

Item #1  
Direct Independence Group, L.L.C.  
Conditional Change of Zoning  
465 South Independence Boulevard  
District 2  
Kempsville  
February 10, 2016

**DEFERRED**

An application of Direct Independence Group, L.L.C. for a Conditional Change of Zoning (O-2 Office District to Conditional B-2 Community Business District) on property located at 465 South Independence Boulevard, District 2, Kempsville. GPIN: 1476-59-4453-0000; 1476-59-5337-0000; 1476-59-6300-0000.

A motion was made by Commissioner Inman and seconded by Commissioner Horsley to defer 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 deferred item 1.

Item #2  
Auto and Export, Inc.  
Conditional Use Permit  
569 Central Drive  
District 6  
Beach  
February 10, 2016

**DEFERRED**

An application of Auto and Export, Inc. for a Conditional Use Permit (Automobile Repair Garage and Bulk Storage) on property located at 569 Central Drive, District 6, Beach. GPIN: 1496-67-8840-0000.

A motion was made by Commissioner Inman and seconded by Commissioner Horsley to defer 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>			
<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 2.

Item #3  
McDonald Garden Market, L.L.C.  
Conditional Use Permit  
3112 Virginia Beach Boulevard  
District 5  
Lynnhaven  
February 10, 2016

**CONSENT**

An application of McDonald Garden Market, L.L.C. for a Conditional Use Permit (Open Air Market) on property located at 3112 Virginia Beach Boulevard, District 5, Lynnhaven. GPIN: 1497-15-3700-0000.

**CONDITIONS**

1. The layout of the seasonal market shall be limited to 7,800 square feet and shall be located on the site in substantial conformance with the concept plan entitled, "Proposed Site Plan," prepared by McDonald Garden Market, dated 12/15/2015, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
2. As required by Section 239.03 of the Zoning Ordinance, there shall be no less than one (1) trash receptacle per one thousand (1,000) feet of sales area, all trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall be not be allowed to accumulate.
3. The open air market shall be limited to the operation between the months of March to August and shall be open only during the hours of 8:00 a.m. to 8:00 p.m., seven days a week.
4. All signage on the site, including any signage or graphics on the fabric screen and fence, shall be in compliance with the sign regulations of the Zoning Ordinance, and shall be submitted to the Zoning Administrator for review prior to installation.
5. The applicant shall construct the shed/kiosk in accordance with the submitted Engineer's Report, prepared by Roland E. McPherson, P.E., and shall be presented to the Building Official's Office prior to issuance of a building permit.
6. Certification that the canopy design meets all applicable code requirements shall be submitted to the Building Official's Office, prior to the issuance of a building permit, by a professional engineer licensed by the Commonwealth of Virginia, or by any other professional deemed acceptable by the Building Official's Office.

A motion was made by Commissioner Weiner and seconded by Commissioner Rucinski to approve item 3.

**AYE 11                      NAY 0                      ABS 0                      ABSENT 0**

**BROCKWELL                      AYE**  
**HODGSON                      AYE**

Item #3  
McDonald Garden Market, L.L.C.  
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<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 3 for consent.

Mike Westfall appeared before the Commission on behalf of the applicant.

Item #4  
Titan Myers Development, L.L.C.  
Conditional Change of Zoning  
Daniel Smith Road and Connie Lane, east of Newtown Road  
District 2  
Kempsville  
February 10, 2016

**DEFERRED**

An application of Titan Myers Development, L.L.C. for Conditional Change of Zoning (R-7.5 Residential District to PD-H2 (A-12 Apartment District) on property located on Daniel Smith Road and Connie Lane, east of Newtown Road, District 2, Kempsville. GPIN: 1468-31-8238-0000; 1468-31-8497-0000; 1468-41-0127-0000; 1468-41-0516-0000.

A motion was made by Commissioner Inman and seconded by Commissioner Horsley to defer 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>			
<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 Commissioner deferred item 4.

Item #5  
Cullipher Farm  
Conditional Use Permit  
1065 First Colonial Road  
District 5  
Lynnhaven  
February 10, 2016

## **CONSENT**

An application of Cullipher Farm for a Conditional Use Permit (Farm Stand) on property located at 1065 First Colonial Road, District 5, Lynnhaven. GPIN: 2408-52-5486-0000; 2408-53-4687-0000; 2418-53-0661-0000.

## **CONDITIONS**

1. All conditions of the November 13, 1996, Conditional Use Permit shall be deleted and replaced with the following conditions listed below:
2. Except as modified by any other condition of this Conditional Use Permit, the development of the site shall substantially conform with the submitted site layout as depicted on page seven of this report entitled, "SITE LAYOUT CULLIPHER FARM, 1065 FIRST COLONIAL ROAD," and which has been exhibited to the Virginia Beach City Council and is on file with the Planning Department.
3. Except as modified by any other condition of this Conditional Use Permit, the development of the building shall substantially conform with the submitted floor plan entitled, "CULLIPHER FARM STAND, FIRST COLONIAL ROAD, VIRGINIA BEACH, VIRGINIA, SHEET THREE," dated October 28, 2015, and prepared by Space Planning by Linda Parrett Associates. Said floor plan has been exhibited to the Virginia Beach City Council and is on file with the Planning Department.
4. Except as modified by any other condition of this Conditional Use Permit, the development of the building shall substantially conform with the submitted building elevations entitled, "CULLIPHER FARM STAND, FIRST COLONIAL ROAD, VIRGINIA BEACH, VIRGINIA, SHEET FOUR," dated October 28, 2015, and prepared by Space Planning by Linda Parrett Associates. Said elevation drawings have been exhibited to the Virginia Beach City Council and are on file with the Planning Department.
5. Standard parking lot improvements shall not be required. A crushed shell parking area surface is permitted, with the exception that paved handicap parking space(s) shall be provided with paved access to the facility, as per ADA requirements. Parking stops shall be added within the parking area to clearly identify parking spaces.
6. Portable restroom facilities will be permitted for one year and must be provided until the proposed improvements/additions to the farm stand are complete, at which time a minimum of one permanent restroom facility shall be provided. The restroom facility shall be ADA compliant.
7. There shall be one access point allowed from First General Parkway, as shown on the submitted site layout. There shall be no direct access permitted from First Colonial Road.

