopped already. Please do adhere to the time limits. It is simply not fair to other folks who want to speak when folks go on past their time. We want to be respectful of everyone’s time, but also remind folks to please stay at the podium when you speak. If you walk away from that microphone that is at the podium, we can’t record what you say, and get a transcript. And most importantly, the folks who are watching at home on vbgov.com, streaming live, or VB television, can’t hear what you have to say. We certainly want to make sure they can hear what you have to say. And with that, I will address the remaining matters on our agenda. I will ask the Secretary, Mr. Bob Thornton to please call the first item.

Bob Thornton: The first item that we will hear today are items 1 & 2. We will hear those together. The applicant is MG Homes, L.L.C. This is an application of MG Homes for a Conditional Change of Zoning from O-2 Office and AG-1 Agricultural to Conditional R-5S Residential. The property is located on the west side of West Neck Road approximately 600 feet south of North Landing Road. That is number 1. Number 2 is Tidewater United Church of Christ. It is an application of Tidewater United Church of Christ for a Modification of a Conditional Use Permit. The property is located at 2660 West Neck Road, District 7, Princess Anne. And Mr. Beaman is here to speak on behalf of the applicant.

Dave Redmond: Welcome Mr. Beaman.

Rob Beaman: I appreciate it Mr. Chairman. Mr. Secretary, Mr. Vice Chairman, and members of the Commission, for the record again, Rob Beaman, I’m a Virginia Beach Attorney here today on behalf of the applicant MG Homes. Here with me today are Tim Harkins, Jim Miller, and Whitt Hill on behalf of MG Homes, and these gentlemen will stand by for any questions you may have on these applications. As Stephen mentioned in the informal session this morning, our site is
located near the corner of West Neck Road and North Landing Road here in proximity to the Municipal Center. It is currently zoned O-2. It was zoned O-2 pursuant to a 2008 rezoning where Marlyn Development came in and intended to put office development on this site; however, due to market conditions, that development never moved forward, and they have been searching for another appropriate use since that time. My client, MG Homes, became involved in this property back in November 2012, actually, so it has been well over a year. In January and February of 2013, they went through the Historical Review Board process, and obtained a Certificate of Appropriateness for the architectural renderings for these homes. They have also been working very diligently with City staff since that time to improve the site plan, which you see right here. As Stephen noted in the informal session, we’ve actually been able to bring the unit count down from 26 units to 23 units. Those three units were replaced with pocket park features which increased our open space. We’ve also implemented a 100-foot buffer along West Neck Road so that no houses are within 100 feet of the right-of-way, which added some more open space you see on the plan. And finally, we were currently under contract with the church next door, Tidewater United Church of Christ, to purchase approximately three acres in the rear of their site and the rear of our site to preserve in perpetuity as open space. The only sort of features that would go in that area are recreational trails for the use of our residents, which would be another amenity there. As a result of all of these actions, we have been able to reduce our density to just over two per acre and increase our open space to about 49 percent, almost 50 percent of the site. So we are very proud of that. In terms of the architecture, I mentioned we went through the Historical Review Board and got a Certificate of Appropriateness. You will see here [referring to PowerPoint presentation] that these houses have a lot of upgraded features. You will see standing-seam metal roof features, porch features, and the garage doors are all kind of upscale carriage-house type doors. There is one feature that you won’t see in the packet, which is something that the Historical Review Board approved, which is the site lighting. The street lighting on the site will all be the old style antique black lantern style, which is an upgrade over what you typically see in a development such as this. One thing I will mention before I step away. We see this as a kind of prototypical infill development. It is surrounded by mostly institutional uses and also a commercial use on the corner. Navy Federal Credit Union is going in on the corner. There is a church beside it. There is Kellam High School across the street from it with natural features in the rear of it. So this really is meant to be a 23-lot development. It is not a seed for something larger. It really is kind of a self-contained entity. With that, we think it is an appropriate use for this site. We think it is consistent with the other uses that are surrounding it. And we appreciate your consideration today.

Dave Redmond: Thank you Mr. Beaman. Are there any questions for Mr. Beaman? No? And you’ll hang tight for rebuttal sir. Alright. Thank you.
Bob Thornton: We have one speaker signed up to speak in opposition. Ms. Lisa Hartman. Are you here to speak please?

Dave Redmond: Welcome Ms. Hartman.

Lisa Hartman: Thank you. I appreciate the opportunity to speak. I ask you not approve.

Ed Weeden: Can you state your name for the record?

Lisa Hartman: Oh, my name is Lisa Hartman. I ask you not to approve this application and don’t be tempted down the dirt path that has been gone down before. It’s down the road paved by our Comprehensive Plan and supported by our Zoning Ordinance. City Ordinance was enacted to control zoning and management the City’s Comprehensive Plan, and it specifies the creation of the residential zoning district R-5S to recognize the existence of developed areas where single-family dwellings exist on lots of 50 to 60 foot frontages, and it is not the intention to create additional R-5S districts or to enlarge the limits of existing R-5S districts. While the intent of the law is clear, Planning has approved this application. It is not intended for approval on these types. I’m sorry. It is not within the scope of power for Planning but only within the scope of power for the City Council. So, I can appreciate that they like it. They think it is okay. I still feel they should not approve it but they have plenty of staff comment areas that they can comment on how it can be good and this is the City Council’s decision. This is not the decision of Planning. If it’s Planning decision, then who is the advocate for the citizen? I’ve spent countless hours on this and other issues that have come down the pike exactly like this that it is violation, as I feel is in violation, maybe that is a harsh word of our City Ordinance. As our City Ordinance was specifically enacted to uphold the Comprehensive Plan and if we allow this R-5S to go through with approval from Planning and this Commission, there is nobody looking out for us. I don’t have time to full-time to watchdog what comes through this Planning Commission. There have been several items that are like this that to me is a complete violation. I specifically spoke to some City Council members and expressed concern over changing the law to allow 5,000 square foot lots, and they would rather have the option to approve or not approve after it comes through. But when it comes through, it is so much harder as citizens to fight these types of things that are not right, that are going to City Council that they are having to defer because there are problems with the plan but it is coming out of Planning and this Commission with an approval. You guys are not asking the hard questions, and I need you to do that. When it is a violation of the City Code or against the intention of the City Code, I need for you to uphold that, just as we trust our Police Department to uphold our laws. So, I’m asking you not to approve this and future applications exactly like this.
Dave Redmond: Okay, thank you. Just to clarify, we don’t make any decision here today. We make recommendations to City Council, and then they make their determination.

Lisa Hartman: I understand. I’m asking you to recommend that it not be approved.


Lisa Hartman: Thank you.

Bob Thornton: Mr. Chairman that is the only one who signed up to speak in opposition.

Dave Redmond: Mr. Beaman? Welcome back.

Rob Beaman: Thank you Mr. Chairman, I don’t really have any rebuttal except that we have worked very diligently with the Planning Department for about a year now. We have worked with the ITA Committee. We worked with the surrounding property owners, and we do believe this is an appropriate use and appropriate density on the site. Thank you very much.

Dave Redmond: Thank you Mr. Beaman. Does anyone have any questions for Mr. Beaman before he sits down? No? Alright, thank you Mr. Beaman. We will go ahead and close the public hearing for this agenda item and open it up for discussion amongst the members.

Don Horsley: Mr. Chairman, I see you looking at me.

Dave Redmond: Yes, that is correct.

Don Horsley: The applicant, and I intend to agree with staff’s recommendation there, the applicant has worked real hard with staff. They just didn’t come in and say we want to build 23 houses. They came in initially with 7.3 acres that was zoned Office, which would not work on that piece of property – the office development. And this goes back to some amendments that have been made to the Comprehensive Plan concerning the ITA area, and I know this specifically is not in the ITA area, but it is right on the borderline. Some of the recommendations from that study, which was ultimately passed by Council, and amended in the Comprehensive Plan, kind of embrace these types of developments. There have been some other ones that Council has approved in the Courthouse area, and they are right on the borderline of that. It would be very hard for this to go any further south toward the Rural Area. The applicant first came in with the 7.3 acres, and then working with staff, ended up trying to make things better and meet that 50 percent open space requirement in the Transition Area.
So, they got it up to 49 percent by adding the extra three acres from the church, and it decreased the density a little bit after they did that. We’ve got a 50 percent open space requirement, and this is 49, so that pretty well meets that. And with the type of development it is, it looks like a very high quality development. It is very pedestrian friendly. It’s got an area for recreation and trails and open space area in the front of it, right across the street from Kellam High School, so I beg to disagree with the young lady that spoke. I don’t think we are in violation of anything with our recommendation today. So, I’m prepared whenever, everybody finishes, to make a motion.

Dave Redmond: Is there any other discussion? Mr. Horsley?

Don Horsley: I make a motion that we approve items 1 & 2, the application for the Change of Zoning and the Modification of Conditions for the church.

Dave Redmond: Do I hear a second?

Chris Felton: I’ll second it.

Dave Redmond: A motion by Commissioner Horsley and seconded by Commissioner Chris Felton. We’re ready to vote.

Ed Weeden: The vote is open. Ms. Oliver your verbal?

Dee Oliver: Aye

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  Modification of a Conditional Use Permit
Page 6

Ed Weeden: By a vote of 10-0, the Commission approved items 1 & 2, MG Homes, L.L.C. and Tidewater United Church of Christ.

Dave Redmond: Thank you Mr. Weeden. Thank you Mr. Beaman, Ms. Hartman. We appreciate your participation.
CONSENT

An application of Lotsalisa, Inc. for a Modification of Conditions of a Conditional Use Permit for fuel sales with convenience store (original Conditional Use Permit approved by the City Council in 1996) on property located at 1600 General Booth Boulevard, District 7, Princess Anne. GPIN: 24155532110000.

CONDITIONS

1. All conditions attached to the Conditional Use Permit granted by the City Council on January 9, 1996, are deleted and are replaced with the conditions below.

2. Except as modified by any other condition of this Use Permit or as necessary to comply with applicable City development ordinances and standards, the site shall be developed in substantial conformance with the submitted plan titled “WAWA CONVENIENCE STORE, Conceptual Site Plan, 1600 General Booth Blvd, Virginia Beach, Virginia, dated 04/15/13, and prepared by MSC, P.C. Said plan is on file in the City of Virginia Beach Planning Department.

