

Item #1

Discount Tires of Virginia, Inc.  
Conditional Use Permit  
1600 General Booth Boulevard  
District 7  
Princess Anne  
January 13, 2016

**CONSENT**

An application of Discount Tires of Virginia, Inc. for a Conditional Use Permit (automobile repair garage) on property located at 1600 General Booth Boulevard, District 7, Princess Anne. GPIN: 2415-55-3211-0000.

**CONDITIONS**

1. Except as modified by any other condition of this Conditional Use Permit, the development of the site shall substantially conform with the concept plan entitled, "DISCOUNT TIRE, DTC STORE VAB 10696, 1600 GENERAL BOOTH BLVD. VIRGINIA BEACH, VA 23454," dated September 22, 2015 and prepared by Kimley Horn and Associates, Inc., which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
2. Except as modified by any other condition of this Conditional Use Permit, the development of the building shall substantially conform with the elevation drawing entitled, "DISCOUNT TIRES CONCEPT ELEVATIONS, 1600 GENERAL BOOTH BLVD. VIRGINIA BEACH, VIRGINIA 23454," dated October 29, 2015 and prepared by Architectural Resource Team, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
3. All automobile repair must take place inside the building.
4. No outside storage or display of equipment, parts, tires or materials shall be permitted.
5. No outside storage of vehicles in a state of obvious disrepair shall be permitted.
6. Twice the amount of required shrubs shall be planted in the landscape buffer adjacent to Dam Neck Road. Said plantings shall be depicted on a Landscape Plan and submitted during the final site plan review process and is subject to the approval of the Development Services Center Landscape Architect in regard to species and placement of said plantings.
7. The row of Crepe Myrtles along the southern property line shall be preserved to the greatest extent possible. In the event any of the trees are impacted during construction or in the future, it shall be reestablished as per approval by the Planning Director.
8. 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 of 15-foot wide buffer shall be prohibited. Any gaps in the existing vegetation shall be filled in to provide a constant buffer from the residential properties to the east. Any vegetation that will remain and be added shall be noted on a

Landscape Plan that will be reviewed by the Development Services Center Landscape Architect during the site plan review process.

9. Any freestanding sign shall be a monument style sign, no more than eight-feet in height, with a base to match that of the building in terms of materials and color scheme.
10. A separate permit shall be obtained from the Planning Department, Zoning Office, for all signage, including any freestanding sign and building mounted sign.
11. Mechanical or HVAC equipment shall not be installed at ground level along any portion of the façade facing a public street.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 1.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 11-0, the Commission approved item 1 for consent.

R.J. Nutter appeared before the Commission on behalf of the applicant.

Item #2  
Take 5 Oil Change, L.L.C.  
Conditional Use Permit  
845 Lynnhaven Parkway  
District 3  
Rose Hall  
January 13, 2016

**CONSENT**

An application of Take 5 Oil Change, L.L.C. for a Conditional Use Permit (Automobile Repair Garage) on property located at 845 Lynnhaven Parkway, District 3, Rose Hall. GPIN: 1496-34-7303-0000.

**CONDITIONS**

1. Except as modified by any other condition of this Conditional Use Permit, the site shall be developed in substantial conformance with the submitted site plan entitled, "TAKE 5 OIL PARKWAY PLAZA, 845 LYNNHAVEN PARKWAY," dated November 19, 2015 and prepared by American Engineering. Said plan has been exhibited to the City Council and is on file with the City of Virginia Beach Planning Department.
2. Except as modified by any other condition of this Conditional Use Permit, the building shall be constructed in substantial conformance with the submitted building elevation drawing entitled, "TAKE 5 OIL CHANGE, 845 LYNNHAVEN PARKWAY, VIRGINIA BEACH, VA 23452" dated October 15, 2015 and prepared by Childrey Robinson Associates. Said elevation drawing has been exhibited to the City Council and is on file with the City of Virginia Beach Planning Department.
3. All on-site signage shall meet the requirements and regulations of the Zoning Ordinance. A permit shall be obtained for all signage from the Planning Department, Zoning Office.
4. Except as modified by any other condition of this Conditional Use Permit, landscape shall be installed in substantial conformance with the plan references in Condition 1 above.
5. The dumpster shall be enclosed with a solid vinyl fence, not less than six-feet in height, and any required screening shall be installed in accordance with Section 245(e) of the Zoning Ordinance.
6. No outdoor vending machines and/or display of merchandise shall be allowed.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 2.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			

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<b>KWASNY</b>	<b>AYE</b>
<b>OLIVER</b>	<b>AYE</b>
<b>RIPLEY</b>	<b>AYE</b>
<b>RUCINSKI</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WALL</b>	<b>AYE</b>
<b>WEINER</b>	<b>AYE</b>

By a vote of 11-0, the Commission approved item 2 for consent.

Brad Martin appeared before the Commission on behalf of the applicant.

Item #3  
Taste Unlimited, L.L.C.  
Conditional Use Permit  
4097 Shore Drive  
District 4  
Bayside  
January 13, 2016

**DEFERRED**

An application of Taste Unlimited, L.L.C. for a Conditional Use Permit for an Outdoor Recreational Facility on property located at 4097 Shore Drive, District 4, Bayside. GPIN: 1479-98-8039-0000.

A motion was made by Commissioner Thornton and seconded by Commissioner Rucinski to a defer item 3.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 11-0, the Commission deferred item 3.

Item #4  
Mark & Cynthia Summs  
Modification of Conditions  
2616 Quality Court  
District 6  
Beach  
January 13, 2016

**CONSENT**

An application of Mark & Cynthia Summs for a Modification of Conditions to a Conditional Use Permit (mini-warehouse & Bulk Storage Yard) approved by City Council on May 12, 1998 on property located at 2616 Quality Court, District 6, Beach. GPIN: 1496-87-0664-0000.

**CONDITIONS**

1. All conditions of the 1998 Conditional Use Permit shall be deleted and replaced with the following conditions below.
2. The proposed new ingress/egress along Quality Court shall comply with §3.10.2 Industrial Entrance Geometrics in the Public Works Specifications and Standards.
3. All outdoor lighting shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from adjoining property. Any outdoor lighting fixtures shall not be erected any higher than 14 feet.
4. No outside storage of vehicles in a state of obvious disrepair shall be permitted.
5. The use of chain link fence shall be limited to the northern edge of the bulk storage yard at the location shown on the concept plan entitled, "Mark & Cynthia Summs, Concept Plan for Modification of Conditions." Category VI screening, a solid fence with a minimum height of six feet and a row of evergreen shrubs, shall be installed along the western and southern portions of the proposed bulk storage yard expansion, as depicted on said plan.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 4.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			

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<b>THORNTON</b>	<b>AYE</b>
<b>WALL</b>	<b>AYE</b>
<b>WEINER</b>	<b>AYE</b>

By a vote of 11-0, the Commission approved item 4 for consent.

Mark Summs appeared before the Commission.

Item #5  
Stephen & Aden Murray  
Conditional Use Permit  
5227 Lake Shores Road  
District 4  
Bayside  
January 13, 2016

**CONSENT**

An application of Stephen & Aden Murray for a Conditional Use Permit (residential kennel) on property located at 5227 Lake Shores Road, District 4, Bayside. GPIN: 1469-57-9325-0000.

**CONDITIONS**

1. There shall be no more than five (5) dogs on the site at any one time. Included in this total shall be any dogs that are owned by the property owner or any dogs receiving foster or temporary care and shelter. Dogs less than six (6) months of age shall not be included in this total.
2. The applicant shall remain up-to-date on all required shots for any dog being provided care and shelter on the property. The applicant shall keep all dogs within their care and shelter properly licensed through the City of Virginia Beach.
3. All animal waste shall be disposed of in a lawful manner.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 5.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 11-0, the Commission approved item 5 for consent.

Aden Murray appeared before the Commission.

Item #6  
Headgear II, L.L.C. & GHS II, L.L.C.  
Conditional Use Permit  
3409 Chandler Creek Road  
District 3  
Rose Hall  
January 13, 2016

**CONSENT**

An application of Headgear II, L.L.C. and GHS II, L.L.C. for a Conditional Use Permit (Bulk Storage Yard) on property located at 3409 Chandler Creek Road, District 3, Rose Hall. GPIN: 1495-04-7961-0000; 1495-15-1289-0000.