8. The site shall be permitted no more than three signs, one of which may be a freestanding sign. A separate permit from the Planning Department, Zoning Office, shall be obtained prior to the installation of any signage.
9. The two parcels located to the north of First General Parkway (GPINS 2408534687 & 2408530661) shall continue to be cultivated for the entire duration of the site's use as a farm stand.
10. All products sold at the farm stand shall be limited to those specifically indicated within the definition of an "Agricultural-related product," as defined in Section 401 (e)(3) of the Zoning Ordinance. This shall include honey, maple syrup, jams, jellies, preserves, relishes, juices, cider, milk, ice cream and other dairy products, peanut butter, cheese, eggs breads and other baked goods, fresh seafood, poultry and other meats, ornamental plants, flowers, pottery, hanging baskets, wood carvings, potholders and other hand crafted items having an agricultural theme, and similar items. Also included is bottled water, soda and items or apparel displaying exclusively the name of the farm stand shall be allowed, provided that the display of such apparel shall not exceed ten (10) percent of the floor area of the establishment.
11. No parking shall be permitted or no structures shall be installed, with the exception of a freestanding sign, within fifty (50) feet of the property line adjacent to First Colonial Road. All healthy, existing trees that are six inches in diameter or greater within this area shall be preserved.

A motion was made by Commissioner Weiner and seconded by Commissioner Rucinski 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>			
<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.

The applicant Michael Cullipher appeared before the Commission.

Item #D1  
Margaret Bain  
Conditional Use Permit  
1652 Flanagans Lane  
District 7  
Princess Anne  
February 10, 2016

## **CONSENT**

An application of Margaret Bain for a Conditional Use Permit (Residential Kennel) on property located at 1652 Flanagans Lane, District 7, Princess Anne. GPIN: 2413-57-9634-0000.

## **CONDITIONS**

1. Exterior play areas for the dogs shall be limited to those identified as "Fenced Enclosures" and "Horse Pasture" on the submitted exhibit entitled, "SITE PLAN OF LOT 9A, RESUBDIVISION OF LOT 9, PART OF PROPERTY OF FRANK T. WILLIAMS FOR BAIN RESIDENCE," and identified by Staff as "CUP EXHIBIT FOR MARGARET BAIN," dated January 05, 2009, and prepared by Kellam Gerwitz, with comments added by Staff.
2. There shall be no more than eight (8) adult dogs over the age of six months on the site at any one time. Included in the total number of dogs shall be any dog owned by the property owner and any dog receiving foster or temporary care and shelter.
3. No identification sign related to this Conditional Use Permit shall be permitted.
4. Any accessory structure added to the property that will be used to provide shelter for the dogs shall be air-conditioned and heated, and located within the rear, fenced areas, identified on the exhibit referenced in Condition 1 above as "FENCED PLAY AREA" or "HORSE PASTURE."
5. All dogs on the property shall be up-to-date on all required shots and shall be properly registered by the City of Virginia Beach.
6. This Conditional Use Permit shall be required to be renewed one (1) year following the date of City Council approval. After said duration of time, per Section 221 (k) of the Zoning Ordinance, the Director of Planning shall review and may extend the Conditional Use Permit for another year, provided the continuation of the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activity under the Use Permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the particular zoning district.

A motion was made by Commissioner Kwasny and seconded by Commissioner Brockwell to approve item D1.

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Margaret Bain  
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	<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 D1 for consent.

The applicant Margaret Bain appeared before the Commission.

Item #D2

Ashdon Builders, Inc. & Estate of Bertha H. Caffee

Change of Zoning

Subdivision Variance

Floodplain Variance

Conditional Change of Zoning

Subdivision Variance

2344 Princess Anne Road

District 7

Princess Anne

February 10, 2016

## **REGULAR**

Jeff Hodgson: I will ask the Secretary to please call this item.

Jan Rucinski: This item is for Ashdon Builders. An application of Ashdon Builders for a Change of Zoning AG-2 Agricultural District to R-10 Residential District; Subdivision Variance to Section 4.4(b) of the Subdivision Ordinance; Floodplain Variance to Section 4.10.B.3 of the Floodplain Ordinance on the property located on the north side of Princess Anne Road, approximately 460 feet east of Fenwick Way, Conditional Change of Zoning from AG1 & AG-2 Agricultural District to R-10 Residential District; Subdivision Variance to Section 4.4(b) of the Subdivision Ordinance on the property located at 2344 Princess Anne Road, District 7, Princess Anne.

Jeff Hodgson: Mr. Bourdon.

Eddie Bourdon: Thank you Mr. Chairman. Members of the Commission, for the record, I'm Eddie Bourdon, a Virginia Beach attorney. I come before the Board this afternoon representing not only Ashdon Builders, Inc., but also the Caffee Family. All of their names are listed on the application. The Caffees have owned this piece of property for well in excess of a century. And it is a somewhat complicated set of requests. Some of it is a lot of clean up. Before I get stated, I want to thank Carolyn Smith, Planning Staff, and the folks in Public Utilities. The reason why this has been deferred for some time was to deal with issues regarding the sewer service area, and so, we've got a very good successful resolution of that. I'll take a minute to deal with the Floodplain Variance application first. I think that's the easiest thing to do, do this sequentially. We've got a situation, if you could put the bigger plat up there? Where this is an existing home, it has been on the property on what is called Lot 2, the large 9-acre piece of property, for decades. We are proposing to divide this. This will actually remain in the Caffee family. This Lot 2 with the existing house on it, obviously this is where the house is, where the access is. And, this was obviously built long before there was a floodplain subject to special restrictions ordinance that we adopted in 2001. And, so this requires a Floodplain Variance, because this portion of the property is in floodplain, and thus, doesn't count even though it meets all of the dimensional requirements of the R-10 Zoning District. I will also mention to you that this part is not part of our application. It is already zoned R-10 because, it was rezoned inadvertently when Princess Anne Corridor was rezoned. The Caffee Family had to pursue litigation and it was resolved. This is the correct boundary line. So this little sliver here is Caffee property that is already zoned R-10, just FYI. And, then we got this other parcel over here, Lot 1, that was created in 1962. I've got a plat that was recorded in 1965 of the adjacent property to the west and this property is shown on it. It has a GPIN number and