3. Other than dead, dying, or diseased plants, the removal of existing vegetation (mix of trees and shrubs) along the eastern property line and within a minimum 15-foot wide buffer shall be prohibited.

4. As depicted on the concept plan referenced in Condition 2, the row of crape myrtles along the southern property line is noted on the plan “to be preserved to the greatest extent possible.” In the event that any of this plant material be impacted during construction or in the future, it shall be re-established as per approved by the Planning Department.

5. Plant material shall be installed, at a minimum, along the rights-of-way, as Streetscape Landscaping.

6. Except as modified by any other condition of this Use Permit or as necessary to comply with applicable City ordinances and building codes, the building and canopy shall be constructed in substantial conformance with elevations depicted on the exhibit titled, “Proposed Wawa, 1600 General Booth Blvd. & Dam Neck Rd., Virginia Beach, VA.,” dated August 2, 2013,
prepared by Cuhaci & Peterson, with the addition of the awning wrapping around and along the northern façade. Said elevation is on file in the City of Virginia Beach Planning Department.

7. The fueling canopy shall be constructed in substantial conformance with elevations depicted on the exhibit titled, “Wawa Convenience Store Signage Details,” prepared by MSA, PC., dated 4/15/13. The canopy columns shall be wrapped in stone, as depicted on the elevation. Said elevation is on file in the City of Virginia Beach Planning Department.

8. In accordance with Section 245(e) of the City of Virginia Beach Zoning Ordinance, the dumpster shall be enclosed with a solid wall constructed with materials that match the building, which shall be surrounded with plants. Any air pump proposed on the site shall also be screened from view of the rights-of-way with evergreen shrubs, minimum height 18 inches at installation.

9. A detail of the Vent Stack shall be submitted to the Current Planning Division of the Planning Department during final site plan review and shall be subject to screening as required by the Planning Department.

10. Signage for the site shall meet the requirements of the Zoning Ordinance and shall be limited to:

   a. Directional signs;
   b. One monument-style freestanding sign (no more than eight feet in height, set on a brick base to match the building brick) and two building and / or canopy signs;
   c. Striping on the canopy shall be limited to 10 feet on each side of the canopy or one-quarter of the length of each side. Signage on the canopy shall not be internally or externally illuminated.
   d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and / or doors, canopy, light poles, or any other portion of the site.

   Fuel prices may be displayed on the monument-style freestanding sign in electronic display format but shall comply with the regulations of Section 217 of the City Zoning Ordinance.

11. No outdoor vending machines and / or display of merchandise shall be allowed.

12. Pedestrian walkways to the convenience store shall be provided from the sidewalks in the public rights-of-way, in accordance with Section 246(d) of the Zoning Ordinance.

13. Bicycle racks shall be provided near the entrance of the store.
14. Either a right-of-way dedication or easement that encompasses the sidewalk, as well as potentially room for any additional needed public improvements along Dam Neck Road, shall be recorded as required by Public Works during final site plan review.

15. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed site plan review. Said plan shall include the location of all pole-mounted and building-mounted lighting fixtures, and the listing of lamp type, wattage, and type of fixture. Pole lighting shall not exceed 14 feet in height. Lighting shall overlap and be uniform throughout the parking area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America. The plan shall include provisions for implementing low-level security lighting for non-business hours.

A motion was made by Jeff Hodgson and second by Chris Felton to approve item 3 by consent.

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A verbal vote was done by Commissioner Oliver. Vote machine not registering vote.

By a vote of 9-0, with the abstention so noted, the Commission approved item 3.

Eddie Bourdon appeared before the Commission on behalf of the applicant.

Bob Thornton abstained from the voting due to the fact that he has a business relationship with the applicant.
REGULAR

An application of Graham Real Estate, L.L.C. for an Amendment to the Green Run Land Use Plan for a self-storage facility, and an application of Graham Real Estate, L.L.C. for a Subdivision Variance to Section 4.4(b) – lot width on property located at 1545 Lynnhaven Parkway, District 1, Centerville. GPIN: 14855822320000.

CONDITIONS

1. Except as modified by any other condition of this land use plan amendment or as necessary to comply with applicable City development ordinances and standards, when the property is developed, it shall be in substantial conformance with the site layout entitled, “Conceptual Layout for Amendment to the Land Use Plan for Parcel CM-2 at 1545 Lynnhaven Parkway,” prepared by MSA, PC, dated 12-2-12, including the increased buffer of 20 feet along the rear of the property and noting that the ingress/egress shall comply with the Public Works Standards and Specifications and the proposed driveway shall either be located entirely on this site or the encroachment depicted on said plan be formalized by recordation of a plat. Said plan has been exhibited to the Virginia Beach City Council and is on file in City of Virginia Beach Planning Department.

2. Except as modified by any other condition of this Use Permit or as necessary to comply with applicable City ordinances and building codes, the self-storage building shall be constructed in substantial conformance with elevations depicted on the exhibits in this report titled, “Lynnhaven Self Storage,” prepared by GMF Architects, dated October 31, 2013. Said elevations have been exhibited to the Virginia Beach City Council and are on file in the City of Virginia Beach Planning Department.

3. Existing plant material along the northern property line shall remain intact. In the event it is removed due to decline, disease or hazard, the buffer shall be replanted as required by the City of Virginia Beach Landscaping Guide within a 20-foot wide buffer area.

4. All exterior lighting shall be low intensity and residential in character and shall overlap and be uniform throughout the parking area. Per Section 237 of the City Zoning Ordinance, all outdoor lights shall be shielded to direct light and glare onto the self-storage premises; said
lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than 14 feet. A Lighting Plan and/or Photometric Diagram Plan shall be submitted during detailed site plan review. Said plan shall include the location of all pole-mounted and building-mounted lighting fixtures, and the listing of lamp type, wattage, and type of fixture. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America. The plan shall include provisions for implementing low-level security lighting for non-business hours.

5. No freestanding sign shall be installed without approval by the Board of Zoning Appeals of a variance allowing a freestanding sign.

6. The self-storage units shall be used only for storage of goods. The units shall not be used for office purposes, band rehearsals, residential dwellings, or any other purpose not consistent with the storage of goods.

7. There shall be no exterior storage of motorized vehicles or inoperable vehicles on the property.

8. No barbed wire, razor wire, or any other fencing devices shall be installed on the roof or walls of the building or any fence on the property.

A motion was made by Ron Ripley and seconded by Jan Rucinski to approve item 4.

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A verbal vote was made by Commissioner Oliver. Vote machine not registering vote.

By a vote of 9-0, with the abstention so noted, the Commission approved item 4.
Bob Thornton abstained from the voting due to the fact he has a business relationship with the applicant.
CONSENT

An application of Lucila A. Figuereo for a Conditional Use Permit (Family Child Daycare) on property located at 2021 Manassas Run, District 1, Centerville. GPIN: 14547829020000.

CONDITIONS

1. The child daycare shall be limited to a total of twelve (12) children, other than children living in the home, and the permitted number of children based on their ages shall be as set forth by the Virginia Department of Social Services.

2. No more than one (1) person, other than the applicant and immediate family, shall assist with the operation of the Family Daycare Home at any one time.

3. Hours of operation shall be 7:30 a.m. to 4:30 p.m., Monday through Friday. Additionally, the applicant may occasionally provide overnight care for children.

4. The applicant shall stagger the arrival and departure times for the children such that vehicular congestion is avoided.

5. All play equipment associated with the child daycare business shall be located behind the front façade of the house and within the fenced yard area when not open for business.

6. A non-illuminated sign not more than one square foot in area, identifying the home daycare may be mounted flat against the house.

7. The applicant shall be licensed with the Commonwealth of Virginia for this use. Failure to maintain said license in good standing shall result in revocation of this Conditional Use Permit.

8. The applicant shall obtain all necessary permits and inspections from the Planning Department/Permits and Inspections Division. The applicant shall secure a Certificate of Occupancy from the Building Official for use of the house as a Family Daycare Home.
A motion was made by Jeff Hodgson and seconded by Chris Felton to approved item 5 by consent.

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A verbal vote was done by Commissioner Oliver. Vote machine not registering vote.

By a vote of 10-0, the Commission approved item 5 by consent.
CONSENT

An application of HIF, L.L.C, HIC, L.L.C., Mach One, L.L.C. for a Modification of Proffers (approved by the City Council on April 11, 1995 and modified on October 11, 2011) on property located at 3877 Holland Road, District 3, Rose Hall. GPIN: 14862464930000.

PROFFERS

PROFFER 1:
To the extent that the Original Proffers and Previous Modifications apply to the Property, Proffer Number 1 is hereby amended to state in its entirety as follows:

The proposed approximately 4,000 square foot retail building to be located in the southern portion of the Property, when developed, shall be developed in substantial conformance with the concept plan entitles ‘Site Plan, Exhibit A, Close-Up Plan,’ dated September 24, 2013, prepared by Kimley-Horn Associates, Inc. (the “Site Plan”), which Site Plan has been exhibited to the City Council and is on file with the City Planning Department.

PROFFER 2:
To the extent that the Original Proffers and Previous Modifications apply to the Property, Proffer Number 9 is hereby amended to state in its entirety as follows:

The architectural design and quality of materials used for the proposed retail building to be located on the Property that is identified as ‘Small Shops Retail’ on the Site Plan, when developed, shall be substantially compatible with the rendering prepared by Randolph T. Hicks, AIA, entitled ‘Proposed Elevations for Holland Windsor Crossing (2A)’, and dated October 10, 2013.

PROFFER 3:
All other covenants, restrictions and conditions proffered as part of the Original Proffers shall remain unchanged and are incorporated herein by reference.

A motion was made by Jeff Hodgson and seconded by Chris Felton to approve item 6 by consent.
Item #6
HIF, L.L.C, HIC, L.L.C., Mach One, L.L.C.
Page 2

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A verbal vote was made by Commission Oliver. Vote machine not registering vote.

By a vote of 10-0, the Commission approved item 6 by consent.

