

Item #1
Nader C. Vasdiki
Conditional Use Permit
4318 Holland Road
District 3
Rose Hall
March 9, 2016

CONSENT

An application of Nader C. Vasdiki for a Conditional Use Permit (Indoor Recreational Facility) on property located at 4318 Holland Road, District 3, Rose Hall. GPIN: 1476-97-5253-0000.

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

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

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

The applicant Nader Vasdiki appeared before the Commission.

Item #2
Tattoo Skills Too, L.L.C.
Conditional Use Permit
1577 General Booth Boulevard, Unit 107
District 6
Beach
March 9, 2016

CONSENT

An application of Tattoo Skills Too, L.L.C. for a Conditional Use Permit (Tattoo Parlor) on property located at 1577 General Booth Boulevard, Unit 107, District 6, Beach. GPIN: 2415-45-8709-0000.

CONDITIONS

1. A business license shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. The actual tattoo application shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage for the tattoo establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar signs installed on any exterior wall of the building, or in any windows, or on the doors. A separate sign permit shall be obtained from the Planning Department for the installation of any signage.

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

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

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

The applicant Jason Fulford appeared before the Commission.

Item #3
The Trustees of New Life Presbyterian Church
Modification of Conditions
3312 Dam Neck Road
District 3
Rose Hall
March 9, 2016

CONSENT

An application of The Trustees of New Life Presbyterian Church for a Modification of Conditions to a Conditional Use Permit (Religious Use) approved by City Council on June 13, 1988 on property located at 3312 Dam Neck Road, District 3, Rose Hall. GPIN: 1495-03-6847-0000.

CONDITIONS

1. The conditions of the December 10, 1984 Conditional Use Permit shall be replaced with the conditions below.
2. A temporary, gravel parking lot may be used for parking as well as for the construction stockpile area for the construction of the future cul-de-sac, until said cul-de-sac is constructed, as depicted on the concept plan entitled, "Conceptual Subdivision Layout for 3312 Dam Neck Road Tract," prepared by Pond & Company, dated February 12, 2016, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
3. The existing portable structure on the property shall be removed within four months of approval of this modification.
4. When the parking lot is relocated, the elements on the church property related to this modification shall be installed as depicted on the concept plan entitled, "Modification of Conditions Exhibit For New Life Presbyterian Church Parcel," prepared by Pool & Company, dated February 12, 2016, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department. These elements include, but are not limited to, a sidewalk along the southern property line, a landscape berm with a black aluminum fence, and streetscape landscaping along Dam Neck Road.
5. In the event that the existing sign is replaced, the new sign shall be monument style with a brick base and shall be no taller than eight feet.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 3.

	AYE 11	NAY 0	ABS 0	ABSENT 0
BROCKWELL	AYE			
HODGSON	AYE			
HORSLEY	AYE			

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The Trustees of New Life Presbyterian Church
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INMAN	AYE
KWASNY	AYE
OLIVER	AYE
RIPLEY	AYE
RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

By a vote of 11-0, the Commission approved item 3 for consent.

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

Item #4
Taylor Farms Land Company, L.L.C.
Modification of Conditions
2297 Harpers Road
District 6
Beach
March 9, 2016

CONSENT

An application of Taylor Farms Land Company, L.L.C. for a Modification of Conditions to a Conditional Use Permit (Borrow Pit) approved by City Council on March 22, 2011 on property located at 2297 Harpers Road, District 6, Beach. GPIN: 245-66-5160-0000.