has been taxed ever since. It is separately owned by one of the Caffee family members. I was advised when we got in this process that it was determined that it wasn't "legally platted" back in 1962 and in 1965, but like other lots we have seen throughout the years, it met all the requirements to be legally platted when it was created. It has been taxed ever since. This piece of property is also now, and again, 30 years after it was created in the floodplain with subject to special restrictions, which only applies to the southern part of the city, So, the hardship is you've got a piece of property that has always been separate and apart long before you had this new Floodplain Ordinance for the southern part of the city. But the amount of floodplain disturbance is de minimis, it's in the flood fringe. It is not in the flood way, not even close to the flood way. It is also important to, changing gears a little bit, this will be the access for the development of the 16 lots, the 16 lots that will be added to the Princess Anne Corridor Subdivision. But anyway, all the conditions that are recommended for the Floodplain Variance, for this piece of property, and the unconditional R-10 rezoning, again, it meets all the requirements of R-10 zoning except for the floodplain. It eliminates the calculation for those square footages as being part of the lot. But this is where all of the access will be to the development of this property, which is something that will be an excellent situation in terms of not putting all of the heavy equipment through the neighborhood. We had an identical situation with an extension of High Gate Greens, an addition to High Gate Greens that was done 1½ years ago. We did the rezoning about 3½ - 4 years ago, where they accessed the property off of Princess Anne Road. They didn't bring the heavy equipment, any of that, through the High Gate Greens neighborhood and it worked out extremely well. I am certain it will here as well. So, now we got the Conditional Rezoning application for the rest of the property. If you can put up the plat, this is when Princess Anne Corridor was rezoned and developed back in the early 2000's. This street was stubbed here because this property is high land, developable land. The City recognized that it was going to be developed so it would probably be stubbed to this piece of property. The Caffee family has owned this, as I said, like I said for over a century. They have never ditched this property. They have never done anything to create drainage on this property. It is remained natural since the subdivision was created adjacent to it. Some of the owners have taken some liberties with the property line and extended their backyards, filled in some of the property adjacent to it. They Caffee's have never complained about that in any way, shape or form. But when they modified the drainage on their property, some of them have drained more stormwater on the property, but this property again, has in no way been developed or ditched so as to create drainage. The floodplain is up here. There are some upland, non-tidal wetlands. Virginia Beach defined wetlands on this property that meet the true definition of a wetland. And because they are upland, non-tidal wetlands, they are under the jurisdiction of the Corps of Engineers. We are dedicating to the City 3.35 acres of land, which includes much of that upland non-tidal wetland area but we have an application with the Corps of Engineer to do some limited filling on the back of these lots, which again, not a floodplain in any way shape, manner or form. Highland and the homes will be built on these lots outside of that area that would be filled but it would be backyard basically. But, that is up to the Corp. of Engineers. The Princess Anne Quarters Corridor neighborhood, they had upland, non-tidal wetlands that were filled as a part of their development. Princess Anne Woods up on Seaboard Road to the east of here, the same situation, lots and lots throughout the City of Virginia Beach. The Princess Anne Meadows up near Five Mile Stretch that you all heard many times, same situation. Small minor amounts of upland, non-tidal wetlands, not floodplain, that is permitted to be filled and in this case, we will get those permits. I am quite confident because it is not any substantial impact. The density that we are proposing with this rezoning, 1.94 units per acre, 20 percent less density than Princess Anne Quarter, adjacent to us at 2.44 units per acre. It has been reviewed by City staff, the Navy AICUZ. It is 100 percent consistent with our Comprehensive Plan recommendation for land use in this area because there is no other reasonable land use for this piece of

property. I am going to repeat myself. There will be no filling of any floodplain for any of the lots in this subdivision with the exception of Lot 1 out on Princess Anne Road, that has existed since 1962, and really isn't a part of the neighborhood. It is out on Princess Anne Road, along with a number of other houses that you see up on Princess Anne Road. The proffers include a proffer of with a minimum square footage. That proffer of minimum square footage of the houses is actually 100 percent identical with the proffered square footage of the homes of Princess Anne Quarter. I actually went back and checked that after this morning's informal. Their deed restrictions have the same exact square footage per home. Our homes, like the homes that were built in Princess Anne Quarter will be larger, which is exactly what you see 99 percent of the time. We anticipate that our houses that we will build here will be the same size or larger, but not substantially larger than those in Princess Anne Quarter, and the price of those homes will be \$500,000 plus. So, there is no degrading in any way. Their homes have brick fronts and some bricks on the side. They can be brick. They can be stone and hardi-plank. You've see the elevations. They are not vinyl sided homes by any stretch of the imagination. They will be very desirable homes in a very desirable area of the city. It is a proffered rezoning. The conditions obviously cover the things that need to be covered. The homes will not be built in any area that is going to flood, and they do have to be elevated. And we have to the additional freeboard on those homes. With that I'll be happy to answer any questions.

Jeff Hodgson: Are there any questions for Mr. Bourdon?

Eddie Bourdon: Thank you.

Jeff Hodgson: Thanks.

Jan Rucinski: We have four speakers in opposition. The first one is representing the civic League, and that is Frank Wetmore. Would you please make sure you state your name for the record.

Frank Wetmore: Good afternoon. My name is Frank Wetmore. I'm the President of the Princess Anne Quarter Civic League. We predominately oppose this project, and I have four basic reasons. The first is the sewage. The pump station that services us is currently at capacity. That was as of the November Staff notes. The staff notes for February stated 50 houses over. We're going to add 17 new Princess Anne Quarter homes plus, I guess the plan is to bring 11 over from the Bishard property over? That is almost 78 more than the capacity of the pump station. My second opposition is for drainage. We've heard him testify, but you will still hear a lot about drainage today. There are drainage problems all along the back of the Pierce Lane residences. You will see photographs. Prior to the installation of the BMP, we need to make sure that project is fully engineered so that drainage gets out there, out of the houses, and out of the streets into the BMP. We've had issues of our stormwater drainage in the current BMP, not functioning properly and we have regular visits by vacuum trucks to pull stuff out of the stormwater removal systems. I'm concerned about the Corps of Engineers appropriate to fill and the wetlands filling in. If this is legal to do this, we need to make sure it is done correctly. My next issue is schools. Kellam is already 125 students over capacity according to the Staff notes. This will add more people to the schools if you look at gradeschools.org, which is what realtors use to direct people to various school districts. A couple of years ago, Kellam was at 7, and now it is at 5. Ocean Lakes, Tallwood, Cox and Landstown all rate above Kellam, and Kellam is a brand new school. The home sizes. I believe that the smallest home in Princess Anne Quarter, the original development was 2,800 square feet. There is one of them. The next largest home is 3,500 square feet, and they go up to around 4,400

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Ashdon Builders, Inc. & Estate of Bertha H. Caffee

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square feet. A minimum of 2,000 - 2,300 square feet is going to look off-balance, we believe. So, we would like to see those home sizes bigger. I've learned a lot about City government in the last month, two months, and three months. I wanted to say thank you to Carolyn Smith. She has been very helpful in the Planning Department Staff. That's pretty much all I have. Do you have any question for me?