Robert Beaman appeared before the Commission on behalf of the applicant.
Item #7
Catch A Wave, L.L.C.
Special Exemption for Alternative Compliance
2206 & 2210 Pacific Avenue
District 6
Beach
January 8, 2014

CONSENT

An application of Catch A Wave for a Special Exception for Alternative Compliance to the
Oceanfront Resort District Form-Based Code on property located at 2206 and 2210 Pacific
Avenue, District 6, Beach. GPIN: 24271809390000 ; 24271900160000

CONDITIONS

1. With the exception of any modifications required by any of these conditions or as a result of
development site plan review, the layout of the site shall be substantially as shown on the
submitted plans entitled “PARKING LOT EXPANSION SITE PLAN – Grading and Improvement
Plan, Sheet C-3.0” and “PARKING LOT EXPANSION SITE PLAN – Layout and Planting Plan,
Sheet L-1.0” prepared by WPL, and both dated December 12, 2013. Said plans have been
exhibited to the City Council and are on file in the Department of Planning.

2. The “Proposed Sign” called out on the plan referenced in Condition 1 shall not be installed.
Said sign shall require review and approval by the Zoning Administrator for consistency with
the Oceanfront Resort District Form-Based Code and the Oceanfront Resort District Design
Guidelines.

3. Existing signage on the site shall be reviewed by the Zoning Administrator to determine if
requisite permits have been issued and compliance with the Oceanfront Resort District
Form-Based Code has been met for the appropriate signage. Signs without permits or not
meeting the regulations of the Zoning Ordinance shall be removed.

4. A detailed plan for the area south of the parking lot labeled as ‘Turf’ (and including a paver
walkway and deck) shall be submitted to the Zoning Administrator for review and approval.
Said plan shall include landscape plantings to meet the interior parking lot landscape
requirement as well as a structural landscape feature visible by pedestrians on the adjacent
sidewalk (shall have a height of at least four feet). Such feature may consist of a fountain,
artwork, unique landscape plantings, or similar (as described in the Oceanfront Resort
District Design Guidelines).

5. The provisions of Section 23-58 of the City Code shall be met.
A motion was made by Jeff Hodgson and seconded by Chris Felton to approved item 7.

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A verbal vote was made by Commissioner Oliver. Vote machine not registering vote.

By a vote of 10-0, the Commission approved item 7 by consent.

Eric Garner appeared before the Commission on behalf of the applicant.
Item #8
Cape Henry Collegiate School
Modification of a Conditional Use Permit
1320 Mill Dam Road
District 5
Lynnhaven
January 8, 2014

REGULAR

An application of Cape Henry Collegiate School for a Modification of a Conditional Use Permit for a private school – approved by the City Council on June 21, 1971 and modified on August 27, 1971, October 15, 1987, June 14, 1998, May 23, 2000, July 10, 2001, and December 4, 2012 (specific request is to increase the height of the light poles allowed by the 2012 Modification for Field 1 from 50 feet to 70 feet) on property located at 1320 Mill Dam Road, District 5, Lynnhaven. GPIN: 24085842840000.

CONDITIONS

1. All conditions with the exception of Number 1 attached to the Conditional Use Permit granted by the City Council on May 23, 2000, and as modified July 10, 2001 and December 4, 2012 remain in effect.

2. Condition Number 1 of the May 23, 2000 Conditional Use Permit is deleted and replaced with the following:
   
   a. Existing Field 1 as identified on the submitted “AMENDED MASTER PLAN CAPE HENRY COLLEGIATE SCHOOL”, dated October 29, 2013, and prepared by Tymoff+Moss Architects, may be lit for evening athletic events. Said plan has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
   
   b. There shall be no more than 4 light poles as depicted on the plan. The poles shall not exceed 70 feet in height. If determined by the Zoning Administrator to be necessary, the lights mounted on all the poles on the eastern side of the field shall be shielded so as not to allow glare to spill over to the residential homes located along the eastern property line.
   
   c. A new Lighting Plan and/or Photometric Diagram Plan shall be submitted to the Planning Department for review prior to installation of any lighting for the fields. Said plan shall include the location of all pole mounted and the listing of lamp type, wattage, and type of fixture. Lighting shall overlap and be uniform throughout the field area. All lighting on the site shall be consistent with those standards recommended by the Illumination Engineering Society of North America.
   
   d. There shall be no amplified speaker system for the field.
Item #8
Cape Henry Collegiate School
Page 2

e. Athletic events shall start no later than 7:30 p.m. The lights shall be turned off no later than 30 minutes after the completion of the event. The lights shall not be used on Sundays.

f. The applicant may install the 7-foot high wall and 16-foot high entry elements, as well as bleachers on the western side of Existing Field 1. The additions shall substantially adhere to the submitted rendering prepared by Tymoff+Moss Architects. Said rendering has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.

A motion was made by Bob Thornton and seconded by Chris Felton to approve item 8.

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A verbal vote was made by Commissioner Oliver. Vote machine not registering vote.

Bill Harrison appeared before the Commission on behalf of the applicant. Constantine Xefteris appeared in opposition of the application.
Items # 9 & 10
(9) HOFD Ashville Park, L.L.C.
Conditional Change of Zoning
3049 New Bridge Road

(10) HOFD Ashville Park, L.L.C.
Modification of Proffers of a Conditional Rezoning
North and south sides of Ashville Park Boulevard
January 8, 2014

REGULAR

Bob Thornton: Next are items 9 & 10, an application by HOFD Ashville Park, L.L.C. This is an application of HOFD Ashville Park, L.L.C. for a Conditional Change of Zoning from AG-1 Agricultural and AG-2 Agricultural to PD-H2, P-1 Preservation on property located at 3049 New Bridge Road and an application of HOFD Ashville Park, L.L.C. for a Modification of Proffers for a Conditional Rezoning. Property also is located at 3049 New Bridge Road that is included, District 7, Princess Anne. Mr. Bourdon?

Eddie Bourdon: Thank you Mr. Secretary, Mr. Chairman and members of the Commission, for the record, my name is Eddie Bourdon. I’m a Virginia Beach attorney. I’m here this afternoon, and it is my privilege in representing Home Federal on this application. Mr. Anthony Giacola is also here. He is Home Federal’s manager of this project in Virginia Beach. I’ll start where Dr. White started this morning in the informal briefing with a little history. My family owned 115 acres of the original Ashville Park application. My great-grandmother and the Eaton side of my family tree owned a substantial portion of this land towards the east end - and I am here today to tell you they were not related to Grace Sherwood. But anyway, I will keep it kind of simple, and I will start with the basics. Ashville Park today has approved the PD-H2 zoning that Dr. White referred to. It totals 453 acres of land, 499 home sites, and 236 acres of open space, enough for a very nice golf course. As proposed with the Elbow Farms property, 87 acres that front on New Bridge Road, should this be approved by City Council, will be added to Ashville Park. Ashville Park will then have 540 total acres, 586 homes, and 311 acres of open space, an increase of 75 acres of open space within Ashville Park, an increase of 87 homes of Ashville Park. How we got here? The developers/owners of Elbow Farms approached Home Federal after they acquired the property, and have resuscitated Ashville Park, and we knew it was going to be a jewel, and it is a jewel for the City of Virginia Beach. They already have an application to put 87 homes on that Elbow Farms property, 87 acres that front on New Bridge Road, which would access New Bridge Road. It would have about 44 acres of open space and a 43-acre development footprint. Those 87 homes that would be developed over there, leaving them 50 percent open space in accordance with the Transition Area Guidelines with their own amenities and their own open space. You know what is involved. That would have been just fine, and they wanted to see about extending a road from Village C down into that development. We’ll talk about utilities and things of that nature. You know, you want to talk about smart growth? We all look at
trying to do smart growth. Well, these folks at Home Federal, a nationwide company, and they said, “Yeah, we ought to be looking at doing this a smarter way.” And that led to a lot of negotiations, that led us here today to what I think is the epitome of smart growth. Instead of extending the development footprint into the 87 acres, we preserved the 87 acres. We move those 87 units into the three undeveloped villages in Ashville Park. We expand the development footprint of Ashville Park development by 12 acres; thus, we wind up with 75 acres of additional open space, which is 31 acres more open space than if Elbow Farms developed as a separate development. In addition to that, we are not increasing the expense the homeowners will have to bear by any amount, making it much more sustainable and affordable because these 87 additional homes in these three villages throughout the entire community is in one HOA. They have to maintain his facility, which I’ll speak to you about, and all of the open space, most of which is passive, some will be active. The beautiful roundabouts and we got plans for how those will be landscaped. This (pointing at map) almost 4-acre park in the Center Green, and all those other parks within Ashville Park, they have to be maintained by the homeowners. Now, currently, Home Federal is involved with that, but when they are gone, when they are sold out of this, the homeowners have to pay for all of that. Well, the reality of it is, with this, we’re not creating any substantial, significant expense other than extending the public trail and the path for park trail through this area, but this area that is currently cultivated, could stay cultivated, but most likely will go back to a natural state and become additional forested buffer area where there are ongoing cost to maintain landscaping and flowers, and plants, what have you. So, from an economic sustainability standpoint, which makes absolutely, positively good sense, and that is why we moved through this process, and this is why you heard what you heard from you professional staff. The proffer changes? We are not changing the home quality of the proposed homes - not one bit. In fact, we have proffered a lot more detailed information that existed with the original proffers; so, it is guaranteed that the quality of the home will have the same quality, high quality that already exists at Ashville Park. We have indicated the desire to reduce the minimum home size with the original application, and I think it is page 9 of the report where Dr. White talked about that, and as he mentioned this morning, it’s former proffer 29. It is on page 9, and we requested to modify it. We are dropping that. The home sizes will remain the same. Because the reality is we don’t believe there will be – we think the market has picked up to a point where we don’t think we won’t have a problem in that regard. So the homes will not be changing. It’s simply reducing the lot sizes in those last three villages from being where they were between 12,000 and 20,000 square foot lots in those three villages, to now they are between 10,000 square foot minimum and 14,000 square foot minimum, but the homes are not going to be smaller. They will be substantially larger than what is the minimum proffered. For instance, Village B, the 7,500 square foot village which is being developed today, the homes in there are averaging, the sale
price. They are 2,800 to 3,200 square feet. The sales price for those homes has been $430,000 to $440,000 thousand on those lots, 7,500 square foot lots. And those lots only sold for $100,000. We are projecting that, and to answer the question that was asked this morning, we’re projecting the lot prices for the next three villages, which will take a take a number of years to develop, we’re projecting those prices to range between $150,000 and $180,000 just for the lots, and the home prices will be between half a million and $600,000 dollars in those villages. They are not going to be inexpensive. They are not going to be cheap, and they are not going to cost anybody else’s homes to be devalued. And we are not going to be adding traffic on New Bridge Road. We are also keeping development away from Back Bay. We’re just using the same area that we’re already going to be developing anyway. We did spend a great deal of time, a fair amount of time, that is not a great deal of time, talking to the homeowners also about the clubhouse and the recreational amenities. And that is something that I hope there will be some additional dialogue about. The clubhouse that is proposed, about 3,700 square foot clubhouse, for which we have a floor plan, which has been presented to the community, which has very active folks in the community. Dr. Beardsley Kwasny, Dr. Beardslee-Kwasny, who you will hear from today is a very organized lady, and certainly has got a lot of good ideas. We don’t see eye to eye on a lot of things, but I think as far as trying to make the community sustainable, having active people and intelligent people involved in that process, will help greatly for issues with the size of the pool, things to make it sustainable so they can get utilization, and people to help pay for the sustainability of the pool, and the other basketball courts, maybe tennis courts, those things. That is part of this. The other thing that came up this morning, and I passed out to all of you in addition to the plan is the trail plan. As originally required by the Homeowners Association, when the developer puts it in, the Homeowners Association maintains a public-use trail over to the public, equestrian multi-purpose 8-foot wide trail from Princess Anne Road to Flanagans Lane, with a connection to Heritage Park. That’s the red trail here (pointing to map). It is 3 ½ miles of trail that the owners of Ashville Park will, in perpetuity, maintain for the public. In addition, there is almost a 9-mile trail system provided for the residents that is private. And that does not include the sidewalks on both sides of every street within the residential villages. We did calculate all of that. So, the trail system that will be maintained by the Association in total is about 12 ½ miles of trails. The other thing we are really doing here folks is 12 more acres of development footprint in return for 78 acres of open space, and the lot size will be somewhat reduced, not cheapened, and the homes will remaining the same. The net benefit, I think, is very clear economically and otherwise. And with that, I see my red light is going off. I have some other information, but I will be happy to answer any questions anyone may have.
Dave Redmond: Thank you Mr. Bourdon. Are there any questions for Mr. Bourdon? Mr. Felton?