**CONDITIONS**

1. With the exception of any modifications required by any of these conditions, the site shall be developed and maintained substantially in conformance with the submitted site plan entitled "EXHIBIT SHOWING OUTDOOR STORAGE FOR 3409 CHANDLER CREEK ROAD VIRGINIA BEACH VIRGINIA", dated October 18, 2015 and prepared by Site Improvements Associates, Inc. Said site plan has been exhibited to City Council and is on file with the Planning Department.
2. Vehicular access to the facility shall be only from the existing access point on Chandler Creek Road, as shown on the submitted layout plan referenced in Condition one.
3. The bulk storage yard shall be used only for the storage of equipment associated with the applicant's business.
4. No portion of the storage yard shall be developed in the Special Flood Hazard Area.
5. Category I plant material shall be installed, in conjunction with a chain link fence, along the northeast side of the yard that faces Holland Road.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 6.

	<b>AYE 10</b>	<b>NAY 0</b>	<b>ABS 1</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>			<b>ABS</b>	
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			

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<b>WALL</b>	<b>AYE</b>
<b>WEINER</b>	<b>AYE</b>

By a vote of 10-0-1, with the abstention so noted, the Commissioner approved item 6 for consent.

Mark Ricketts appeared before the Commission on behalf of the applicant.

Item #7  
Steve's Mobile Truck Repair  
Conditional Use Permit  
5900 Thurston Avenue  
District 4  
Bayside  
January 13, 2016

**CONSENT**

An application of Steve's Mobile Truck Repair for a Conditional Use Permit (Automobile Repair Garage) on property located at 5900 Thurston Avenue, Suite A, District 4, Bayside. GPIN: 1459-93-1541-0000.

**CONDITIONS**

1. All vehicle repair shall take place inside the building.
2. No outside storage of equipment, parts, or materials shall be permitted.
3. There shall be no outside storage or display of tires.
4. No outside storage of vehicles in a state of obvious disrepair shall be permitted. If vehicles in this condition require storage, then such vehicles shall be stored within the building.
5. All parking spaces required by the City Zoning Ordinance must be marked by painted striping, including handicap spaces in accordance with the Americans with Disabilities Act (ADA).

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 7.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 11-0, the Commission approved item 7 for consent.

Steve Sahr appeared before the Commission.

Item #8  
Robert J. Ianucci  
Conditional Use Permit  
1305 Willowood Lane  
District 5  
Lynnhaven  
January 13, 2016

## **REGULAR**

Jeff Hodgson: We will now address the remaining items on our agenda. I will ask that our Secretary to please call the first item.

Jan Rucinski: the first item on the agenda is item 8. This is an application of Robert J. Ianucci for a Conditional Use Permit (home Occupation – firearm sales) on the property located at 1305 Willowood Lane, District 5, Lynnhaven. Is the applicant here? Would you please come forward?

Jeff Hodgson: Good afternoon.

Robert Ianucci: Good afternoon.

Jan Rucinski: Would you state your name for the record?

Robert Ianucci: Yes ma'am. Robert Ianucci, Jr. This is my first Commission meeting so bear with me. Just guide me, if you would?

Jan Rucinski: Oh good! This is my first as Secretary, so bear with me, and guide me.

Robert Ianucci: Do I need to plead my case?

Jeff Hodgson: If you would like to tell us a little bit about your application?

Robert Ianucci: Sure. I'm a lifetime member of this community, going on almost 50 years. I come from a military background. My father is a retired Navy Captain, brother is a Navy chaplain. I'm proficient in firearms use. I'm a life time and founding member of Front Site, in Nevada, which is an elite firearm training academy. I am also a funeral director like Ms. Dee Oliver, and licensed in Series six in 1963, as a financial planner with Nationwide Securities. I've spent a lifetime in this community as a financial advisor. I've passed numerous background checks from the Chief of Police, who has been very good to me, as well as your Planning Commission. I have been assigned Sarah Rouse, who is my investigator for the ATF, so I am good to go with the Federal government, with my background checks. I just need the blessing of this Commission, and then City Council. It is a very basic application, so I've been told, but I have come before you to get this application approved, then go to City Council, if I am correct. Are there any questions?

Jeff Hodgson: Are there any questions for Mr. Ianucci? Thank you sir.

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Ronald Ripley: Let me ask a question.

Robert Ianucci: Sure.

Ronald Ripley: There was considerable discussion in the informal session about this. Were you there? Were you in the meeting we had before?

Robert Ianucci: No, I wish I was. I was told to come to this meeting. I would have like to have been.

Ronald Ripley: I guess it really centered around the nature of your business.

Robert Ianucci: Good question.

Ronald Ripley: Tell us how your business will operate. How would somebody actually engage with you to buy a firearm or get an appointment to come to see you? How would you process receiving the firearm and delivering, and those types of things?

Robert Ianucci: That is a great question. Very simply, Federal law requires you have to be a Federal Firearms License holder to do the transaction to buy a firearm. I am ready to go as far as Federal Government. I just need to be able to make the transfer. I'll be a consultant, so I'll be dealing with mostly military retirees, active duty, police, and my nephew is a police officer in this fine City, so I have a lot of contacts that know me. It is mostly by referral only. There will be no signage and no one will know that there is any business at this residence, which is my residence. It will be by appointment only. As I said, everyone will be known to me. The firearms come in, and they are actually built by a member of my family in New Hampshire. They are precision made firearms. They are not your typical gun store type of transaction or used weapons. These are brand new made precision weapons. They will come in via UPS or typical transportation. I have to, by the rules, receive it, and then keep it there, do the background check, and then make the transfer. It is basically consulting, and designing these things and then to transfer. It is very simple.

Ronald Ripley: So, when you receive it, if you're not there, what happens?

Robert Ianucci: I am there.

Ronald Ripley: What if you're not there and UPS shows up and they want to deliver it? Does it go to the post office, and now you're not here to get it?

Robert Ianucci: That is correct. It is my understanding through Sarah Rouse that you have to be there to pick the package up. She will guide me on all of that too. I've had several hours of meeting with her, and Sarah is waiting for the good to go from you guys.

Ronald Ripley: So, if I was buying a firearm from you, would you have it stocked? You would have these in your house or would you order it special and it would be delivered to you just specifically for me?

Robert Ianucci: yes. It would be ordered and designed for you, sent to me as the FFL, Federal Firearms License Holder. I would be able to make the transfer, run the background check, and deliver it to you.

Ronald Ripley: So, how would I see the product through beforehand? Would you have those on display

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in your house?

Robert Ianucci: No displays. There would be no inventory. There would be no ammunition. There would be no gunsmithing. It is basically a transfer place. There is a website that I sent clients to. It is professional. They can work with him for the design of this said firearm. I am just the legal transfer. It is not like SP&G here. It is nothing like that. IT is a very, very simple process.

Ronald Ripley: Have you talked to your neighbors about it? Do they have any concerns?

Robert Ianucci: No. My neighbors in this section of Great Neck that I am are, most retired military Special Forces. A Navy JAG lives across the street from me. He just moved, but everybody is very close and professional. The next door neighbor is an IBM Executive. She works for the government. They know me. I was former President of the Civic League, so I am a known entity there, and I have lived there almost 20 years. It is no problem. The house is maintained beautifully. Like I said, from the street, it is home with a big huge driveway.

Jeff Hodgson: One quick question. You mentioned you were involved with a training facility out west. Was it Arizona?

Robert Ianucci: Front site.

Jeff Hodgson: Front site. Okay.

Robert Ianucci: Just to give you some of my background. I am extremely proficient in the handling and safety of all firearms. I just returned from a week in the desert training on weapons. It is very elite. It is very expensive. So, I am invested in my own application and safety, as is my wife. Both of us are professionals, financial planners, and were involved in firearms. We are very knowledgeable of it. Front Site is a world class training institution for safety and operation. It is second to none. So, I am extremely qualified.

Bob Thornton: Do you have a question?

Donald Horsley: No. I'm just going to make a comment. I think your comments have answered a lot of questions that we had this morning because we were under the impression there might be an inventory of firearms kept on the site. You're just the in-between guy between the manufacture and the client, and you receive and get the background check, and deliver the firearm.