Jeff Hodgson: Are there any questions for Mr. Wetmore? Dr. Kwasny?

Dr. Karen Kwasny: So, part of my understanding of what's happening in Princess Anne Quarter, has to do with engineering of the stormwater management system that you are presently are having to deal with?

Frank Wetmore: Yes.

Dr. Karen Kwasny: Correct?

Frank Wetmore: There is flooding regularly within. Specifically, on the eastern portion of the property, not so much in the west. On the western side where it goes up to High Court, but mostly on the eastern side because any of us with kids, come in covered with mud on a rainy day, and they have been out playing in the woods back there, so there is flooding. There is talk about a development to the east of this, and I can't imagine where it is going to go. It is much lower. It slopes down to the West Neck Creek back there, so the drainage is the big thing.

Jeff Hodgson: Are there any other questions? Thank you sir.

Frank Wetmore: Thank you very much.

Jan Rucinski: The next speaker in opposition is Lisa Walters. If you will please state your name for the record.

Lisa Walters: Good afternoon. My name is Lisa Walters, a resident of Princess Anne Quarter, specifically 2308 Pierce Lane, which is Lot 44, on the site map. And Frank Wetmore has done a great job in talking about and explaining the majority of our concerns. But, I do want to add a few comments to voice my concern over the health and the safety of our families. So, if I could share some pictures with you? Can I pass them?

Jeff Hodgson: Sure.

Lisa Walters: The first two pictures that are being passed around are that of my backyard. And, this goes back to what Frank mentioned. A lot of drainage issues. The remaining three pictures there are the proposed space that would contain the stormwater BMP and then the open space that would be dedicated to the City. So, you will see in those photos, and these are photos were taken a couple of weeks ago, a few days after the snow. So, as you can see in those pictures, we do have an existing issue with standing water, and that is basically providing a breeding ground for mosquitos that carry many diseases. So, if we move forward and this request as approved, there is a concern that we are going to see an increase in the standing water. Also, we have an existing BMP, and our civic league pays to have that BMP professionally treated for mosquito control. We struggle with that now, and we know that the

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Ashdon Builders, Inc. & Estate of Bertha H. Caffee

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City will not do anything about mosquito control for the new BMP. They would just be maintaining the land around it, and dredging when necessary. So, if we do add this BMP, it could create a financial hardship for our civic league, and most likely will not have the funds to treat that new BMP for mosquitos. So, again, going back to the health issues, and I do object to the request based on the health concerns and the expense, as well as the other issues that have been presented here today. I urge the Commission to take the health of our families including our children and pets into consideration before moving forward.

Jeff Hodgson: Thank you. Are there any questions for Ms. Walters? Mr. Brockwell.

Ross Brockwell: Where did that come from about where the City won't treat for mosquitos?

Lisa Walters: Carolyn Smith gave me the name of two different people that I contacted, and I contacted somebody from Public Works, and somebody from Parks & Recreation, and they both confirmed that the City will not do anything other than dredge a BMP and cut the lawns and maintain the lawns around it. They do not do any type of treatment. It is up to the civic league or the owner of the property or anybody affected by the property if they want to go above and beyond and treat the mosquito issue.

Ross Brockwell: Okay.

Lisa Walters: As well as rodents.

Jeff Hodgson: Does anyone else have any questions?

Donald Horsley: How did they treat the BMP in your development? You said they treated?

Lisa Walters: Yes. Frank can probably speak more to that, but as a part of the civic league dues, the civic league puts money aside, and they hire a professional treatment company that comes out quarterly.

Frank Wetmore: Lake Management comes out monthly.

Lisa Walters: Monthly. And it is quite expensive.

Frank Wetmore: It is not the City that treats it. It is the civic league.

Donald Horsley: I misunderstood. I thought you said the City treated it.

Lisa Walters; Oh, I'm sorry.

Jeff Hodgson: Mr. Thornton.

Bob Thornton: You sent us some pictures to look at. Those were taken in January/February, and I guess that is the rainiest, wettest time of the year. What does it look like back there most of the year or is it reasonably dry or wet all the time?

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Lisa Walters: There is a space behind the fence between Lots 44 & 45 that never dries out even in the summer. You're going to see that water collect there.

Bob Thornton: Okay.

Jeff Hodgson: Is there anyone else?

Dr. Karen Kwasny: Jeff

Jeff Hodgson: Dr. Kwasny

Dr. Karen Kwasny: It was mentioned that some property owners have provided or placed some fill in behind their properties to address some of their issues, can you speak to that at all?

Lisa Walters: I can't. I can only really speak about my yard and my neighbor to the left. I know he has done somewhat of a ditch right by his fence. We have not done anything. I have not been witness to any fill on that side of Pierce Lane.

Jeff Hodgson: Is there anyone else? Thank you Ms. Walters.

Lisa Walters: Thank you.

Jan Rucinski: Our next speaker in opposition is Caroline Hamilton. Would you please state your name for the record?