Chris Felton: I just have one quick question that came to me since this morning. The multi-purpose trail, horse and people that everybody can use on the outside, that is public, and as you just stated, the interior trails are just for the residents at that point. That includes then the community amenities, the clubhouse etc., that is just for the homeowners and will be run by the HOA.

Eddie Bourdon: That is correct. All of the active recreational facilities, the clubhouse, etc., will be private. That will be the responsibility of the Homeowners Association to financially maintain in perpetuity and just for them.

Chris Felton: Thank you.

David Redmond: Is there anybody else? Mr. Thornton, will you call the first speaker?

Bob Thornton: Yes, the first speaker is Dr. Karen Beardslee-Kwasny.

Dr. Beardsley Kwasny: Usually my name is butchered, so I am impressed. I have a couple of things I want to hand out. I am going to put them on this end and on this end. One is the 2005 Master Plan for Ashville Park, and one is the 2013 Master Plan for Ashville Park. You have pictures in front out. You probably have a package with pictures, but I wanted to bring my own that are slightly larger. My name is Dr. Beardslee-Kwasny. Thank you for having me here today Mr. Chairman.

David Redmond: You’re welcome

Dr. Beardsley Kwasny: I’m a member of the Transition Area Interfacility Traffic Area Citizens Advisory Committee. I’m also a resident of Ashville Park, as Mr. Bourdon pointed out. I realize I have 10 minutes to speak in front of you, and I will most likely take up that much of your time, but I hope you will have questions for me that I will be able to answer. But 10 minutes gives me time to slow and be able to breathe a little bit, so that I can present to you what I want to say in a coherent manner. I oppose the Ashville Park modification of condition application before you today. The changes outlined in this application are entirely unnecessary to accept this development. It will negatively affect the integrity of this community and the surrounding Transition Area. It’s true, additional open space in the Transition Area where Ashville Park is located is welcomed. There is no doubt about that. In this respect, the application before you
has merit. Absolutely. However, additional density to Ashville Park is neither welcome nor needed. The residential density ratio in Ashville Park was implemented in order to maintain a sense of openness throughout the development. The proposed alterations of Villages C, D, and E utilizing the acquisition of acreage adjacent to the development significantly increases the residential density in this particular area, and significantly decreases the unified open space originally intended for this development, and this very important development, within the Transition Area. Since the economy turned for the better, Ashville Park is doing well. All of the 20,000 square foot lots in Village A, where I live, have been sold. The 7,500 square foot lots in Village B are doing well. In fact, according to the developer’s representative, Ashville Park has builders lined up at the door wishing to buy into this development. Right now, as is. In other words, there is not an economic strain and there is not a housing market necessitating this very great change to this beautiful development. It is already beautiful. It’s already selling. As well, additional density, this modification will permit, will increase the burden of our already stressed and underfunded roads and school systems. Via the proposed the additional density, the density of Village E, which is at the very back of the development, which is located a quarter mile from the entrance to Flanagans Lane. The density in this development will increase by almost 50 percent, from 56 homes to 109 homes. Surely the residents on Flanagans Lane, a two-lane rural road will also be negatively affected by this density change. Moreover, calculations regarding the number of children the application changes will also add to the schools in the area are incredibly unrealistic. For instance of the three occupied homes on Kittridge Drive, where I live in Ashville Park, there are already 30 elementary school children. That is an average of one elementary school child per household. This is consistent with Heritage Park, which is also generating an enormous ratio, 1 to 1 ratio, is running a similar average. It is clear that an application like this must be considered in reaction to what is in the process of development around them. At the moment, and with concern, and from what is to come. And puts into the word planning, as you know, is looking forward. So we have to take the big picture into consideration, and not just small units, or large units as this one is. If we don’t look at the bigger picture, the estimated impact of Ashville Park and this application and the changes, it will fall far short of reality. It’s the City’s obligation to ensure its citizen’s safe travel and effective education system. It’s the Planning Commission’s obligation to have an eye on future success of the city via plans its permit permission today. These obligations can only be fulfilled by denying recommendation of applications such as the Ashville Park modification of conditions application before today. Thank you.

David Redmond: Thank you. Are there any questions for Dr. Beardsley Kwasny?

Dr. Beardsley Kwasny: Beardslee-Kwasny, thank you.

Bob Thornton: Our next speaker is Steven Berman.

Steven Berman: Before you start the clock, I would like to at least publically say thank you Ms. Dee Oliver and also for Mike Inman for volunteering to serve on this committee representing citizens of Virginia Beach. Thank you. My name is Steven Berman, and my family and I live at 1685 Flanagans Lane. We’ve been there for about 30 years, and prior to that we lived for about 10 years in the Kempsville area. This is the third time that I’ve come before you on this Ashville Park development request, and all of the changes associated with this since 2004. My first visit in 2004 was when the initial conditional use request was submitted by the developer Louis McMurray, who was basically a company located in Newport News, who presented a proposal of a very unique, one of a kind visionary development plan for ta Stephen Fuller Housing development in Virginia Beach. Residents of Flanagans Lane, where I live, Princess Anne Road, Heritage Park, and Sandbridge Road met on numerous occasions with the developer to reach amicable agreements, that were in good faith at the time and we trusted them. That was what the whole development was going to pursue. It contained 36 proffers, which were I believe would minimize the negative impact on long-term local residents, the schools, and the traffic. A year later in 2005, I once again - the property was sold to the developer L.S. Sandler. Although we had reached an agreement, and we worked with them very closely, Sandler came to the city to make proffer changes on the road and housing layout. Again, I came to you and asked that would you honor the original contractual proffered agreement that were stamped that were established a year before. However, you supported the new developer and agreed to the changes. In November 2011, a new developer, Wayne Crosby, came to you for significant changes for considering two age-restricted villages into one, combining them, and increasing the density of family homes. I don’t know if you’ve driven through there. One of the real problems, even though there is traffic on the outside, there is no place for children to play. They are not going to be building a new development for them. You can’t get two cars in many cases in the driveway. Some of those only have a one-car garage. I don’t know when the last time we approved one-car garage developments. Again, I came to you asking you honor the original contractual proffered agreements. However, you supported this new developer and agreeing to the changes. In November 2011, this whole process occurred again and you supported the new developer. On January 2014, I received a planning document from the City of Virginia Beach advising me of this public hearing on this new developer. The density increase since 2004 is now 20 percent or additional 96 homes on smaller lots. As President Reagan said,
“Here we go again.” I wasn’t planning on speaking today, but I was optimistic that I believe my third time might convince you to not approve any changes to the proffers. The proffers were put into place, and we should honor those proffers. I understand there are lots of reasons why they are not working, but I think it is important that we make sure that those proffers are in place, and they don’t change every time you get a new developer into this large development.

David Redmond: Thank you Mr. Berman.

Steven Berman: Thank you. I thank you for your time. I appreciate it.

David Redmond: Don’t go away. Are there any questions for Mr. Berman? Alright, thank you sir.

Steven Berman: Thank you.

Bob Thornton: Our next speaker is Chris Lindsey.

David Redmond: Good afternoon.

Chris Lindsey: Good afternoon: I’m Chris Lindsey and I’m a resident of Heritage Park. I’m here to speak in opposition to the changes that are proposed to Ashville Park. I’m happy to say that some of these people in attendance today. We also represent the neighbors in the adjacent neighborhoods from Lagomar, Flanagans Lane, and Heritage Park. The concerns that we have for this property is that when we bought our house back in 2006, we specifically picked our house because it was adjacent to a park. We wanted a house that was close to the neighborhood. It would be very nice and very similar to the neighborhood we are currently living in. Since the recession, our assessed value of our house has dropped by 25% so we cannot recoup that value of the purchase price of when we bought our house. This is of deep concern. Now, the gentleman before, he was speaking, states or he assumes the value of the houses that are going to going into Ashville Park are actually more expensive than the value of our current house, and I highly object to that. When you look into Proffers 13, 29, & 33, and what they say is that Ashville Park wants to add 87 houses, 30 of those will be in Village C, which is directly by my house. Proffer 29 wants to cut the lot sizes by a third from 20,000 square feet down to 13,500. Proffer 33 actually wants to actually cut the house sizes. I think the gentleman earlier said they are not going to cut the house sizes, but they do, they cut the house size for a single-family house for a minimum of 2,400 square feet down to 2,000, and a two-family house from 6,000 down to 4,200 square feet. Again, this is negative pressure on the property value of our
house. I think the gentleman that was speaking earlier today in the hearing that we had earlier today said the buyers currently want smaller house. I am not sure if that is true or not. But one thing that I can say is that when you have a house in a neighborhood that averages square footage for the house around 4,000-4,500 square feet and you put a neighborhood next to it with a house that range from 2,000 to 2,200 square feet, you’re going to significantly going to be reducing the value of those houses. So, I strongly urge you guys to recommend against pushing this proposal forward. Thank you.