Robert Ianucci: Yes sir. I work with the state police, very closely with the ATF. I'm monitored. It is very, very serious. I understand that. And we have very strict paperwork. I am monitored by Sarah, as my own agent that looks over me. And, it is just a pass through entity, and a consulting. The design phase is done in New Hampshire, with the help of my family, over the phone and internet, and then it comes in and I do the background check through the State police. It is very simple. No inventory. Also, thank you for reminding me of that Mr. Horsley. I have a state-of-the-art security system. If it does come up and sometimes the police want to come by, which I would love, my security system is on par or better than any gun store, and I do have a law enforcement type of, I think it is California certified safe. It is a modern safe, so the amount of guns that I will have or that I own are stored behind a security system, and stored within a genuine safe, with a computer lock on it.

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Bob Thornton: Let me just make sure, you have a manufacturer in New Hampshire that if I was to go on the website, I would engage them to make a gun for me? Are these hand guns or long guns?

Robert Ianucci: They are long guns.

Bob Thornton: They are long guns. Would one consider them assault rifles or hunting rifles?

Robert Ianucci: Sporting.

Bob Thornton: Sporting.

Robert Ianucci: It is a 2-2-3, 22 caliber.

Bob Thornton: So, once that gun has been ordered by me, it has got to be sent somewhere, so they would mail it to you, and when you get it, I would come by and pick it up but I pay them for it, right?

Robert Ianucci: You would pay me.

Bob Thornton: okay.

Robert Ianucci: Since I would be a FFL. Then I could do the background check, and do transaction. It is a great question.

David Weiner: Will all of your clients be local? Would anybody be coming in from out of state or just Virginia?

Robert Ianucci: It is my understanding the guys at the ATF I have to deal with in Virginia. All of my friends that are in the business say that is the way to do it. If I want to go to gun shows in other areas, I have to do that. I have to work that out. My intention is just again, to be very small and local, dealing with my network of friends and family in this community that I have known for so long.

Bob Thornton: How many of these do you anticipate in a typical a year? How many of these would be delivered to you and resold?

Robert Ianucci: Should be just a few, 10 or 20. I don't foresee it as being a large number at this time. I don't really know, but I could tell it is not going to be a large amount because it is expensive, and it is quality. It is all hand made in America. It is all United States products, so it is something that your average person may be interested in. I have a lot of people in law enforcement that are retired and current military folks that would probably be my clients. It is pretty specialized.

Jeff Hodgson: Mr. Wall.

Jack Wall: Do you have any other place of business? You have a financial business. Is everything tied to your house?

Robert Ianucci: My wife and I are partners, but I split because I just became a nationwide financial

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planner. She is a Farmers Financial Consultant. She has her own office, and I'm in practice with Richard Braun at Nationwide as a financial advisor now.

Jack Wall: So, you have a different place of business for that as opposed to working out of your house as well.

Robert Ianucci: They are totally different locations.

Jeff Hodgson: Are there any other questions? Karen.

Karen Kwasny: Your appointment timeframe is going to be within normal business hours? Do you have a range of when?

Robert Ianucci: Correct. I would say by appointment only. Because my financial practice is like attorney, dentists and professionals, I only try to see people by appointment if I can. It is the same with this. It will be very limited, again, in appearance from the street. There will be no change in anything that anyone would know because it is going to be only by appointment, so; I'm going to have strict control of that during normal business hours during the day. It is a great question.

Karen Kwasny: I think that was, at the meeting that Ron was referring to earlier. It is our informal meeting, so you wouldn't have been able to present anything at that meeting, and you would just hear the discussion that we had in there. The one topic that kept coming up was turning a residential house into a retail business where you're going to have foot traffic. I think that was one of the big topics of discussion this morning. .

Robert Ianucci: Yes sir.

Jeff Hodgson: So, what you're saying and I'm just going to reiterate that. This will have very limited traffic by appointment only. And you clarified that due to ATM regulation that firearms will not be dropped off on his doorstep. He would have to be there to receive those.

Robert Ianucci: right.

Jeff Hodgson: Is there anything else? This morning when we were discussing, I still thinking that it was the number one topic was turning a residential neighborhood into a retail establishment with foot traffic.

Robert Ianucci: Which from the design that your staff helped me with, I hope the verbage is correct. Forgive me because I am new to this. It is very exciting and very interesting. I believe when we wrote it up, I didn't intimate that it is going to be consulting. I think that is the best fit for the terminology.

Jeff Hodgson: We were trying to think back to the ones we did in the past where there home business is like this, and they firearm, and after the applicant, say yourself received it, it was then sent back out to a FFL retail location, where the customer went and picked it up. This is going to be different. You're not going to be resending it to a FFL. You're going to act as the FFL pick up spot?

Robert Ianucci: Yes sir. I will be the FFL. You have to be by Federal law to receive it.

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Jeff Hodgson: Correct. What they were doing differently so they didn't have foot traffic coming to the residence.

Robert Ianucci: I don't know how they would do that because I know the Federal law is clear. You have to receive a firearm. You have to be a FFL.

Jeff Hodgson: Correct. Usually a FFL would receive it, then you would send it to a local, then it wouldn't have to be local, if you had a customer in the county, you would send it to another FFL business that is what they do 9 a.m. – 5:00 p.m., and the customer would come there to pick it up versus coming to their house and getting it. So, it was still FFL to FFL transfer.

Robert Ianucci: I see.

Jeff Hodgson: Butt his is different. You're going to also act as essentially the store front.

Robert Ianucci: Right, the transfer station.

Jeff Hodgson: Okay.

Bob Thornton: Do they come to your house to get involved in the design phase or does this company make. I mean, if I went online, you told me where the website was and I decided to have a gun made, do I go online and order it myself and simply come to your house and pick it up or do I come to your house and go online, and you and I sit there together and design it, and figure out what to make? How does that work?

Robert Ianucci: Typically, what would happen is with the internet and people's time and convenience, we would over the phone, could look together on the internet. We could design it. You could have access to RTD and call them. You could talk directly with the manufacturer. They encourage that. I could assist in the design of it so it could be a team approach. But usually it would be over the phone. It would be very streamline. Again, as I've had it done myself, the State police when everything is operating correctly, it takes minutes. So, it is a very, very, simple and quick transaction. Most of it could be done over the internet and over the phone. Again, it is going to be just a place to come.

Jan Rucinski: Looking over the recommended conditions, there is no condition on how people are coming and by appointment only. Would you be opposed to having a condition added that sales are done by appointment only?

Robert Ianucci: That would be fine. Whatever you guys suggest? That is wise. It fits with my business model anyway.

Jan Rucinski: I do have a concern with people just coming by and turning it more into a store front kind of thing in a residential home.

Robert Ianucci: No, there would be no chance of that happening. That is not what I am doing, again, it is consulting with my knowledge, and helping people that are interested in it and getting that to them. That is it.

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Robert J. Ianucci  
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Jan Rucinski: Okay.

Jeff Hodgson: Mr. Brockwell.

Ross Brockwell: And just to clarify, some of the differences with previous applications were part of their business was actually customization and gunsmithing on the premises.

Robert Ianucci: I saw that.

Ross Brockwell: You stated earlier, and just to clarify, you're not going to anything. You won't have a shop. You won't have inventory.

Robert Ianucci: No.

Ross Brockwell: Your business is consulting, and then receiving and being the FFL to distribute? That's the limits of your business.

Robert Ianucci: Yes. Mr. Brockwell, that is correct. No gunsmithing. No ammunition sales. I know that is sensitive and I did see through the Planning Commission that there have been other folks that have done this, and they did more expansive things. I'm going to be very stream line. There would be no tooling. No gun powder. It is going to be basic transfer. Very streamline and vey simple and safe.

Jeff Hodgson: Are there any other questions? Karen?

Karen Kwasny: Can we add to the conditions that Jan mentioned a time frame for the appointment so that it is not people coming around all hours of the day and night for the neighbors. I think that would be a concern of men.

Robert Ianucci: Sure.

Jeff Hodgson: Is there any time that anybody would like to propose for that condition?

Robert Ianucci: That is fine.

Jeff Hodgson: What hours would you be able too?