Caroline Hamilton: Caroline Hamilton. I agree with Lisa and our PAQ President about the flooding. These are pictures that I took this morning of water that is still standing from Sunday's rain. And it continually stands back there. I'll pass them around. My property backs up to one of the BMPs in the neighborhood, and there is City owner property around it. I can't remember which one of you asked, but it is soggy year-round except for in the driest part of the summer. I walk my dog back there, and I have to clean him constantly. But, my main concern is traffic. I have small children. I live in the cul-de-sac on Pierce Lane. There are no sidewalks there. And the new houses will generate about 30-40 cars coming around that corner. They have to walk down Pierce Lane, all the way down Rayburn to get to a bus stop on Fenwick, even for kindergarteners. They will not come down and pick them up at their houses. And, there is no sidewalk. They would have to cross over Rayburn at that intersection to get to a sidewalk to walk safely to a bus stop. So, I am concerned about traffic, as they play, and as they go to school. High-schoolers and middle-schoolers have to walk to the front of the neighborhood from the back to get to the bus stop. As a life-long resident of Virginia Beach, I know my home used to be a farm or trees or whatever, but I would like to preserve some of the wetlands. Some trees, some wildlife that we have out there. Maybe it is time to slow down just a little bit. Those are my concerns.

Jeff Hodgson: Are there any questions for Ms. Hamilton? Thank you.

Caroline Hamilton: Thank you.

Jan Rucinski: Our last speaker in opposition is Dino Chirco.

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Dino Chirco: I also have some photos.

Jan Rucinski: Okay, if you would state your name for the record?

Dino Chirco: Dino Chirco, 2212 Cabot Court. I've lived in the home for about eight years. We moved in July 2008. We quickly noticed that the backyard was unusable. It was constantly wet. Kids would drag in mud. I spent about \$80,000 to re-grade my property. I put a pool in, bulkhead wall, and still had a lot of moisture on the back-end of the property. I have since put gravel on the back-end of my property. It is still extremely wet. I will be on the back-end of the new homes, and so, I've taken pictures, which I provided of standing water where the new homes are being proposed. And, I don't see how drainage is possible without it coming back towards us. If they build any type of elevation, the first gentleman, he mentioned high land a lot as far as where the new homes are being built. If you guys want to do a field trip, I can show you there is no high land. It is very low land. So my concern obviously is drainage. We have a neighborhood that seeps water all the time, and I can't see the situation getting any better adding elevated homes, and trying to drain waters from those homes back to our property. So, that is my main concern. Any questions?

Jeff Hodgson: Doe anybody have any questions for Mr. Chiro?

Bob Thornton: Do you know what your lot number is or can you point your house out on that?

Jeff Hodgson: There is a pointer right here.

Don Chirco: I am going to be right around here. I am on Cabot Court right here.

Bob Thornton: Thank you.

Jeff Hodgson: Are there any other questions?

Jan Rucinski: I have a question. As a neighbor, do you have any concern with the size difference? I know the civic leader mentioned that was a concern.

Don Chirco: That is a big concern because we moved here from New York. I am a retired New York City firefighter. I got to live 40-something years of my life in a very condensed area, homes on top of each other. You could pretty much touch your neighbor outside your window. So, when I purchased this home, I wanted some space on the sides, and I wanted some space in the back, and we looked at a lot of different square footage homes, and we kind of decided what we could afford was 3,700 square foot with similar homes in the same neighborhood, and I will now be looking at a possible 2,000 square foot home right beyond my back fence. So that is a concern.

Jan Rucinski: Okay. Thank you.

Jeff Hodgson: Is there anyone else? Thank you sir.

Don Chirco: Thank you.

Jan Rucinski: That is the last speaker in opposition.

Eddie Bourdon: Thank everyone for coming down. I also want to thank the members, because my clients met twice with the civic league and had very productive dialogue with the civic league, and I certainly thank the comments were very professional and constructive. Let me go back and start with what was just asked. The proffers for and the deed restrictions recorded for Princess Anne Quarter, require the same minimum square footage of home size, as the proffers before you today. No difference whatsoever. Anyone with a lot in Princess Anne Quarter can tear down the existing house and build a 2,000 square foot house today. They didn't build those because the market supported the larger home. And, the market will support the larger homes that we will be building, and which have been shown and which have been explained to the civic league. The homes that we built will be 2,800 square feet to 3,500 square feet. But, as is always the case, and I've been doing this for 32 years, the proffers will always be a lower minimum square footage of living area than what is typically built unless you went into a serious depression. So, we have said and we'll say it again, these are just minimum proffered square footages identical to the minimum proffered squared footages and deed restriction square footages from minimum in Princess Anne Quarter. The issue with and there is a high water table here. When you put a pool in it is going to create some issue if it is not put in properly. Virginia Beach is flat. This area is flat. Guarantee you they were all filled, they raised in elevation. This will be no different. That is the only way you create positive drainage in Virginia Beach when it is flat, and that is what we got here. But the drainage will be engineered so that we do not put any water, we cannot legally put any water on to their properties, and we will not. The standing water that was mentioned on this property, and as I mentioned in my presentation, has never been ditched, never been drained in anyway. Water does pond all over. I am absolutely certain of that. That will be dramatically diminished with the development of this property. I am not going to sit here and say that there won't ever be any standing water, but the pictures of the, I think Ms. Walters, and their home is in here. This is the low area. There is nothing being built back here. There is nothing being built behind those homes. But, it will be because, with the improvements that we make to put the BMP back here on this section, not in the wetlands area, in the upland, non-tidal wetland area, this will all be a betterment, that will be created. That is not saying there won't be any standing water. We have mosquito control. I live in a nice neighborhood and we have them come around and treat. They do it automatically for mosquitos. We have mosquitos in this area, and we certainly think this is going to be a better circumstance for standing water, far better than what existed the whole time that Princess Anne Quarter has been in place. The sewage that Mr. Wetmore brought up, we did talk about that earlier. But, what is going to happen now because Princess Anne Quarter is in a situation where the pump station up near High Gate Greens, is the service area it serves, as I understand it, is a vacuum system. And it has been over extended, over extended in terms of distance and in terms of capacity. What will happen with the development of this property, the future development of a number of homes, not that many, but a number of homes that will be able to occur to the east of this property, the City will be putting in a second eight-inch vacuum line and there will be extensive improvements to the pump station that will be paid for by all parties involved, but not the folks in Princess Anne Quarter. And, their system, because they are on the same system, as I understand it, will be converted and put into the new line which will have better suction because is not involving Litchfield and places far removed. And, with the upgrades to the pump station, it will increase capacity that will serve this and the adjacent properties, and you will see an improvement in their service from what I have been advised and from the meetings that have been held for the last number of months with Public Utilities. And that is what has been the holdup is to get a solution to that problem that the Caffee's, who owned this property before anybody