David Redmond: Are there any questions for Mr. Lindsey? I do. It is not an easy plan, but it is a big one, but if you can take that pointer, and show us where you live sir?

Chris Lindsey: I live in the house right there (pointing at PowerPoint map). It is the last house on Buttermilk Court overlooking a pond that sits right here. It’s a stone throw from my backyard.

David Redmond: Mr. Ripley?

Ronald Ripley: I just wanted to point out. I thought I understood the attorney to say that the existing square footage that was part of the original proffers or the size of the buildings or the size of the dwelling units was going to go back to those square footages.

Chris Lindsey: I am reading directly from what was in Proffer 29.

Ronald Ripley: I understand that. I see it too. What he has said, and he can correct me if I am wrong, but what I heard him say was going to resubmit this proffer to City Council in between that meeting and that meeting.

Chris Lindsey: That would be fine for the square footage of the house but does not address the square footage of the lot plus the additional 87 lots that will go to the neighborhood and the 30 and the village that is directly behind our house.

Ronald Ripley: It might not. The square footages that are permitted are what’s permitted. I hear you say 4,000 square feet. I imagine that some of these will probably have sizes in that range but already, this is the approved size.

Chris Lindsey: We’re okay with the house sizes that were originally drawn. It’s the reduced house size. It’s the square footage of the lot, and the additional lots within the villages.
Ronald Ripley: I was just pointing out that if you overheard that, again, he can correct me if I’m wrong.

Chris Lindsey: No. That’s fine. If we’ve stricken Proffer 29, that’s fine. That still leaves Proffer 13 and 33 that need to be addressed.

Ronald Ripley: Thank you.

David Redmond: Are there other questions? No? Thank you Mr. Lindsey. We appreciate it.

Bob Thornton: Our next speaker is Jessica Lindsey.

David Redmond: May we assume you two are related?

Jessica Lindsey: Maybe. Maybe married. Yes, my name is Jessica Lindsey. Thank you so much for having us today. And honestly, from all of the other discussion that’s happened, I don’t have probably anything additional to say, but would just like to reiterate all of that. We’ve been a resident there for 7 ½ years, and Heritage Park is gorgeous. Ashville Park is gorgeous. And I think we all built there to build a home, to build a home to raise our children, not necessarily a home to flip or a home to temporarily live in. I think it is one of those areas that we appreciate in Virginia Beach, and appreciate the historical value in nature of this land down there. The agriculture and things like that have been there for so long. So, I think with the addition of all those homes and things like that, it changes quite a bit the original plans as were passed out as far as it supposed, and I don’t want to say “quaint”, I guess quaint is a good word to say, much more quaint, fewer houses and just again, property value the traffic and congestion, things like that. I am a mom of two elementary and one pre-school child. The schools are starting to get quite busy, and our street, and if I’m not mistaken has 29 children in a cul-de-sac. So, I think to say that one elementary school child per house is probably is a low number, I would guess just of the age of the people that are building and everything down there. So I think that the schools will be a big issue and the traffic will be a bit of an issue. And, I think a lot this morning, and it was interesting, and I was happy to attend the Planning meeting this morning. I think a lot of the focus was on the wetlands, and I think that is fantastic. It looks great, but again for us, I think it is more of that’s fantastic, but it is the focus of all of those homes, the addition of 87 homes, and again 30 of them, us kind of being able to look out of our window. We really want to be able to work with whoever’s planning. It has changed hands ten times, whatever it is, but I think it is not are we going to build, but let’s build build as a community, and look at it as a community perspective, and say, okay, we’re all here, we all
want to stay and we want this community to be something that we want to raise our children but how can we work together to make sure it’s what we had originally put our blood, sweat and tears into in terms of building a home, looking for a home, looking for that particular lot and things like that. I just want it to be the community that it was originally supposed to be. I appreciate your time.

David Redmond: Alright, thank you ma’am. Does anyone have any questions for Ms. Lindsey? No? Okay. Thank you.

Bob Thornton: Our last speaker is Lisa Hartman.

David Redmond: Welcome back, Ms. Hartman.

Lisa Hartman: Thank you. Again, my name is Lisa Hartman. The HOFD Ashville Park, LLC application that has been recommended for approval by city planning has additional contradictions to the intention of city ordinance just by how it spoke and regarding to earlier. The lands for the entirety of Ashville Park is zoned R-30 with a minimum of 30,000 sq. ft. lots. Yet very few of those lots, I don’t know if any are actually 30,000 sq. ft. And, I will get back to that in a moment. The PD-H1/PD-H2 overlays that continue to be applied to residential neighborhoods were only created again to identify existing districts in 1988 when our City Zoning Ordinance was put into place. The ordinance was written to avoid some of the tangles that had been previously created by those PD-H1/PD-H2 2 overlays. I think it kind of takes away the big picture, where I have to disagree with Planning where they feel like it’s an umbrella. I believe that by allowing PD-H1/PD-H2 and allowing the developer to vary the lot sizes, you end up with what exactly what’s happening in Ashville Park. It is zoned R-30 - 30,000 sq. ft. lots. I don’t even know if there is one, 30,000 sq. ft. lot. That is a false representation of what the actual zoning is which is R-30. So, the PD-H1/PD-H2 overlay that they say, “Well, don’t worry it’s PD-H1/PD-H2 and they can vary the lot sizes”. The point is if they are approving zoning for R-30, then how can they be 30,000 sq. ft. lots, if they want 7500? Ask them to come back. What is very important to me, what really took me weeks to figure out is the application only includes C, D, & E by excluding A & B, you take out 299 homes. That is what my figure is. So, here’s what it is, right now without the area that they are proposing, there is 452.8 acres and 499 homes. So there representation that C, D, & E is 393.2 acres and 287 homes, it doesn’t really look that bad. When you include the entirety of Ashville Park, it is 539.8 acres and 586 homes. So, if you take, well the math just doesn’t add up. By continuing to use the PD-H1/PD-H2 overlays, that were never intended to use, Citizens are losing faith in Planning and this Commission. I ask you to not recommend this for approval. The Conditional Use is actually inaccurate because when
you take out the PD-H1/PD-H2 it was not lawful, since 1988, then it is a variance and not a Conditional Use. So, I just ask you to start asking them some hard questions and stop letting the attorneys and the applicant’s run the City. This is city planning and you should be our advocates.

David Redmond: Thank you Ms. Hartman. Don’t go anywhere. Are there any questions for Ms. Hartman?

Donald Horsley: I have a question.

David Redmond: Mr. Horsley.

Donald Horsley: If we didn’t put the 87-acre parcel in there, and left Ashville Park like it was, and the owner of the 87 acres comes in and asks for his, would you support that?

Lisa Hartman: He’s already approved that. So, that has already been approved. The 87 acres has 50% open space, and it is already being approved. I am not opposing that. What I am opposing is adding 87 acres, and 87 homes to a density that is already greater than what it should be at. So, the entirety of the 539.8 acres. This is to answer that question. If you multiply that by square footage, you get over 23 million sq. ft., 50% of that is going to be open space, so you are left with 11.7 million sq. ft. Then, you divide that by the 30,000 sq. ft. that the R-30 zoning allows, and you get 391 homes. They are already at 499. Why would we give them 87 more? And, that includes the 87 acres in that figure. When you are looking at it the zoning that has already been approved is R-30 zoning. They should only have 391 homes. They are already at 499. Why are we giving them more homes to put on there? I mean, grant it, they will have more open space but you are also going to increase the density and some of these villages are double.

Donald Horsley: You didn’t answer my question.

Lisa Hartman: I did.

Donald Horsley: I want to know do you prefer that to be a separate subdivision separate from Ashville Park?

Lisa Hartman: Oh, it can be because it has been approved to have that added in at 87 acres, that’s fine.
Donald Horsley: No, do you prefer that to be a separate subdivision of its own, all separate from Ashville Park? And leave Ashville Park alone?

Lisa Hartman: Well, it has already been approved. I mean, I can’t oppose it. It really doesn’t matter what I prefer. What I’m telling you is this application.....

Donald Horsley: You can oppose it if you want. To me, well, we’ve been in the city for years trying to put parcels together, so we can make developments more efficient, more liberal...

Lisa Hartman: And, I agree with that.

Donald Horsley: Adding this parcel to Ashville Park, to me, it’s a big plus.

Lisa Hartman: It’s a huge plus. I agree with that. However, out of the 87 additional homes to the density, that’s already exceeding what it should be, is not okay. Adding 87 acres, that’s great. Let it be passive space. That’s fine.

Donald Horsley: I think the owner probably wants more than passive space.

Lisa Hartman: I’m sure he does, but what that owner wants, is not your responsibility. Your responsibility is to the citizens of Virginia Beach. How well he works with Planning or how well Planning does their job, for what they are paid to do, is not your concern. Your concern is how this will affect the rest of Virginia Beach, the citizens surrounding it, and the entire City. We are losing faith.

David Redmond: Excuse me. I think he understands his responsibilities.

Lisa Hartman: I’m sorry.

David Redmond: Anymore questions?

Donald Horsley: No.


David Redmond: Alright, Mr. Bourdon.
Donald Horsley: Can I ask Dr. White one question?

David Redmond: Sure.

Donald Horsley: Can you explain the R-30 zoning, Mr. White, once more?