Robert Ianucci: Would 9:00 a.m. – 7:00 p.m. be okay because 9:00 – 5:00 p.m. is kind of a small area.

Karen Kwasny: I was thinking the after work hours that people would want to come.

Robert Ianucci: Sometimes were business people, important people. Is that reasonable?

Jeff Hodgson: Okay. Is there anyone else? Thank you. We'll see if there are any other speakers.

Jan Rucinski: I have no other speakers on this.

Jeff Hodgson: No others? We'll close the public hearing and open it up for discussion amongst the Commission. Would anyone like to start?

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Jan Rucinski: I feel better about it after hearing him talk than just in a conversation this morning but would like to see about having the conditions changed to put sales by appointment only from the hours of 9 a.m. to 7p.m.

Jeff Hodgson: Okay. Is there anybody else? Mr. Inman.

Mike Inman: I move we approve the application with the addition of the condition that there be a time frame of 9 a.m. to 7 p.m. and by appointment only.

Jeff Hodgson: A motion made by Commission Inman. Is there a second?

Don Horsley: I'll second it.

Jeff Hodgson: A second made by Mr. Horsley.

Don Horsley: That will be fine.

Jeff Hodgson: Mr. Weeden?

Ed Weeden: The vote is open.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

Ed Weeden: By a vote of 11-0, the Commission has approved item 8, the application of Robert Ianucci, with the additional conditions of appointment only, and hours from 9 a.m. to 7 p.m.

Jeff Hodgson: Thank you sir for coming down.

Robert Ianucci: Thank you.

Item #9  
Oceanfront Investments, L.L.C.  
Subdivision Variance  
4201 Atlantic Avenue  
District 6  
Beach  
January 13, 2016

**REGULAR**

Jeff Hodgson: Please call the next item.

Jan Rucinski: Okay. The next item on the agenda is item 9, an application of Oceanfront Investments, L.L.C. for a Subdivision Variance to Section 4.4(d) of the Subdivision Regulations on property located at 4201 Atlantic Avenue, District 6, Beach.

R.J. Nutter: Thank you very much. Thank you Jan. Mr. Chairman and members of the Commission, for the record, my name is R.J. Nutter. I'm an attorney representing the applicant. This is an application for a subdivision variance. And the purpose of this process, as you know, when you have a property and you want to divide it into more than one parcel, you all have an entire ordinance that sets the requirements for that process. The proposed lot that we are seeking the variance on today meets all of those criteria. In other words, the lot we are proposing to do has a relatively limited purpose for it, but it meets the size requirements of the ordinance. It meets the lot width requirements of the ordinance. It meets virtually every criteria of your ordinance, with one exception. It does not have direct access on a public street. You have these applications come all the time when you have flag lots, with area around the water. In many cases, when you have a property down in the southern end of the city, Mr. Horsley, Dr. Kwasny, where you have a property that has access to a private roadway rather than a public roadway. So, this is only unique in that this one, again, does not have access out to Atlantic Avenue. It does have direct frontage on it. I did hear a lot of questions this morning in the briefing, and there are a couple of things I want to make very clear for you. This posted public right-a-way of course, is Atlantic Avenue. This parcel will be served by easements because the property owner of this parcel is the same property owner of the adjoining parcels. When these parcels are developed, the plan for it will incorporate an access way that will allow access from Atlantic Avenue into this parcel and into the other parcels. That will be a perpetual access way. It will be a private access easement. This is not uncommon at all in shopping centers, rather large parcels of land that are served by an easement process other than any public right-a-way. The easement will be granted as perpetual. The easements are required to be perpetual. So, this parcel will always have a direct access via a private easement to Atlantic Avenue. Now the reasoning for this, quite frankly, is limited to sort of a financing issue, which I'm happy to explain it to you. And that has to do with the fact that when this property, the large parcel, is developed with a large tower hotel, and when this parcel is developed with a large tower hotel, each one of this will have separate loans. And, they did not want to encumber this parcel with loans on these properties. And, because this is, for a beach club, for the benefit of the homeowners in the historic hotel on the historic property across the street. All of them will have the ability to participate in this beach club, as the owners of the property on this historic side. Their property interest here could be in jeopardy because of any financial issue that might attach to the adjacent parcels. As a result of that, we decided to create a separate parcel. It will have its own loans on it. It would be completely independent of the activity of the loans on the other parcels, so it will be like a pool in a common area, if you think about it from that perspective. If one of the homes in the subdivision has a financial issue, the

common element won't be affected by what's happening around it. There are a lot of ways to explain it to you. I hope that it helps. And what Mr. Inman described to you, him being an attorney as well, is this really is a variance from that frontage requirement. We have to still submit a subdivision plat. The subdivision plat has to show the exact delineation of the easement. That access way has to be approved by your Traffic Works, Public Works, and DSC. There are only 11 of you here. There are more departments looking at this than there are members of the Commission. So I can guarantee it will go through the full review process, and it won't be approved unless the city and all the other departments sign off on the access way. I did provide you, during the break a sort of exhibit. This is preliminary, but it will give you an indication on who would have the common access ways. It is very difficult to see on this one. It is difficult for me to see and I know where it is. It is a combined access way through here, and it is designed so there will be a parking structure in the new deal right here, so it is designed so you can pull in off Atlantic Avenue and go into the parking structure and then have access here. There will be a few parking spaces here, but generically, the parking is going to be in the parking structure located here. And the parking structure, as you probably would guess, will be largely wrapped with condominiums to very aesthetic pleasing to that area. I hope that answers your questions as to and is a little primer on subdivision variances and subdivision how the plats are actually approved.

Jeff Hodgson: Are there any questions for Mr. Nutter? Mr. Brockwell?

Ross Brockwell: I'll ask a question to make sure I understood. So, this is being done not for any financial advantage or anything. It is being done because the interest in this parcel is for the homeowners across the street, so this is being done to disassociate the liens on loans for the development of this property? So, if something happens in 1A or 3, it doesn't affect this property and the intended use of it.

R.J. Nutter: Yes sir.

Ross Brockwell: Thanks

R.J. Nutter: That is exactly right.

Jeff Hodgson: Is there anyone else?

Bob Thornton: On the little diagram you gave us R.J., it looks like assuming that is what gets built, when you come in off of the termination of Atlantic, you would make a right in and you would either go to the south to the hotel below or to the north hotel. Is that going to be the main entrance point for both of those hotels? Your drawing doesn't show it.

R.J. Nutter: It will be the main entrance point.

Bob Thornton: So, all of that traffic going to those two hotels will come in and bear left or bear right in front of this club, this beach club.

R.J. Nutter: Yes sir. This will be the lower one-story structure, if you will, between the two towers.

Bob Thornton: And you would think that most of the people that use that will come across the street on foot or golf cart or some bicycle rather than. There are almost no parking spaces.

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Oceanfront Investments, L.L.C.

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R.J. Nutter: People are tempted to walk across or take their golf carts across. There will be a tram service offered as well at the hotel, so that is how they will potentially. Some may park across and if they want to drive in directly, they have that option to park in the garage as well.

Bob Thornton: Okay. So the beach club people can use the garage parking?

R.J. Nutter: yes sir. I want to make sure they have a building to get on the site if they want too with their car. And actually, the whole access to this entire thing has got to be approved. It will need some other access points as well, but the primary access is kind of what you're seeing here.

Jeff Hodgson: Are there any more questions for Mr. Nutter? Thank you sir.

R.J. Nutter: Thank you. It has been my pleasure.

Jeff Hodgson: Do we have any other speakers Jan?

Jan Rucinski: No.

Jeff Hodgson: That is are only speaker. So, we will close the public hearing and open it up for discussion. Would anyone like to make a motion?

Ross Brockwell: I'll make one. It is a little bit clearer to me now. If you had a question or comment, I'll wait. I'll make a motion that we approve this agenda item.

Jeff Hodgson: A motion made by Commissioner Brockwell. Is there a second?

Jack Wall: I'll second it.

Jeff Hodgson: A second made by Commissioner Wall.

David Weiner: I'll abstain on this one. I have a working relationship with the contractor on the application.

Jeff Hodgson: Okay. There is an abstention for David Weiner Mr. Weeden.