else ever lived here almost, certainly anybody from Princess Anne Quarter. We've been blessed they have waited long enough that we saw Nimmo Parkway get built, so that the problems with Princess Anne Road are no longer a problem. That is the optimum time for this property to come on, and finally be developed. It is a cul-de-sac. There is no thru traffic being created through Princess Anne Corridor with this community. The additional traffic will be neighbors in the community, not people from the outside. So, it is like any other cul-de-sac street. Their desire would be because you don't have a lot of traffic other than neighborhood traffic, and I don't believe there will be any safety threats to the residents of the community, and the other school children in the community. Our school system is not growing. We don't have growing pains that we've had in decades past. I am not really aware that there's any concern with the lack of capacity overall in the school system. There is probably a lack of desire to redistrict because everyone wants to go to the brand new, beautiful Kellam High School but I don't think we have a school population problem. And none has been noted by City Staff. I'll be happy to answer any other questions that anybody may have.

Jeff Hodgson: Are there any question for Mr. Bourdon? Mr. Ripley.

Ronald Ripley: Eddie, the drainage seems to be a real concern so I've got just a couple of questions.

Eddie Bourdon: Sure.

Ronald Ripley: These lots 3, 4, 5, 6, 7 and 9. How is the drainage designed? Is the design that it will go to the road? Part of it will go to the back? If it does go to the back, how is that water handled?

Eddie Bourdon: All the water, I think it is one of where only the very rear, the back third, I believe would go to the back. And, then it would have to come down to the road, because it all winds up going back here, so it would be positive drainage. Anything that goes back would have to be coming down, and then going over to the BMP. It would be captured and piped to the BMP because everything else is going to the road will be piped to the BMP.

Ronald Ripley: Would you capture it in the back by a swale or would it be an underground concrete pipe?

Eddie Bourdon: It could be drop inlets, mostly like have some small swales and you have drop inlets, and then you got to get the pipes in the ground, and get them back to the BMP, which is back here.

Ronald Ripley: Okay, and how about the lots on the other side? How would that be handled?

Eddie Bourdon: Again, the flow would drain to the street where you got the pipes that would collect the water and it is all directed back into the BMP by piping.

Ronald Ripley: And the back would be also contained and trapped and directed that way?

Eddie Bourdon: Correct. We cannot put any water onto the Gallios property to the east. Our water all has to be captured and piped into the BMP.

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Ronald Ripley: Have you done any calculations to see if there is less drainage coming back on those lots 3-9?

Eddie Bourdon: I am not aware that we've done detailed drainage calculations. Frank has been working on the sewer issue and that has taken a great deal of time and effort. That is something that as you understand and appreciate, we will have to go through that in much detail, through the subdivision review process, and I have no doubt that the folks in what will be in our neighborhood. We have welcomed their participation and no way want to shut anybody out from participation. We've met numerous times already. We will not be putting water and cannot be putting water onto their properties. We can't make their situation worse and we certainly hope, in some ways, will make it better. Standing water, I know will be made better. In terms of, I can't sit here and tell you Mr. Ripley exactly where the drop inlets will be. What the elevation and the drop to the BMP will be. Those issues I can't tell you.

Ronald Ripley: It would be helpful, I think, if this body were to recommend approval that you assemble that information between now and Council and share that with the residents.

Eddie Bourdon: And have another meeting.

Ronald Ripley: I think everybody would feel better about knowing exactly where that water is going and that it might even improve the situation.

Eddie Bourdon: Again, I am certain it will improve the standing water situation. I have no doubt about that whatsoever. But individual issues and concerns or problems, I can't sit here and suggest I know we can make one thing or another thing better, but I know, we won't make anything worse as far as their drainage issues.

Ronald Ripley: Thank you.

Eddie Bourdon: It is an excellent suggestion and we will certainly get that information and contact Mr. Wetmore, and maybe we'll set up a meeting with the engineers to talk about some of those things.

Jeff Hodgson: Mr. Horsley.

Donald Horsley: You know on the same lines, the business I'm in, drainage is probably the most important thing that you can have. And I sympathize with these homeowners that have these situations. But this couldn't have been a more opportune time for you to come and present this after we've had about close to eight or nine inches of rain in the last three weeks in this area. Everything is flooded everywhere, regardless of whether you're on top of Pungo Ridge, which we were told this morning was 18 feet up to 20 feet, but that's the characteristic of where we are. We are flat land. We have a high water table, and trust me, I know how high it is. It is at the top of the ground right now. It is running out everywhere. So, I am real encouraged to hear you explain this drainage situation, because I think in the long run, it is probably going to help these people who do border this. , And this will kind of curb some of that. So, the only thing that I am concerned about is why we can't make sure mosquito control goes back there and treats that pond back there? There is no reason. We have a mosquito

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control in the City.

Eddie Bourdon: There is an access. This is an access that will use the paver blocks so grass grows through it. So, it is going to look natural but it is an access that mosquito control vehicles can come back here and spray, just like they spray. I am sure they go through the neighborhood and spray as they do in almost every neighborhood.

Donald Horsley: We have to put a little green tag on the mailbox if you want to be sprayed. So maybe we need to look into that but I feel certain that mosquito control can help out with the mosquito situation just those comments and the drainage because that is a very important situation everywhere in this area.

Eddie Bourdon: And the standing water which there is clearly, because it has never been in any way drained. You have a lot of standing water on this piece of property, this heavily wooded parcel. You're going to have standing water and that is where the mosquitos breed. More of them are coming from this property as it exists today than are coming from the BMP for their neighborhood or Litchfield for that matter. I'm not saying there are not any from there but that is where you get the mosquitos.

Jeff Hodgson: Are there any more questions for Mr. Bourdon?

Bob Thornton: I've got one.

Jeff Hodgson: Mr. Thornton.

Bob Thornton: This is a dedicated road correct?

Eddie Bourdon: Yes sir.

Bob Thornton: These lots are fee simple not condo lots?

Eddie Bourdon: Yes sir. They are lots exactly the same square footage as is the lots in Princess Anne Quarter.

Bob Thornton: Would there be a Homeowners' Association? Is that proposed?