Stephen White: Glad to. I may need assistance from Mr. Macali, but the site is zoned PD-H2 and the accompanying zoning that goes with that is R-30 and P-1, R-30 Residential and P-1. The PD-H2 uses those residential districts to determine the density at which the site can be developed. Mrs. Hartman has noted that the ordinance says that it is the intent of the City Council that PD-H2/PD-H1, similar to R-5 districts, are not to be used except where they are already located. I think Mr. Macali will tell you, and you can jump in anytime, that it just says ‘intent,’ and since that time, Council has been acting on and approving PD-H2s and R-5s in various locations. So, what Ms. Hartman is telling you, is that the site is really zoned R-30 across the board, and there are 30,000 sq. ft. lots, that is how she is calculating. She is taking the acreage, and dividing it into square feet, and then applying 30,000 square feet to it. This is how she is coming up with the figures, because PD-H2 should not be allowed or should not be in use in this situation. Bill, do you have anything to add?

Bill Macali: Mr. Horsley, I think your question was something about the R-30 destination. And, the answer to that is simply that R-30 by itself would require 30,000 sq. ft. minimum lot sizes but since it’s in a PD-H2 district, lot sizes are determined by the land use plan that’s submitted by the applicant. It is permissible to show lot sizes smaller than 30,000 sq. ft. or in R-20, 20,000 sq. ft., etc. The whole purpose of PD-H2 is to provide flexibility so that development can support a certain amount of open space, which is more usable, it’s more compact, it is a certain area where people can use it, instead of just having everybody have their little backyard and really not any communal space. I am not sure about any other items you were asking about but . . . .

Karen Lasley: Bill, let me add with the PD-H2, the R-30 just sets, as Stephen mentioned, just sets the overall density, and that density allowed in the PD-H2 (R-30) is 1.1 unit per acre, which this complies with. It does allow the flexibility of lot size, as Bill indicated.

Donald Horsley: Say that one more time.

Karen Lasley: The R-30 allows a 1.1 unit per acre, in the PD-H2.
Ron Ripley: Can I comment to? The use of this particular portion of the Zoning Ordinance allows you to cluster, as Mr. Macali was saying, and that’s the intent . . . .

Karen Lasley: Absolutely

Ron Ripley: . . . . of the Transition Area, where we can create more open space, cluster housing closer together, and create meaningful areas to blend in with the intent of it. And, this application is right on point, and I differ with the last speaker, for sure.

David Redmond: Ok, we will get there. Are there any other questions for staff? Alright. Mr. Bourdon.

Eddie Bourdon: Thank you, Mr. Chairman. I’ll just weigh in on that last subject but very briefly. The language that is in there that Ms. Hartman is citing is language that has existed long before the state legislature gave us proffers and conditional zoning that ties everything together and that’s why that language is in there, because Green Run actually had some failings. This was before there were proffers. The key, and everyone understands this, is that the Transition Area density is 1 unit per acre with some leeway. And back to Dr. Berman, his assertion that the changes have increased density, they have not. It removed the age-restriction, which did not change the density. It didn’t change the density. It may have changed the impact, but it didn’t change the density. And, this application does not change the density. As a matter of fact, it reduces it by a fraction, but the density remains the same based on the number of acres involved. So, there is no increasing of density. So, what it is going on is developing efficiently. One of the things that was done with the original proposal that I didn’t represent because of having property then, if we can we go back to the composite? Flanagans Lane was a through street, and it was cul-de-sac’d as a part of this development. This beautiful new road was put in, phenomenal, compared to what Flanagans Lane used to be. And, the homeowners on Flanagans Lane, now, have a cul-de-sac. And, I’m sure they find that to be an enhancement to what was there previously. If Elbow Farms develops separately, rather than the way that we are proposing, the traffic would come on New Bridge Road out to Sandbridge Road, same as the Flanagans Lane traffic comes onto Sandbridge Road. They are occupying the same roads, either way, none of this traffic is going to go down Flanagans Lane, unless they are visiting someone on Flanagans Lane or they’re lost because these homeowners own three-acre lots with septic tanks and they live on a cul-de-sac. It is a wonderful community. This is not a density change. One of the other things that was mentioned, because the proffers that you have before you are much more specific and much more detailed in regard to the homes, which will not be diminished in quality, none, with less than a two-car garage. There is one mistake with a one-
car garage on one house in the Village B, the 7,500 square feet village. The average home sites, average in square feet of homes in Village A, the existing larger lots, is in the mid 3,000 sq. ft. range. That will be the same identical home sizes that’s in Heritage Park that we are talking about, the average home size in this village that they are directly adjacent to and the average home sizes in this village will be within 100 sq. ft. of each other because the market is picking up, and we expect the market to continue to do so, and that’s why the values we are seeing in the new homes, in the smaller lots here, which are 14,000 sq. ft. lots, the values are going to be substantial with all this beautiful open space and the amenities, these values will be achieved unless we have another substantial down turn. Heritage Park is a beautiful community, and I had the privilege of representing them on their zoning change. We have all seen that develop, and these are all are extremely compatible, but the key here is that the density is the same as the one unit per acre that we are. We are maintaining the overall density and making it more sustainable, and certainly, a better situation, in terms of, environmental impact by minimizing the footprint of the development, rather than having a new development down here on New Bridge Road with isolated infrastructure and isolated open space. Your staff has said it; this is an application that is totally on point with the Comprehensive Plan, not degrading the quality at all. To reaffirm what I did say previously, Proffer 29, that was on the original, that we proposed to modify, we are not going to modify that. We are going to maintain the same minimum home sizes, but, frankly, we don’t anticipate that, just as it indicates with the other two villages, there will be few and far between that anybody will build to the minimum. They are going to be bigger than the minimum, but we are not going to change; so, the homes will be the same, the lots will be a bit smaller, but the open space will be tremendous and larger. I’ll be happy to answer any questions, if anyone?

David Redmond: Any questions for Mr. Bourdon? Ms. Rucinski?

Jan Rucinski: Okay, so you are saying that the request for modification for Proffer 29 in our write up is not happening?

Eddie Bourdon: Based on the discussions that I’ve had with Home Federal and the meeting that we had on Saturday with the residents of Village A of Ashville Park, we have agreed that we will not modify that proffer. It will stay exactly as it is currently worded. The last couple of sentences in the revised one will be deleted. In fact, all of that will be deleted from the proffer agreement because we will maintain the existing Proffer 29.

Jan Rucinski: Okay because you kept talking about them being the same when the proffer says no less than 2,000 sq. ft.
Eddie Bourdon: But we are going to maintain the existing Proffer 29. We are not going to modify it.

Jan Rucinski: Okay.

Eddie Bourdon: I’m sorry. It’s confusing. That is going to remain, the only thing that will be changing with these three villages are the lot sizes and the much greater and quality detailing of the architectural requirements for each of the homes in these three villages, as Dr. White referenced this morning, and the amount of open space. All of that is going to be P-1 down here on New Bridge Road. So, it’s preservation, and can’t be developed, and it won’t be developed. The only way is if someone comes in here and asks to build houses on that. It’s going to be a part of Ashville Park, owned by the Homeowners Association, and zoned Preservation. I’m not aware of any property in Virginia Beach that’s been zoned Preservation, that’s ever been rezoned for houses to be built on it, which someone had asked that question earlier. Not going to happen. And, the Homeowners Association of Ashville Park would have to be the applicant for that ever to happen. Anything is conceivable, but it’s not going to ever happen.

Jan Rucinski: To simplify for me, you are talking about the same size of home on just a smaller lot.

Eddie Bourdon: That is absolutely correct. Like I said, in the 7,500 sq. ft. lot village, we have homes that are over 3,000 sq. ft. So, it’s easy, not going to be any problem, having all the open space and meeting the square footage average that we are talking about, especially on Village C with the 14,000 sq. ft. lots, there will be homes in there that are well over 4,000 sq. ft. in home size.

Jan Rucinski: How about D & E? How are you going to get that same size of home on that size lot?

Eddie Bourdon: D is 10,000 square foot lots and E is 12,000 square foot lots.

Jan Rucinski: But if the homes are staying the same size that they are in A, how are you going to get the size of home on that small of a lot?

Eddie Bourdon: In A, the average home is 3,400-3,500 square feet. Okay. I’m not suggesting in D that the average in D with a 10,000 square foot lots will be that high but it will be 3,000
square feet or above because in the 7,500 square foot village which is Ranier Development M, the houses are around 3,000 square feet on average 7,500 square foot lot, so easily on a 10,000 square foot lot they are going to be higher. The market will dictate it, and as long as the market stays strong and this neighborhood is very desirable because it is a great neighborhood. That is what you are going to see as far as average size. There is plenty of room on a 10,000 foot lot for 3,400-3,500 square foot home without any doubt about that. The market will be the determining factor but that market for this community just like for Heritage Park and Sherwood Lakes, which is a little bit different and Munden Farms is coming on. What the pickup and the real estate market, if the circumstances remain the same, it is a great place for people to live in. This is not going to impact what a great place it is. In fact, we believe it is going to be a positive impact, because it is going to make it more affordable to maintain all of the amenities to have the additional homes in this development versus the adjacent development using your amenities, and not paying for them. You’re putting a greater cost for homeowners by developing this piece meal. That’s why for as long as I have been doing this, 30 plus years, it is always better to try to assemble as many properties as possible and make one more sustainable higher quality development and that is what this is. And it protects Back Bay because we’re not going out to New Bridge Road, and using it for Elbow Farms. I forgot something that I think Ms. Hartman may have misunderstood something I may have said. I don’t know. But Elbow Farms does have a proposal for a development of their property. They have a pending development that they came to us about trying to work together. That is what is involved. If she misunderstood something I said. I am not in any way suggesting those 87 homes I referred to is what the Transition Area would permit - one unit per acre per development acre if you should meet the criteria. That is just an application. That is what evolved to this. Nothing has been approved on that property today. If this were not to be approved by City Council, then Elbow Farms would go forward with trying to develop their property independently. Everyone thought this was a lot smarter way to do it.

Jan Rucinski: Thank you.

David Redmond: Other questions for Mr. Bourdon? Thank you.

Eddie Bourdon: Thank you very much.

David Redmond: And with that we will close the public hearing. Is there any discussion? Who would like to start? Alright, I will do it.

Donald Horsley: You want to start it?
David Redmond: I will.

Donald Horsley: Okay.