Ronald Ripley: Mr. Chairman?

Jeff Hodgson: Yes sir.

Ronald Ripley: It also lists Towne Bank as the bank, and I am on the advisory board in Chesapeake Towne Bank, and so I am going to abstain too.

Jeff Hodgson: Noted. Is there anyone else? Alright Mr. Weeden

Ed Weeden: The vote is open.

**AYE 9**

**NAY 0**

**ABS 2**

**ABSENT 0**

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<b>BROCKWELL</b>	<b>AYE</b>	
<b>HODGSON</b>	<b>AYE</b>	
<b>HORSLEY</b>	<b>AYE</b>	
<b>INMAN</b>	<b>AYE</b>	
<b>KWASNY</b>	<b>AYE</b>	
<b>OLIVER</b>	<b>AYE</b>	
<b>RIPLEY</b>		<b>ABS</b>
<b>RUCINSKI</b>	<b>AYE</b>	
<b>THORNTON</b>	<b>AYE</b>	
<b>WALL</b>	<b>AYE</b>	
<b>WEINER</b>		<b>ABS</b>

By vote of 9-0-2, with the abstentions so noted, the application has been approved for Oceanfront Investments, L.L.C.

Jeff Hodgson: Thank you Mr. Nutter.

Item #10  
Amy R. Slagle  
Discontinuance, closure and abandonment of a 7.5' x 50' portion of an  
Unimproved 15' alley in Croatan Beach  
District 6  
Beach  
January 13, 2016

**CONSENT**

An application of Amy R. Slagle for a discontinuance, closure and abandonment of a 7.5' x 50' portion of an unimproved 15' alley in Croatan Beach, District 6 Beach. GPIN: 2426-37-9901-0000; 2426-37-7899-0000.

**CONDITIONS**

1. The City Attorney's Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy Regarding Purchase of City's Interest in Streets Pursuant to Street Closures," approved by City Council.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining parcel. The resubdivision plat shall be submitted and approved for recordation prior to final street closure approval. Said plat must include the dedication of a drainage easement over the closed portion of the alley to the City of Virginia Beach, subject to the approval of the Department of Public Works and the City Attorney's Office, which easement shall include a right of reasonable ingress and egress.
3. The applicant shall verify that no private utilities exist within the right-of-way proposed for closure. If private utilities do exist, easements satisfactory to the utility company must be provided.
4. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved within one year of the City Council approval, said approval shall be considered null and void.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 10.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			

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<b>THORNTON</b>	<b>AYE</b>
<b>WALL</b>	<b>AYE</b>
<b>WEINER</b>	<b>AYE</b>

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

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

Item #11

Charles R. & Bonnie K. Doman

Discontinuance, closure and abandonment of a 7.5' by 50' portion of  
Unimproved 15' alley in Croatan Beach

District 6

January 13, 2016

### **CONSENT**

An application of Charles R. & Bonnie K. Doman for an discontinuance, closure and abandonment of a 7.5' x 50' portion of unimproved 15' alley in Croatan Beach, District 6, Beach. GPIN: 2426-39-4605-0000; 2426-39-5617-0000.

### **CONDITIONS**

1. The City Attorney's Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the "Policy Regarding Purchase of City's Interest in Streets Pursuant to Street Closures," approved by City Council.
2. The applicant shall resubdivide the property and vacate internal lot lines to incorporate the closed area into the adjoining parcel. The resubdivision plat must be submitted and approved for recordation prior to final street closure approval. Said plat must include the dedication of a public drainage easement and the dedication of a public utility easement over the closed portion of the alley to the City of Virginia Beach, subject to the approval of the Department of Public Works and the Department of Public Utilities, respectively, and the City Attorney's office, which easement shall include a right of reasonable ingress and egress.
3. The applicant shall verify that no private utilities exist within the right-of-way proposed for closure. If private utilities do exist, easements satisfactory to the utility company must be provided.
4. Closure of the right-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plat is not approved within one year of the City Council approval, said approval shall be considered null and void.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 11.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			

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Charles R. & Bonnie K. Doman

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<b>THORNTON</b>	<b>AYE</b>
<b>WALL</b>	<b>AYE</b>
<b>WEINER</b>	<b>AYE</b>

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

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

Item #12  
Discount Tires of Virginia, Inc.  
Conditional Use Permit  
3949 Holland Road  
District 3  
Rose Hall  
January 13, 2016

## **CONSENT**

An application of Discount Tires of Virginia, Inc. for a Conditional Use Permit (Automobile Repair Garage) on property located at 3949 Holland Road, District 3, Rose Hall. GPIN: 1486-25-2370-0000.

## **CONDITIONS**

1. The development of the site shall substantially conform with the concept plan entitled, "Discount Tire," prepared by Kimley Horn, dated 12/28/2015, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
2. When the building is constructed, it shall substantially conform with the elevations entitled "Discount Tire, Conceptual Elevations," prepared by Architectural Resource Team, dated 12/22/15, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department. Said building shall be a single-story building with a primary exterior of brick veneer with a soldier course near the top of the facades and a cast stone water table.
3. All auto repair must take place inside the building.
4. No outside storage or display of equipment, parts, tires or materials shall be permitted.
5. No outside storage of vehicles in a state of obvious disrepair shall be permitted.
6. The proposed plantings along Holland Road shall be complementary in terms of species and intensity to that on adjacent parcels and in substantial conformance with the submitted concept plan identified in condition #1 above.
7. In addition to meeting the planting requirements of the City of Virginia Beach Landscaping Guide, additional plant material shall be installed within the grass area on the western portion of the property in a manner as to provide a screen to the overhead garage doors. Said plantings shall be depicted on a Landscape Plan and submitted during final site plan review and is subject to the approval of the Development Services Center Landscape Architect in regard to species and placement of said plantings.
8. Any free standing sign shall be a monument style sign, no more than eight feet in height, with a base to match that of the building in terms of materials and color scheme.
9. Mechanical or HVAC equipment shall not be installed at ground level along any portion of the façade facing a public or internal street.

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Discount Tires of Virginia, Inc.  
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A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 12.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 11-0, the Commission approved item 12 for consent.

R.J. Nutter appeared before the Commission on behalf of the applicant.

Item #13  
Virginia Beach Community Development Corporation  
Conditional Use Permit  
5865 Pickering Street  
District 2  
Kempsville  
January 13, 2016

**REGULAR**

Jeff Hodgson: Jan, will you please call the next item?

Jan Rucinski: The next item is item 13. An application of the Virginia Beach Community Development Corporation for a Conditional Use Permit (Assembly Use) on property located at 5865 Pickering Street, District 2, Kempsville. Is there a representative for this application?

Jeff Hodgson: Good afternoon.

Jessica Guglielmi: Good afternoon. Thank you so much for hearing our application today. My name is Jessica Guglielmi and I am the Vice President and Chief Operation Officer for Virginia Beach Community Development Corporation and with me is Tiffany Farrell, who is our leader of Research and Development. Virginia Beach CDC is a non-profit organization that was created by the City in 1985, and our mission is to provide housing and supportive services to low and moderate income individuals and families, and assist the City with neighborhood revitalization. And we are here today, to request that the Planning Commission approve a Conditional Use Permit for Assembly Use for the property located at 5865 Pickering Street, in the Lake Edward neighborhood. We plan to use the property as a neighborhood hub called "the Spot." The Spot will be a vehicle for holistic community revitalization. It is designed to be a healthy place in the community where diverse neighbors love to visit, are nurtured, and are affirmed. The Spot will serve families and single moms and people of all ages including those over the age of 18 through the use of volunteers. We will offer plan activities including peer support and mentoring, tutoring services, a food pantry, a book club, spoken word events. VB CDC will manage the Spot. We will vent the volunteers including providing background checks and will also provide volunteer training. We expect operating hours to be from 3:00 p.m. to 7:00 p.m. on weekdays, and from 10:00 a.m. to 7:00 p.m. on Saturday and Sunday. I understand that one of the recommended conditions in the packet was to expand those operating hours. Mr. McNamara informed me that during discussions this morning, we are going to request that the hours remain the ones in the original application. We expect no more than 12 to be on site at all times, including two volunteers. We expect that most visitors to the Spot will walk from the community and ride their bicycles. And we have engaged with members of the civic league, the community law enforcement and local churches as well. I would be happy to answer any questions.