Eddie Bourdon: Well. Not a separate one. I think the idea what we want and I believe what the neighborhood wants, I don't want to put words in their mouth, but I believe their preference is we become a part of there so there are additional monies to pay for the maintenance of the existing BMP that they have. The rest of it, because the open spaces the City is accepting dedication of all that and the BMP, as you've heard from Barbara Duke this morning. It creates a very sizeable interconnected open space area with parks at Litchfield, the City park here that is at Princess Anne Quarter. It just adds to that bulk of open space which is an excellent thing for everybody.

Bob Thornton: Thank you.

Jeff Hodgson: Mr. Brockwell.

Ross Brockwell: I was going to ask but you already answered it to some effect. But I was going to ask, the lot area behind 44 & 45 lots, I was going to ask basically to remain unchanged. But I think more to the point when you, if this project goes forward, and the BMP is constructed that will be graded to drain to the BMP directly. Does that red line represent a pipe running from an inlet on the curb to the BMP?

Eddie Bourdon: Mr. Brockwell, this represents the BMP access way that I mentioned. They are not going to put asphalt in. They are going to do the block pavers that grass grows through, but that is what the red line is. The access is for the City to be able to get to the entire property to maintain the BMP.

Ross Brockwell: So most likely, there will be pipes probably under that going from the street to the BMP.

Eddie Bourdon: Yes sir. There is no doubt about that. You're 100 percent correct.

Ross Brockwell: Has it been determined where it goes from the BMP?

Eddie Bourdon: The outfall from the BMP? I do not know. I am told it is going to the east, and I suspect a little bit to the northeast. You get the floodplain. The drainage I believe will go this way to West Neck Creek.

Ross Brockwell: Do you know the considerations for the future development for the proposal would affect that or is that something that needs to be thought about now?

Eddie Bourdon: Well, the owners of that property have been involved with us over the course of the last couple of months, and the City, the solution to this sanitary sewer situation. I do not know at what point they intend to come forward to seek to rezone their property. The property has frontage here and it also has frontage a little further down to the east as well, but this is the only portion of that property that is developable because it is outside of the floodplain. And there are wetlands on here in this area as well, so a lot of this is not developable because the amount that Corps will allow on those upland, non-tidal wetlands to be disturbed is a minor amount like we are proposing here.

Ross Brockwell: So you are confident that they will approve this minor amount of fill for this project.

Eddie Bourdon: Some minor amount. We estimated and for the purposes of negotiations on the sewer system, 35 units is the high and I think that is definitely a high number. I don't think they will be able to get 35 lots on that property, but that's the maximum that they can conceivably get on that piece of property.

Ross Brockwell: And part of our discussion earlier, just to clarify, that if the Corps of Engineers does not approve that fill, it won't proceed regardless of what we do today.

Eddie Bourdon: That is correct. That is absolutely correct. That is 100 percent correct.

Ross Brockwell: I got a couple of more but they are kind of more for Staff so I don't know if you want to wait and maybe you can help answer it.

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Dr. Karen Kwasny: I have another question.

Jeff Hodgson: Dr. Kwasny.

Dr. Karen Kwasny: Mr. Bourdon, you were mentioning that the fill that is going to be provided on those properties that are effected by wetlands is predominantly in the back of the lots? So, no structures, it is just fill for the back of the lots, and probably only amount  $\frac{1}{4}$  of 3 acres? Is that what I understood in the discussion?

Eddie bourdon: I think the figure was  $\frac{2}{3}$  of an acre, 33,000 square feet of the total of the upper, non-tidal wetlands on the property, which is, I want to say, close to  $3\frac{1}{2}$  - 4 acres, but I'm not sure.

Dr. Karen Kwasny: And the cost participation with the sewer line, is a three-way cost participation is probably dependent on the adjacent parcel, where we are talking about the 35 potential lots. This parcel and the City is that the three-way?

Eddie Bourdon: Correct. That's right. The problem exists today. The system, as I understand it, and there are some folks here who you really might want to ask them. I understand the system and I've understood this for some time, the type of system has been over extended probably and shouldn't have been and it is not functioning as it was designed to and that is the case, and this will be part of a solution to that problem, and I believe you will hear from the folks who live in Princess Anne Quarter they have problems with that system on occasion. This will make that situation far better for them.

Dr. Karen Kwasny: Thanks.

Jeff Hodgson: Is there anyone else? Thank you Mr. Bourdon. Do we have any other speakers? Is that it?

Jan Rucinski: There are no other speakers.

Jeff Hodgson: We will close the public hearing and open it for discussion amongst the Commissioners.

Ross Brockwell: Can I ask Carolyn a couple of questions?

Jeff Hodgson: We can do that right now.

Ross Brockwell: She is probably the best person. So, just to clarify this the northwest part of the parcel will be dedicated, and basically incorporated into the City park, that is southeast of it. So, the City will accept maintenance of this BMP and that somehow will be incorporated into the mosquito control program? So, I have a lot of curiosity about that question too, but I suspect Public Works has an answer. I don't know if it is to be aerated so it doesn't need chemical treatment the way the civic league fees does. I am not sure. But I do think that should be clarified between now and City Council at least. However, I think that is part of the City's accepted maintenance. Some assurance that will be handled by the Public Works Mosquito Control Program. So, you probably don't have an answer for that now Carolyn. Is Barbara still here? I'm a little unclear on the long term Parks & Recreations' perspective on that waterway and the greenway. What are the implications for this project and especially the

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conceptual project to the east on that waterway and that corridor from a recreational perspective? Has that been discussed?

Carolyn Smith: We see this really as a passive recreation area. The 3½ acres, more less, are proposed to be dedicated to the City. No trails. No playgrounds. While they do connect to the active recreation space in the Princess Anne Quarter neighborhood, this part of the park would be very natural, low-maintenance area, in a way that a neighborhood park would be typically maintained.

Ross Brockwell: Okay. Alright. Thanks.

Jeff Hodgson: Would anyone like to start our discussion?

Jack Wall: I've got a Staff question. Do you have an answer? What's allowable in a portion of wetlands? I know there is the ¾ of an acre here that can possibly be filled, but what else, in terms of clearing? In terms of any potential additional drainage features and grading? Obviously, the grading would be allowable and acceptable. What is part of the wetland process? So, can anyone answer? Is clearing part of that? Would that be allowed in a portion of the wetland?