David Redmond: I will make a couple of points. We’ve had a pretty full discussion of this today, I think this morning in the informal, and again today. I know other people will address other portions of it. But the things that I think that come to my mind are as follows. First, it is an extraordinary neighborhood. Mr. Berman asked if we’ve been back there. We’ve been to this place ten times, just the van alone. We are quite well-familiar with it. This part of the city tends to have the greatest number of applications. This particular very large-scale development from time to time does. There is much in this corridor itself and in our context, not just as individuals, but in this context we’re in this neck of the woods frequently, in this development a lot; so, I think we understand it very well. It is an extraordinary development today. It will be if this is approved, and it probably will be 50 years from now. I would caution that if you don’t think this is going to change again, then you’re making a mistake because for any 500-acre development it takes a better part of, and how many years are we into it now? 20 years? Okay 10-15. By the time it is fully developed, fully sold, and starts to turn over and lot of those young families that are in the Lindsey block -- I bet it is busy at Halloween over there -- start to turn over again, this plan is going to change, because absolutely nothing stays the same with this large-scale type of development. They just change. As market conditions change, as people’s lifestyles change. I live on a R-30 lot. A lot of people don’t want that. Trust me, I can’t get it done sometimes, because there is so much to handle. There is a huge segment of the population that doesn’t care for that kind of development. I happen to, but others don’t. Mr. Lindsey, I live in a 2,700 square foot house with a wife and one daughter. We have no need, whatsoever for 4,000 feet. We don’t live in half of the house we have. My point there is there is a market for some other kinds of houses. There is a market for others, and the notion there is smaller lots or smaller houses or different configurations. There are different markets for different product types. I like what we have. I would have no use whatsoever for a 4,000 square foot house. I don’t believe that any kind of diversity in product types necessarily detracts from the other. You may not believe me, but I happen to believe that the change that is occurring here is going to have no negative impact on the value on any of the homes in this development. Feel free to agree or disagree with me, but that’s my view. And for that reason. And finally, I’ve done this for seven years now. And I can’t remember a single person here . . . no matter what other quibbles one might have with City Council from time to time, it’s my experience they got a pretty good track record of picking great capable honorable people to serve here. I can assure you that each and every one of us is always mindful of our
responsibilities, and then some, every time we come down here. Mr. Horsley, chief among
them, but I think that goes for everybody, so I can assure you that we have no other interest
whatsoever but the best interest of this city and its residents. When we render our judgments,
and make those recommendations to City Council, that is what we are doing. So, if anybody
has a quibble with that, they can take it up with me privately, and I’ll be happy to explore it
further. Does anyone else have any questions?

Jan Rucinski: I have some questions. I am a little concerned when they are talking about the
amount of children that are already live in this community. Do you know if there has been, or
who do we ask about, if there has been any study on the schools, or if the school system is
sufficient to cover that neighborhood or the increase of that?

Lisa Hartman (yells from audience): I . . . .

Stephen White: Staff routes the applications to the School Board, and Donald Greer is the one
who reviews them. The information that is in your staff report on page 13 -- there is a table for
each of the schools, and it provides the number of students in the school, what the capacity is,
and how many are generated by this project. When the school board generates that, they use
this analysis, and they look not just at this community when they do this analysis, but they look
at the entire area of that school district to see how it is going to effect the schools in that area.

David Redmond: The school projection is always part of all the application.

Stephen White: They are. Exactly.

Lisa Hartman (yells from audience): [inaudible]

David Redmond: Excuse me ma’am. Please take a seat. We do not allow folks to speak from
the audience. You had your turn.

Lisa Hartman (yells from audience): I was just commenting on what you said.

David Redmond: We prefer that you not. Is there any other discussion? Mr. Ripley?

Ronald Ripley: You know when I read the write-up that Dr. White did, which was quite
thorough, I thought, and when I got to the end of it, and I saw the 87-acre piece they were
adding to it, about 25 years ago, we were promoting a concept in the General Assembly of
transferring development rights, basically where you can transfer development rights, and this
developer really has done that. He has gone out, and bought the rights to transfer them, and I think that is a pretty interesting approach. So, I see the additional density. I agree with the counselor. I think it is a smart growth move, and I think that when you look at the two before and after plans, I think the integrity of the plan is still intact, and I think it enlarged a little bit because of the result of this transfer development rights that this developer is willing to pay to achieve. And so, I really tried to listen to what the residents said. We’ve seen a lot of emails. I don’t see where these earlier stages of this development of A and B section are of any proximately of open space they didn’t have otherwise. They are just receiving more open space, and I realize that may be little further away from them, but the proximity to open space where they live is pretty much the same. So, I think this is a smart move, but I think the size of the units or the size of the lots will support houses similar to the sizes that are being developed in there now. I think from an owner’s point of view, one of the concerns that I know is at the top of the resident’s mind, is whether or not it hurts their values. And, I think you are hearing testimony from the counselor, and I think we know it in the marketplace, and I know it being in the business, that this market is starting to grow, and it is starting to become very healthy again. And, this is a very desirable place, and I can’t imagine this developer not trying to achieve the maximum for it, which are larger houses.

David Redmond: Thank you Mr. Ripley. Mr. Inman?

Mike Inman: Just to add to what Mr. Ripley said that, not only that, but this particular area of the city has been growing faster and it is also is more attractive. And I’ve noticed in looking at home values that we see in the newspaper, it really has been holding up this price, sale price the same, that sort of thing going on. It is a strong market. It is a quality product, and I don’t think they folks are going to be hurt by what little change is occurring here.

David Redmond: Any other discussion? Mr. Horsley?

Donald Horsley: I’ve been around a long time before Ashville Park and all. I remember when Irish potatoes were growing on Mr. Bourdon’s family farm and all of that so. Virginia Beach used to have the uptown development and the rural development, which was south of what we are talking about here. This is part of it back then. And everything was being developed on three-acre lots. You just go down the street and you strip out three acres, three acres, three acres. And anybody in their right mind knew that wasn’t going to be the way to develop the city and for the city to prosper. So over the years it became developing ideas where we could cluster these homes in areas and preserve open space via farm land or just passive open space. And it was a whole lot more appealing, and I think one reason that people love Virginia Beach is
because this has occurred. Then we developed the Transition Area to make that break between the uptown folks and the rural people when you get south of Indian River Road or whatever. But even in the rural area we encourage where we have where people not to decide to put the land in Agricultural Reserve, and they want to develop it to its full potential, and we said okay, if that is what you want to do, but let’s get together with staff, and let’s put these things in clusters. Put it on the least amount of land feasible for quality of life, but just don’t block up all the land, because we are not making any more land folks. It is not happening. So, Ashville Park is a spinoff of some of these efforts that date way back. I remember the Transfer Development Rights. I went to Richmond trying to get the legislature to help approve that. They laughed us out of Richmond. They said go back home. But we developed a Purchase Development Rights program in the city, which has been a big plus for the rural end of the city. So, when Ashville Park came, in fact, I was on Planning Commission when it was initially approved, and my wife, she saw the plans one night. She said, “I would like to live in a place like that one day myself”. I mean it is a beautiful place, and it hasn’t really has not changed that much. I mean. This new plan has some smaller lots but when you add all of this acreage together, you got a huge development there and when you get a large piece of land, it’s entitled to one house per acre, which has been established for the Transition Area. I mean you’re going to have 500 plus homes in there. You got over 500 acres of land you are dealing with. So, I don’t mind. I think even in my business, you have a plan, and a few years down the road, certain things change, and you have to change your plan to make things work out. And that is what’s happened here. And, I know some of these people have done a lot of studying on this thing, and feel adamantly against it, but I just can see the point of being that way. It looks like to me it is an excellent plan. It is going to be a high quality project, and I still think that putting those 87 acres in Ashville Park is by far better than trying to develop it on its own, and none to New Bridge Road. Mr. Cromwell probably wouldn’t mind some of that traffic coming his way to his produce stand, but probably wouldn’t want all of it on New Bridge, because that is a pretty busy road in the summertime. So having said that, you know I really don’t have a problem with this. I plan to support it. And maybe you can keep on letting Mr. White work that piece of property that is on New Bridge Road. You can still farm it in Preservation. You can still farm the land that’s open. We’re not making any more. Maybe the Association can develop some funds by renting it to somebody, so; having said that, when you’re ready for a motion, I’m prepared.

David Redmond: Mr. Horsley?

Donald Horsley: I make a motion that we approve items 9 & 10 as proffered.
Items # 9 & 10
(9) HOFD Ashville Park, L.L.C.
Conditional Change of Zoning
3049 New Bridge Road

(10) HOFD Ashville Park, L.L.C.
Modification of Proffers of a Conditional Rezoning
Page 22

David Redmond: A motion on the floor by Mr. Horsley and a second by Mr. Hodgson. Yes ma’am?

Jan Rucinski: Don’t we need to make a change to that proffer?

Donald Horsley: I’m sorry. Proffer 29 will remain as is. He will make the correction before Council.

Jan Rucinski: I apologize for being out of order.

David Redmond: With that, are we ready to vote? I think we are.

Ed Weeden: Ms. Oliver? (Called for a verbal vote because vote machine was not rendering her vote but was registering on monitor and paper).

Dee Oliver: Yes

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Ed Weeden: By a vote of 10-0, the Commission has approved items 9 & 10, HOFD Ashville Park, L.L.C. including Proffer 29 to remain as it is.

David Redmond: Thank you Mr. Weeden. That was the last agenda item. Is there any other business to come before this body? Hearing none, on behalf of the Commission, I would like to thank all the folks that were here today, the Commissioners themselves, and the staff. We’ll see you next month. Meeting is adjourned.
REQUEST:
An application of R & J Retail Investments, Inc. for a Modification of a Conditional Use Permit (service station and car wash approved on 12/13/88 and modified on 8/26/91) on property located at 5765 Northampton Boulevard, District. GPIN: 14680930990000.

CONDITIONS

1. All conditions attached to the Modification of a Conditional Use Permit granted by the City Council on August 26, 1991 are deleted and are replaced with the following conditions.

2. All signage shall meet the current requirements of the City Zoning Ordinance.

3. Redevelopment of the site shall substantially conform to the site plan titled “LAUNDROMAT NORTHAMPTON” and dated 11/1/2013.

4. Architectural changes made on this site shall substantially conform to the elevations titled “LAUNDROMAT NORTHAMPTON” dated 11/1/2013.