Jeff Hodgson: Are there any questions? I have one.

Jessica Guglielmi: Yes.

Jeff Hodgson: How did you come up with the number 12 as being the max that would be?

Jessica Guglielmi: We thought for the size unit that it was and the activities. We wanted small group activities that really fostered a sense of connection, so for the amount of volunteers, we expect to have two volunteers present, we thought 12 is the maximum number of people that we would want in the

unit at any time.

Jeff Hodgson: So what do you do if 20 show up?

Jessica Guglielmi: We would have to turn them away.

Jeff Hodgson: You would?

Jessica Guglielmi: Yes.

Jeff Hodgson: Okay. Ms. Oliver.

Dee Oliver: To sort of go on with what Chairman said, you have 20 people show up, You have 12 spots that are filled, and the rest of them are hanging outside with the neighbors in such close proximity to this. Do you have anything in place in order to keep that from happening outside of the townhouse?

Jessica Guglielmi: We will manage those activities. We do plan to have security measures in place. What that looks like right now. We are still developing but this is not intended to be a place where people are loitering or are unattended doing any type of illegal activity. The activities are going to be structured activities. They are going to be planned activities. We use a registration system so that we can have a better idea of those that are expected to come. There are other measures that we can use.

Dee Oliver: I'm familiar with this type and so, I guess my question is if I was a neighbor next door, with a small child, and the weather was great. It is June and you have an influx of young teenagers, and you can only take 12 and the rest of them just start congregating outside, what measures are in place in order to keep that from happening?

Jessica Guglielmi: We'll have to have staff shepherd those folks so they do not stay on the property. It is not intended to be a place for unaccompanied youth.

Dee Oliver: Right, I understand that but we all know how teenagers are and how they get because it is a cul-de-sac so, it is not like people, you have to kind of usher them back out in which way they came, so; I was just curious what you all do for that?

Tiffany Farrell: Just to add on a little bit to that. Our vision of this is a home. So, I just wanted to throw that out there. It is not home in terms of how people live, but in terms of that small group gathering on events that you might host, a couple of people over for one evening in a space. It is will be community revitalization going on but in small groups. I would think that would be handled similar as if it was in your front yard, that we would have that ask that loitering on the front property not occur or if they are going to engage in activities that would be there. Just like you would in your home, if that was to happen on your lawn, we would have to address it.

Jeff Hodgson: Mr. Wall?

Jack Wall: Do you have a similar facility, like in other neighborhoods? Is this like a ground breaking?

Jessica Guglielmi: No, for us, this is the first facility that we will have.

Item #15

William H. Johnson

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Bob Thornton: Someone made a point in the meeting this morning that you all have possibly bought some of the units in this neighborhood, your VBCDC so it sounds like you're invested in this neighborhood. I think our biggest concern is that it is a cul-de-sac, and if you got a crowd control issue to deal with, and we hate to see the neighbors that live in that little tight area get over run by a bunch of kids that may want to come in there with skateboards and make a lot of racket and hang around until dark, so, I think the biggest thing we need for you all to make us feel comfortable out of it, is that you're really going to manage this properly.

Jessica Guglielmi: We are invested in the community. We own about 50 townhomes in that neighborhood, and the need for this sort of a space actually came out of the community. It came out of concerns and voices that we hear from our neighbors who lease properties from us.

Jeff Hodgson: Are there any other questions. Karen.

Karen Kwasny: You said your activities, and I'm not sure you said all or most of them are planned activities with a registration process which is going to permit you to oversee the number of people that are going to be arriving and leaving at any one given time?

Jessica Guglielmi: That is correct.

Karen Kwasny: Correct. So, all of the activities are planned and registered for?

Jessica Guglielmi: All of the activities will be planned and we can include a registration.

Karen Kwasny: I think a registration system allows for a bit of comfort in terms of having that kind of overflow, and having to manage the overflow there a way to prevent from that happening is that a registration process where you have a cap on however many are invited to be a part of what age is you have planned. I'm also concerned about when you have 12 people, if they all don't walk or ride bikes and they all decide to drive themselves, how are we going to manage traffic in that regard?

Jessica Guglielmi: Honestly, we didn't expect that folks would be traveling in. We expect it would serve the streets and folks that reside in the community. I do anticipate that we could have some church volunteers, maybe the two volunteers that are tasked with working that day they may drive in the park in the driveway. But we did not anticipate a lot of vehicle traffic.

Karen Kwasny: Okay.

Bob Thornton: In terms of the age group of the people, do you use this as mainly as for young kids, youth, all age people in the neighborhood? My concern is that if you're teaching children maybe an afternoon reading program, how do you integrate grown-ups in that or teenager in that with some other function?

Jessica Guglielmi: We see this community spot as a place that serves parents with their children. So, we do see that the parents and those young mothers, or those single parent families, those would be the target. Those people would be targeted for our outreach events and our activities. We do expect that if we do have a reading or tutoring program, that the parent would be responsible for coming with their child, so; we don't see that kids would not be unattended.

Bob Thornton: Not a babysitting service?

Jessica Guglielmi: No, this is not babysitting service. No, not at all

Jeff Hodgson: Are there any other questions: Thank you very much.

Jessica Guglielmi: Thank you very much.

Jan Rucinski: Our next speaker in support is Pamela Simmons.

Pamela Simmons: Good afternoon.

Jan Rucinski: Good afternoon. Could you please state your name for the record?

Pamela Simmons: Pamela Simmons. My name is Pamela Simmons.

Jan Rucinski: Okay. Can you tell you us...

Pamela Simmons: I am a resident of the Lake Edward Community, and I am in support of it because we have a lot of youth and seniors that could use the Spot for civic meetings, senior activities, training the kids in the arts. Maybe give them music lessons. Culinary art skills, and keep them off the street and give them something to look forward too, somewhere to go where it would be safe in the neighborhood.

Jeff Hodgson: Are there any questions for Ms. Simmons? I got one. Do you live by chance in that cul-de-sac or are you somewhere else in the community?

Pamela Simmons: I live on East Hastings Arch.

Jeff Hodgson: Okay. Are there any questions? Thank you for coming down.

Pamela Simmons: You're welcome. Thank you.

Jan Rucinski: Okay. the next speaker in support is Marie Jackson-Horne.

Jeff Hodgson: Good afternoon.

Marie Jackson-Horne: Good afternoon.

Jan Rucinski: State your name for the record.

Marie Jackson-Horne: Marie Jackson-Horne. I am a single mom who lives in the area. And when it was first addressed to me about this Spot, it was brought up as an outreach for kids. My son is a very outgoing, animated young man, and he likes the theatre. I have two sons that actually like the theatre. And it was brought about that they would have some where to go to put on plays or to act or to go somewhere to relax. My kids don't stay on the street anyway, but not to be out in the area but to have something constructive and creative to do.

Jeff Hodgson: Are there any questions for Ms. Horne? Thanks for coming down.

Marie Jackson-Horne: Thank you.

Jan Rucinski: Okay, the next speaker in support of the application is Crystal Pittman.

Jeff Hodgson: Hello.

Crystal Pittman: Good afternoon everyone. My name is Crystal Pittman. I live in the Lake Edwards Community. I am a VBCDC resident, and I think the Spot will be somewhere great for the children to come together. I have twin daughters. My oldest graduated from the Lake Edwards area. She is in VCU. But, I also have 11 year old, twins that go to school. I think this would be a great place after school for them, maybe take a reading class, maybe a reading lesson and math lessons, just to do something extra. They said 25 minutes of reading every day would be great to help a child's education in reading. So, I think if they have the registration that she was talking about, VBCDC offers a lot for the community, and we also have to register now for different programs that they have. If they have a workshop on credit, getting your credit right, and workshops on different things, we have to register, so I think this will be a great thing for the community as far as registering, and different program they are offering that day whether it is for the children, for the seniors, the teenager, or whether it is for the parent. Everyone will register. Everybody will have cell phones where the link will go to your cell phone, and you will know for that day and that time what they are offering, and then you register through your cell phone. I think it will be great thing for the community and for the teenagers, the parents where we can go somewhere and come together on different things to make the community better.