Carolyn Smith: It depends if it is a bonafide silviculture-type of operation. So, I can't say specifically yes or no for this activity, but as we mentioned earlier, those wetland are regulated by the United States Corps of Engineers, so it is under their jurisdiction as well as the State's Department of Environmental Quality. So, it is the property owners' responsibility to ensure that all proper permits are acquired before any land disturbance of any kind occurs in those areas. The city doesn't have any jurisdiction to regulate activity on these properties as it relates to jurisdictional wetlands?

Jack Wall: Okay, so it wouldn't have any additional impacts such as clearing including land disturbance which would be any additional grading or anything additional. It is really just what is permitted as part of the overall development of the site? So, where the green line is and what I'm trying to get at, except for what's permitted, they won' be able to touch anything or do any kind of land disturbance within that area.

Carolyn Smith: Right. The permit that the Corps issues is very specific about what activities and what the limits are to their land disturbance.

Jack Wall: Okay. Thanks.

Bob Thornton: Jeff stepped out for a second. But I have another question for Carolyn. So, lots 11-18, the back portion of those are either going to have fill or be filled. The City has a minimum floodplain elevation? Am I correct, if it is not at a certain level, whether it is wetlands or not, isn't that part of the development package here that they get to fill that area to get it above a certain floodplain level?

Carolyn Smith: Right. But that property actually is already above the floodplain level. That area is isolated, non-tidal wetlands. It is not the floodplain subject to special restrictions.

Bob Thornton: Okay. So the issue is with the Army Corps, not an elevation change for minimum

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elevation?

Carolyn Smith: Correct.

Bob Thornton: Okay. Thank you. Is there anybody else? You're back. Anybody else have another question?

Ronald Ripley: I had two questions about the drainage and I am reasonably satisfied with that. You know the Corps of Engineers I'm sure, is probably going to have some mitigation costs of some sort. A wetland bank, I would think. There would be a payment for that so that is probably how that will be handled. That is what I've seen in the past. When I looked at the application, it seemed like a real logical land use to me. It is very complicated because of all the different aspects of it, and I think coming here today, listening to the testimony, I think I am satisfied that this probably is reasonable to move ahead on, so I would make a motion to approve it when you're ready to take a motion.

Jeff Hodgson: Is there any other discussion? Dr. Kwasny?

Dr. Karen Kwasny: I just wanted to clarify that we are not talking about any floodplain in that area, just the forested wetlands. And, you're only talking about a very small section of them that you're asking for a permit to change?

Carolyn Smith: Correct.

Dr. Karen Kwasny: Okay. So, in addition to that, we're talking about the suburban areas so this is in keeping in what's being done in the area, and I am also kind of comforted and I'm hoping to a degree those of you who came up to speak as well. I live in a development where these could be pictures of my driveway, and I mean literally, it is very wet where I am, and it is partially a result of poor engineering at the point of development. Some of what you talked about and what I've seen in your pictures suggest you might be dealing with the same thing. And, so in the question and answer period, I was provided some comfort in the fact what's being done to this potential development, in relation to stormwater management, will be a step and will probably help to address, and I think between now and City Council, as Ron has asked for, there can be some discussion of that to make sure that what is provided in this development actually provides some relief to your development, especially those lots that are directly adjacent to new lots coming adjacent you. I also think that there is going to be some improvement in the sewer because this development is coming forward. I tend to be conservative and I'm sure that I have, I am like a broken record sometimes because I'd like to see some of this be a little more open and not so dense, but it is in keeping with the development next door. I think that that proffers in that development are the same as yours, and so the likelihood of having houses that are more in keeping with your own is pretty good. I'm in a better place now having those questions answered and having a better picture of what's going to be done and what might actually be a benefit to you of having some work done on that property next to you versus it remaining as it is right now, which I think might only acerbate your already problematic engineering stormwater management.

Jeff Hodgson: Does anybody else have anything to add?

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Jack Wall: I just have one thing. It looks like it could be a good opportunity for any drainage improvements in lots 3-9 to provide additional drainage benefit to the new properties that are on Cabot Court. I think, however, there will be some challenges with the lots on the other side, lots 18-11 that they will potentially not have the benefit to do the proper grading because of the wetland that is behind there. Even though I think that ¾ of an acre is going to be permitted, there is still going to be challenges with that, so I guess they will have to deal with that.

Jeff Hodgson: Is there anybody else?

Bob Thornton: I've only got one more thought.

Jeff Hodgson: Mr. Thornton.

Bob Thornton: One lady, Caroline Hamilton, had a concern about children safety, and none of us are experts in traffic management and traffic safety. But it seems you could work with the developer and maybe post some signs because I share what you are saying. People are going to come around Rayburn and head up that cul-de-sac, and if kids are in there, and kids love playing in cul-de-sacs. That is just a natural thing because the traffic is not as bad there as it is out on the main street. I recommend that you get with them, get with the City, and see if you all could post some signs. I've seen them over in Red Mill or in other places where they have signs of children and bicycle signs just to remind people to slow down.

Jeff Hodgson: Is there anybody else? Mr. Ripley, did you want to move forward?

Ronald Ripley: Yes. I'll be happy to make a motion to approve Item D2 subject to the conditions set forth for the Subdivision Variance conditions and the conditions set forth for the Floodplain Variance and of course the proffers that have been presented, but also would like to recommend that the applicant meet with the residents to discuss and explain and hopefully, mitigate the issue of how drainage will work and how it might help their property or impede their property. Let me put it that way. That is my motion.

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

Dee Oliver: I'll second it.

Jeff Hodgson: A second made by Commissioner Oliver. Mr. Weeden?

Mike Inman: Mr. Chairman, I have to abstain from this application due to a business relationship with the applicant.

Jeff Hodgson: An abstention noted for Mr. Inman. We're ready to vote.

	<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>			

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

Ed Weeden: By a vote of 10-0, with the abstention so noted, the Commission has approved the application of Ashdon Builders, Inc.

Jeff Hodgson: Is there any other business to discuss today? If not, on behalf of my fellow Commissioners I would like to thank everyone for attending today's hearing and the Planning Director, and his staff for their work in preparing today's agenda. The meeting is adjourned.