5. Public restrooms shall be provided as per Section 225(a) of the City Zoning Ordinance.

6. Category IV landscaping shall be provided along the south property line. Existing mature vegetation on the subject parcel and/or the adjacent parcel identified as GPIN:14680848790000 (1137 Baker Road) may be counted towards this condition.

Jeff Hodgson made a motion and seconded by Chris Felton to approve item 11.

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A verbal vote as made by Commissioner Oliver. Vote machine not registering vote.

By a vote of 10-0, the Commission approved item 11 by consent.

There was no representative on this item.
Item 12 & 13
Jennifer Fedorowicz & Christie Rother
(12) Conditional Change of Zoning
(13) Conditional Use Permit
2310 Princess Anne Road
District 7
Princess Anne
January 8, 2014

CONSENT

An application of Jennifer Fedorowicz & Christie Rother for a (12) Conditional Change of Zoning from Conditional O-1 to Conditional B-1, and an application of Jennifer Fedorowicz & Christie Rother for a (13) Conditional Use Permit (Specialty Shop) on property located at 2310 Princess Anne Road, District 7, Princess Anne. GPIN: 24045315490000.

PROFFERS

PROFFER 1:
The property shall be developed substantially as shown on the exhibit entitled “Preliminary Site Plan, Mr. Troy Scoggin- Rezoning of 2310 Princess Anne Road”, prepared by Blakeway Corporation, which has been exhibited to the Virginia Beach City Council (“City Council”) and is on file with the Virginia Beach Department of Planning (“Planning Department”)

PROFFER 2:
Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City Codes by all cognizant city agencies and departments to meet all applicable City Code requirements.

A motion was made by Jeff Hodgson and seconded by Chris Felton to approved item 12 & 13.

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A verbal vote was made by Commissioner Oliver. Vote machine not registering vote.

The application Jennifer Fedorowicz appeared before the Commission.
CONSENT

An application of Linjon Pacific, L.L.C. for a Special Exception for Alternative Compliance to the Oceanfront Resort District Form-Based Code on property located at 2607 Pacific Avenue, District 6, Beach. GPIN: 2428007663000.

CONDITIONS

1. Except as modified by any other condition below, the architectural design of the structure shall be substantially as shown on the submitted untitled architectural renderings included in the Staff Report, which are on record at the City of Virginia Beach Planning Department.

2. Except as modified by any other condition below, the development of the site shall be substantially as shown on the submitted site plan included in the Staff Report, which is on record at the City of Virginia Beach Planning Department.

3. The applicant shall make all sidewalk improvements.

4. All landscaping shall exceed the minimum requirements of the City of Virginia Beach Landscaping Guide.

5. All landscaping must be maintained in good health. All landscaping that fails to grow shall be replaced with a similar type of plant that conforms to the landscaping associated with the plans approved with this application.

6. No mechanical equipment or dumpsters shall be visible from the public right-of-way or adjacent property owners.

A motion was made by Jeff Hodgson and seconded by Chris Felton to approved item 14.

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A verbal vote was made by Commissioner Oliver. Vote machine not registering vote.

By a vote of 10-0, the Commission approved item 14 by consent.

Eddie Bourdon appeared before the Commission on behalf of the applicant.
Item #D1
Hunt Club Farm A-1-A, L.L.C.
Modification of Conditions
2388 London Bridge Road
District 7
Princess Anne
January 8, 2014

DEFERRED

An application of Hunt Club Farm A-1-A for a Modification of a Conditional Use Permit approved by the City Council on July 8, 2008 on property located at 2388 London Bridge Road, District 7, Princess Anne. GPIN: 24058121850000; 24059002180000; 24059141550000 24059006070000

The applicant’s representative, Bill Gambrell requested a deferral of this item.

A motion was made by Jeff Hodgson and second by Don Horsley to defer item D1.

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By a vote of 10-0, the Commission approved deferring item D1.
CONSENT

An application of Witchduck Court, L.L.C. for a Modification of a Conditional Rezoning approved by the City Council on 3/27/2012 on property located at 527 North Witchduck Road, District 4, Bayside. GPIN: 14679808210000.

PROFFER

PROFFER 4

1. In order to provide for the coordinated development of the Property, the Property shall be developed in substantial conformity with that certain plan entitled “EXHIBIT OF WITCHDUCK COURT CONDOS, Virginia Beach, Virginia,” dated December 13, 2013, prepared by MSA (the “Concept Plan”), a copy of which is on file with the City of Virginia Beach, Department of Planning, with regard to layout, ingress and egress, and landscaping. Grantor shall comply with all terms and conditions of all City Ordinances and Guidelines pertaining to landscape design. The landscaping shall substantially conform as depicted in the Concept Plan. Vehicular ingress and egress shall be situated as depicted on the Concept Plan.

2. The original Proffer Agreement, except as herein amended, shall remain in full force and effect.

A motion was made by Jeff Hodgson and seconded by Chris Felton to approved item D4.

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A verbal vote was made by Commissioner Oliver. Vote machine not registering vote.

By a vote of 10-0, the Commission approved item D2 by consent.

Bob Miller appeared before the Commission on behalf of the applicant.
CONSENT

An application of Hall Automotive for a Modification of a Conditional Use Permit for installation of a paint booth in existing building at the corner of Chestnut Avenue and Bonney Road; use of two parcels as interim bulk storage yards for vehicles and the deferral of parking lot improvements for up to five years; a 2,500 square foot area for storage of auto parts and other materials for recycling; and, the addition of bulk storage for towed vehicles in an area on the site that was previously approved for vehicle sales on property located at 3757 & 3769 Bonney Road, District 5, Lynnhaven. GPIN: 14874319750000; 14877428000000; 14874347910000; 14874377930000; 14874364730000; 14875316860000.

CONDITIONS

1. The conditions of the June 5, 2001 and September 9, 2003 Conditional Use Permits are deleted and are replaced with Condition 2, below, and as specifically modified by the other listed conditions of this Use Permit.

2. Development and redevelopment of the site shall substantially conform with the plan entitled “Conceptual Site Layout Plan Of Hall Properties, Bonney Road, Virginia Beach, VA,” dated October 10, 2013, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.

3. All auto repair shall take place inside the “Existing Shop” or the “Existing Body Shop” buildings, as depicted on the concept plan identified in Condition #2 above.

4. No outside storage of equipment, parts or materials, other than materials stored for future recycling in the 2,500 square foot storage area depicted on the concept plan identified in Condition 2 above, shall be permitted.

5. No on-site sale of recycled materials or public drop-off of recycled materials (for profit or otherwise) shall be permitted.

6. The two existing gravel lots depicted on the concept plan identified in Condition 2, above, shall be permitted on the site as a temporary site condition for no more than five years
from the date of approval by City Council of this request.

7. All overhead doors located on the side of any building facing I-264 must remain closed except for moving vehicles into and out of the building for service.

8. The area identified on the concept plan identified in Condition 2 above as “Existing Enclosed Bulk Storage for Towed Vehicles and Sales” shall be screened from view with the use of Category VI screening. The existing chain-link fence along the northern boundary of this area may remain until such time as that fence is replaced. An all-weather, solid fence shall be installed when the chain link fence is replaced. Barbed wire shall be prohibited on any new fence on these properties.

9. A 50-foot reservation shall be required along the southern property line adjacent to I-264 as necessary for improvements related to Rosemont Road and I-264 interchange.

10. The building labeled as “Existing Body Shop” on the concept plan identified in Condition 2 shall utilize the design, materials and colors as depicted on the exhibit entitled, “Conceptual Design for HALL AUTO WORLD COLLISION CENTER,” prepared by Burkhart Thomas Architecture/Interior Design and on file in the Planning Department, as per the June 5, 2001 Conditional Use Permit.

11. The building labeled as “Existing Nissan Building, 37,000 SF” on the concept plan identified in Condition 2 shall utilize the design, materials and colors as depicted on the exhibit entitled, “Hall Nissan, Front Elevation - Bonney Road” and “Hall Nissan, Right Side Elevation – Butternut Lane” dated May 30, 2003, as per the September 9, 2003 Conditional Use Permit.

12. When constructed, all “Proposed” buildings shown on the concept plan identified in Condition 2, above, shall be developed in substantial conformance with the architectural style, colors and materials used for the “Existing Nissan Building, 37,000 SF,” referenced in Condition 2, above.

13. All internal lot lines within the 14.6-acre site governed by this this Conditional Use Permit shall be vacated by plat prior to final site plan approval of the next phase of construction.

14. Chain-link fencing and the use of barbed wire shall not be allowed surrounding any bulk or vehicle storage area. Any existing chain-link fencing on the site shall be removed from the site with the redevelopment of each parcel or when the chain-link fence is replaced, whichever is first. In no case shall new barbed wire be permitted.
15. Streetscape landscaping, as required by the Virginia Beach Landscaping Guide, shall be installed where deficient between rights-of-way and parking lots/display areas.

16. There shall be no pennants, streamers, banners, balloons or searchlights displayed on the site at any time.

17. Vehicles shall not be parked so as to obstruct any entrance along Bonney Road, Chestnut Avenue, Butternut Lane and/or Spruce Street.

18. No unloading of car carriers or other vehicles transporting vehicles to the site for sale or repair shall be permitted in the rights-of-way.

19. Storage of vehicles awaiting repair and inoperable vehicles shall be stored within the “Enclosed Bulk Storage Area for Towed Vehicles,” or within the “Existing Body Shop” or “Existing Shop” buildings, and in no case is the storage of these vehicles permitted within any parking lot. A determination of operability of a wrecked vehicle shall be made within five business days of arrival at the site. No wrecked vehicle shall remain on the site for more than five business days.

A motion was made by Jeff Hodgson and seconded by Chris Felton to approved item D3.

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By a vote of 10-0, the Commission approved item D3 by consent.

Billy Garrington appeared before the Commission on behalf of the applicant.
Item #D4  
City of Virginia Beach  
An Ordinance to Amend Section 401 of the City Zoning Ordinance Pertaining To Farm Stands in Agricultural Districts  
January 8, 2014

CONSENT

A motion was made by Jeff Hodgson and seconded by Chris Felton to approved item D4.

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A verbal vote was made by Commissioner Oliver. Vote machine not registering vote.

By a vote of 10-0, the Commission approved item D4 by consent.

Karen Lasley appeared before the Commission on this item.