Jeff Hodgson: Do we have any question for Ms. Pittman? Mr. Brockwell?

Ross Brockwell: I've been thinking, and I could ask the applicant or I can ask any of those in support of this so, I will just ask you. In the informal, we talked about the concept of this sounds great to all of us think the ideas may be great for a neighborhood but it is pretty dependent on the consensus amongst the neighbors, so; have any of you had conversations with those that are in opposition? I mean they are your neighbors. Have you all talked with them directly about what their concerns are?

Crystal Pittman: I haven't. If I was a neighbor of 5865 Pickering, I think that is the address, I wouldn't have a problem with it because it is helping the community. It has a cutoff time, and a time that it starts. The kids get out of school around that time. And it also has a cutoff time. It also has things in place where you register. The parent will be there. It is for the community, so; I don't think the kids will want to hang out somewhere where they know they know my parents. They know where my sisters and brothers are going to be. I don't think they are going to come trying to do anything wrong when they know their parents and their sisters are going to be there to help the community. This is something that is supposed to help the community, so I don't see a problem if they do act and it is overcrowded and that you will go home, and maybe come back later when we have another program or a schedule another time.

Ross Brockwell: Okay. I appreciate it and I just asked her and I was thinking of waiting until there were speakers in opposition and she came back for rebuttal. But I figure I would ask you why I had you here. But I do think that some of the concerns we heard in emails, why we can try to address them with conditions, it is the people who live in the community that are going to be the only way to resolve them,

so, I just wanted to ask you while you were up here. I appreciate it.

Crystal Pittman: Thank you.

Jan Rucinski: I have a couple of questions. You made a comment about going to some classes that they have already offered.

Crystal Pittman: Yes.

Jan Rucinski: Were those for like heavily attended classes or were they small, just a few people there?

Crystal Pittman: Small, just a few people there, whoever registered for the class. They had a financial class to where you can help get your credit right, and money managing. That was a great class. They also had a first time buyer's class. This was at the VBCDC office. Some people don't have great transportation to get all the way to London Bridge, and we live off of Newtown Road. The community is off of Newtown Road, and London Bridge is a few exits; so, most of the time if you have those classes, you would have to get all the way over there to get it. I work from 8:00 a.m. to 7:00 p.m., so; even it would have to be more on the weekends or my days off but the classes that they offer, you do have to register for but I think it would be great for the community as far as getting somewhere close to where you can get and you don't have to worry about a ride. If they have a class that I am interested in, I would love to, maybe if they take the couponing class, something small as far as couponing. I love that. I would think that would be something great where we could save money and learn how to coupon and learn how to save. That is something great that we can all come into and be interested in. Not as far as me traveling to London Bridge.

Jan Rucinski: Thank you.

Crystal Pittman: You're welcome.

Jeff Hodgson: Are there any other questions for Ms. Pittman? Thanks for coming down.

Jan Rucinski: Have they hired you as the spokesperson yet?

Bob Thornton: I have one.

Jeff Hodgson: Mr. Thornton.

Bob Thornton: If we had to really think ahead what would you think would be the biggest concern we really watch out for. My worry, and I think if the kids are only there with parents, I probably don't have any no more worries, but if you had to worry, and I hate to ask you that word, but if you had any concerns what we really need to watch when this gets up and running, and open, what would they be?

Crystal Pittman: I think one thing that we would watch out for is the amount of people that we already spoke on. It will be the amount of people that is going to be there. Another thing we should watch out for is the times. You will want your children to be home. It gets dark early. So, you want them to be home at a certain time when they have that covered. And get ready for school. Get ready for the next day. I mean, those are the small things that but it is some place for them to go within a short amount of time. And, to release and to do things that you might not be able to do at home or they might be able

to bring someone. And, just have some time where they can take a do something small. I don't know all of the things that it is going to offer but I have heard some great things that it is going to offer. I think those will be two biggest things would be the amount of people and the times.

Bob Thornton: Okay. Thank you.

Jeff Hodgson: Is there anyone else? Thank you very much.

Crystal Pittman: Thank you. Have a great day.

Jeff Hodgson: You too.

Jan Rucinski: Okay, the next speaker in support is Roy Holley.

Roy Holley: Good afternoon.

Jeff Hodgson: Hello.

Roy Holley: Members of the Commission, my name is Minister Roy Holley. I live on the other side of Baker Road on Atterbury Court. Actually, my daughter says on Pickering Street, and I have three grandchildren that are there. I'm in support of this because the youth out there need it badly. But, I would like to suggest to her that to get with the churches that are nearby so that when you have these crowds of people, you can send them to the church because we want to mentor them anyway. That is what we do. I am also a certified mentor, so, there is no problem with us helping the community because we want to change the community. And that would be a way of us helping us getting in and we will support them 100 percent anyway, whatever they need, we will support them. Because the neighborhood need it and the youth need it and we need to get their parents back with the children because I am sick of the crime in the area. It needs to stop. If somebody need to take a stand up, and I'm willing to take that stand up. And, I'm willing to help them and assist them in any way they can, so; when there is an overflow of people, bring them to the church. And the main concern when there is a whole lot of people, when he asked the question what would be the main concern, it is when they get into a group of cliques, a lot of them in one group together. That is the time to stop this. Break that up because when a lot of young folks get together, in one group, that is when trouble starts. But as a mentor, I can see it. I can step in and we can give them something different to do. We give them different opportunities, and different chances, and we can teach them, especially about peer pressure and stuff like that. They need to know this. And, I think it is a good deal, and I hope you all will approve this, and if not, give it to the churches, we will take it.

Jeff Hodgson: Are there any questions for Mr. Holley? Alright, thank you sir.

Roy Holley: You're welcome.

Jan Rucinski: That completes our speakers in support or this application. We have on speaker in opposition and that is Tanya Shadley.

Tanya Shadley: Good afternoon.

Jeff Hodgson: Hello.

Tanya Shadley: Hello, Tanya Shadley. Now, I had a lot of questions, which a lot of them were kind of answered but I literally live about four doors down from this. And, one of my main concerns, is that I have two small children, 9 and one is about to be 9, who has special needs, wheelchair, does not work, non-verbal. And when we first moved into the neighborhood there was a lot of traffic in that cul-de-sac. The kids would hang out there, and they messed up our fence. They messed up our yard, and they threw trash all around, so one of my main concerns. I do think the concept is actually really great, and I do think myself would be willing to even help out. I own my own production company. I could offer some classes for the kids or something like that. But one of my main concerns is the traffic, and if we do have ten or is that ten plus parents or is that not with parents and then if you only have two volunteers on site, who is actually managing the traffic when we have extra kids there or extra people there. So, those are a couple of the main concerns and that is the reason why I was a little in opposition to it. I've kind of really in the middle now because of the registration piece. I think that will be very beneficial to kind of maintain the numbers that you would want to have for the different programs that are offered. I do think that the neighborhood has gotten a lot better since we've moved in about 8 or 9 years ago, but there is still plenty of work that needs to be done but again, having two small children and walk back from the buses with the kids. I walk to the bus stop with the kids, the fourth or fifth graders. My son is in Early Discoveries there, so that is really one of my main things. If people do drive, on a particular day, are they going to block my driveway because we've had an accident where someone has parked right in the end of the cul-de-sac, there is a fire hydrant right there. We have it where someone has backed out of our driveway and someone's car is blocking the fire hydrant and it tapped into their bumper, and there is a whole another issue there, so; those are some of the concerns that I have, which I was kind of leaning more on the opposition side is because of those main things for me. I have son, like I said, he is disabled, non-verbal. He can't say hey, mom I need help. We're always there with him but those were some of the concerns that I have, as parent, who lives, literally four doors down from what this would be.

Jeff Hodgson: Would you feel more comfortable if there a 12 month limit put on this and it would have to come back for review to make sure that it was running properly? Would that ease your concerns some?

Tanya Shadley: Yes, I think so. I think it would also give because this kind of a first time doing it, it would give them an opportunity to kind of see what works and what doesn't. At the same time, we can capitalize on what works and fix what doesn't.

Jeff Hodgson: Right.

Tanya Shadley: Because, again, I think the programs that could possibly be there for the kids. Acting classes, I do stage makeup. I can do stage make up with the kids and being able to have something when they register and they would come in for single moms having a resource for them. I think the concept is great. I think it needs a little tweaking.

Jeff Hodgson: Good. Are there any questions for Ms. Shadley? Thank you for coming down.

Tanya Shadley: Thank you.

Jan Rucinski: That completes the speakers for this application.

Jeff Hodgson: Would the applicant like to come up and comment on any of the opposition or support?

Jessica Guglielmi: Again, Jessica Guglielmi. We are just very thankful for those who came out today to support our application. And also to Ms. Shadley, who offered to lend her support. Thank you for your consideration.

Dee Oliver: I have a question. There was reference to an app on the phone that they make their registration for the classes.

Jessica Guglielmi: We use a system right now where folks can register by a constant contact or through our website. That is what she was referring to.

Dee Oliver: So, you do have that already in place?

Jessica Guglielmi: Yes ma'am.

Dee Oliver: Is that just out of lack of knowing how this works, and when you register, do you already have.

Jessica Guglielmi: It's an app.

Dee Oliver: One of the questions was is 12 people, 12 people, which would be six children and six parents.

Jessica Guglielmi: Total.

Dee Oliver: Total.

Jessica Guglielmi: Including volunteers.

Dee Oliver: And does that include the volunteers, 12?

Jessica Guglielmi: Yes, the 12 include the volunteers.

Dee Oliver: Okay, so it is only 10

Jessica Guglielmi: It is a small group.

Dee Oliver: And on your website, is there a list of all the activities by week? I guess my question to you is everything registered, or is it an open-door policy, or is it a combination of both?

Jessica Guglielmi: It is still being designed. There is not currently a listing of all the activities on our website as this is still being developed. It is still in the concept stages but it sounds like registration is certainly something we must implement in order to make it successful and we are committing to doing that.

Jeff Hodgson: Mr. Ripley?

Ronald Ripley: Jessica, you may have said it and I missed it but you own the apartment or townhouse.

And the CDC will secure funds to maintain everything and run everything?

Jessica Guglielmi: Yes.

Ronald Ripley: So, it will come from the City, which I assume you will get donations for or through your operating budget.

Jessica Guglielmi: Yes, it will be.

Ronald Ripley: Okay. Thank you.

Jessica Guglielmi: We plan on doing renovations to it to make it wheelchair accessible as well, and we will be providing those funds to do that.

Ronald Ripley: Thank you.

Jeff Hodgson: Are there any other questions? Don?

Donald Horsley: It was mentioned about putting a year on this. Would that hinder or hurt you in any way? What is your feeling on that?

Jessica Guglielmi: I don't think it will hurt us in any way. This came out from the community and the reason why we are doing thing is because it is something we can do to help improve the community. I don't think it will be a hindrance.

Jeff Hodgson: I think Karen made a good point earlier when you said, because I was actually thinking the opposite way just to do an administrative review but the fact if you did come back, we could hear about the success of this, and it would help us to understand it better for the next go around, so I'm glad you brought that up earlier.

Ronald Ripley: Mr. Chairman, it would be a shame, if she had to come back through the process, pay a fee to file the application.

Jeff Hodgson: We have to figure out a way that they don't have to pay.

Ronald Ripley: If we could do the review and have come back and give a presentation.

Item #14  
Michael Binetti  
Subdivision Variance  
2929 Riddick Lane  
District 7  
Princess Anne  
January 13, 2016

**CONSENT**

An application of Michael Binetti for a Subdivision Variance on property 2929 Riddick Lane, District 7, Princess Anne: GPIN: 1493-24-9224-000.

**CONDITIONS**

1. The site shall be substantially as shown on the submitted survey entitled "PHYSICAL SURVEY OF LOT F PROPERTY OF WILLIE RIDDICK FOR MICHAEL BINETTI," dated July 14, 2009 and prepared by Kellam Gerwitz Engineering – Surveying – Planning.
2. The site shall remain connected to City sanitary sewer via a grinder pump and private force main or by any other acceptable option approved by the City of Virginia Beach Public Utilities Department.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 14.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 11-0, the Commission approved item 14 for consent.

Item #15  
William H. Johnson  
Subdivision Variance to Sections 4.4(d)  
Approximately 50-feet northwest of Riddick Lane  
District 7  
Princess Anne  
January 13, 2016

**REGULAR**

Jeff Hodgson: Jan, would you please call, I think it is the last item on our agenda?

Jan Rucinski: Our last item on the agenda today is item 15. An application of William H. Johnson for a Subdivision Variance to Section 4.4(d) of the Subdivision Regulations on property located approximately 50-feet northwest of Riddick Lane, District 7, Princess Anne. The first speaker Angie, I'm sorry, I don't know how to pronounce that.

Angie Krumreich: Krumreich.

Jan Rucinski: Thank you for the help on that name.

Angie Krumreich: Hi, I'm Angie Krumreich, and I live behind the proposed restructuring of the property.

Ed Weeden: Can you get closer to the mic please?

Angie Krumreich: Sorry. I'm Angie Krumreich. I live at 3004 Cadence Way right directly behind the proposed property in question. I had some concerns coming to the meeting today because I was kind of apprehensive after 60 years of a property being spaced. Obviously, it wasn't recorded properly, so after 60-years, why all of a sudden, what's the underlying factor of the property being recorded differently? I was concerned there was some kind of maybe proposed building to go on there, and I wasn't able to get any concrete answers until today. Prior to the meeting, I met with Mr. Binetti, who is the gentleman in question making this request, and I'm not adverse to whatever he is recommending at this point. My concern is I've talked with him, that if they do decide to develop in that area or build homes, the underlying decision will be that I would like to be informed as to what is going on. There are other neighbors that are involved with this change of zoning or whatever the proposal was, and they could not be here so they asked me to come in their behalf. I'm pretty confident that the right thing is going to be done, and Mr. Binetti has assured me that he has no intention to over developing that plot of land.

Jeff Hodgson: Thanks for coming down and waiting to able to speak. Does anybody have any questions for Mrs. Krumreich?

Bob Thornton: These things appear before us frequently because back in the old days, properties were subdivided and by today's standards, they weren't accurate. So, this is not unusual for us to see it. It shouldn't raise any red flags. I think that is what you're trying to say but if they decide to consolidate lots, put together and build a subdivision or whatever they may want to do in the future, it has all got to go right back through the proper process. You should be well informed if anything else happens out there.

Angie Krumreich: That's fine. Thanks so much for your time.

Item #15  
William H. Johnson  
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Bob Thornton: You're welcome.

Jeff Hodgson: Are there any other speakers?

Jan Rucinski: There are no other speakers.

Jeff Hodgson: Thank you. We'll close the public hearing and open it up for discussion.

Donald Horsley: Mr. Chairman, I make a motion that we approve item 15.

Jeff Hodgson: A motion made by Commissioner Don Horsley. Do I have a second?

Karen Kwasny: I'll second it.

Jeff Hodgson: A second made by Commissioner Kwasny. We are ready to vote.

Ed Weeden: The vote is open.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

Ed Weeden: By a vote of 11-0, the commission has approved the application of William H. Johnson.

Jeff Hodgson: That was the last item on our agenda. Is there any other further business we need to discuss? Hearing none! On behalf of my fellow Commissioners, I would like to thank everybody for attending today, and thank the Planning Director and his staff for preparing today's agenda. Meeting is adjourned.

Item #D1  
Beach Borough Development, L.L.C.  
Change in Non-Conforming Use  
403 33<sup>rd</sup> Street  
District 6  
Beach  
January 13, 2016

**DEFERRED**

An application of Beach Borough Development, L.L.C. for a Change in Non-Conforming Use on property located at 403 33<sup>rd</sup> Street, District 6, Beach. GPIN: 241892-4767-0000.

A motion was made by Commissioner Thornton and seconded by Commissioner Rucinski to defer item D1.

	<b>AYE 11</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 0</b>
<b>BROCKWELL</b>	<b>AYE</b>			
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>	<b>AYE</b>			
<b>OLIVER</b>	<b>AYE</b>			
<b>RIPLEY</b>	<b>AYE</b>			
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 11-0, the Commission deferred item D1.

Eddie Bourdon appeared before the Commission on behalf of the applicant to request the deferral.