CONDITIONS

1. A written description or plan to address the following shall be submitted prior to issuance of an excavation permit for the 40-acre borrow pit expansion: all proposed improvements to mitigate traffic impacts; the effects of the proposal on City streets; and, the reduction in noise, dust, and other potential nuisance upon surrounding properties.
2. Prior to the commencement of land disturbance activities on the property related to the proposed 40-acre borrow pit expansion, the applicant shall obtain an Easement Compliance Review from NAS Oceana with a determination that sand extraction is permitted under the restrictive use easement. Said determination shall be submitted to the Planning Department prior to the issuance of an excavation permit for the expansion.
3. In accordance with the Navy Restrictive Easement, no explosives shall be detonated on the site.
4. The ultimate design of the 40-acre borrow pit expansion shall, at a minimum, follow the guidance provided by the Department of the Naval in FAA Circular 150/5200-33B related to Detention Pond Creation, Vegetation, Banks, Width, Depth, Shape, Stocking, Soils, Water, and Additional Tools, in order to reduce the potential to attract hazardous wildlife on or near airports, and how to manage those situations.
5. The location of any wells within a 5,000 foot radius of the excavation areas shall be depicted on a survey or site plan and submitted to the Planning Department, Development Services Center (DSC). Information regarding the potential for impacts to these wells and remediation actions to be taken in the event of impacts to yield and quality, shall be included in this submission. Acceptance of the information and strategies to address surrounding wells' yields and quality as a result of the 40-acre borrow pit expansion shall be approved by the DSC, the Department of Public Utilities and/or the City's groundwater consultant prior to the issuance of any permits related to the borrow pit expansion.
6. The 40-acre borrow pit expansion shall operate in a dust-free manner.

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7. In the event that wetlands are impacted, all required permits for applicable agencies shall be obtained. A mitigation plan for any impacts to wetlands shall be included.
8. No encroachments into existing easements shall be allowed. Access to drainage easements must be provided by the applicant over all outfall systems within the area.
9. No encroachment into natural drainage channels shall be permitted unless otherwise authorized by the DSC.
10. An excavation permit is required and shall be obtained prior to any excavation activities associated with the 40-acre borrow pit expansion.
11. The approval of the Environmental Management Plan must be obtained from the DSC and the Department of Public Utilities with the following information prior to issuance of the excavation permit for the 40-acre borrow pit expansion:
A water level monitoring program that uses fully penetrating, shallow monitoring wells, with a minimum number of wells determined by the Department of Public Utilities;
A record of monthly manual water level measurements collected and cataloged as well as quarterly assessments of field water quality parameters;
A Recharge Plan that limits or reduces the quantity of groundwater discharges from the site; and,
A water balance to include inflow and discharge calculations.
All information shall be submitted to the Virginia Department of Mines, Minerals, and Energy, and the Planning Department as required.
12. Dewatering of the pit is permitted; however, a settlement basin shall be constructed to capture suspended sediment before any discharge is released. Information related to the dewatering operation such as location, volume to be discharged, and the rate of discharge is required shall be submitted to the DSC prior to the issuance of the excavation permit for the 40-acre borrow pit expansion.
13. The large dump trucks used to transport the mined sand shall be restricted from using portions of the rights-of-way as a haul route to and from the existing borrow pit as well as to the proposed 40-acre borrow pit expansion. The portion of the right-of-way restricted from said activities includes the section of Harpers Road located south of Dam Neck Road to the southern terminus of Harpers Road at London Bridge Road. In accordance with the Zoning Ordinance, a haul route shall be submitted in accordance with this restriction.
14. The hours of operation shall be limited to 7:00 a.m. and 7:00 p.m., Monday through Saturday. The pit shall not be in operation on Sundays.

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

AYE 11

NAY 0

ABS 0

ABSENT 0

BROCKWELL

AYE

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HODGSON	AYE
HORSLEY	AYE
INMAN	AYE
KWASNY	AYE
OLIVER	AYE
RIPLEY	AYE
RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

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

Ann Crenshaw appeared before the Commission on behalf of the applicant.

Item #5
Gregory Kram
Subdivision Variance
Floodplain Variance
3236 Little Island Road
District 7
Princess Anne
March 9, 2016

REGULAR

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

Jan Rucinski: The first item is agenda item 5, Gregory Kram. An application for a Subdivision Variance to Section 4.4(b) of the Subdivision Regulations and Floodplain Variance to Section 4.10 (b)(3) of the Floodplain Ordinance on the property located at 3236 Little Island Road, District 7, Princess Anne. Is the representative here for that?

Billy Garrington: That is correct.

Jan Rucinski: State your name.

Billy Garrington: Mr. Chairman, ladies and gentlemen of the Planning Commission, for the record, Billy Garrington here today on behalf of the applicants, who are also with me in the front row. Members of the Planning Commission, Mr. & Mrs. Kram want to ask you for this subdivision variance on property located at 3236 Little Island Road. The request you have in front of you today is to recreate another lot on this piece of property, and I said recreate because, if you have read the staff report, what Mr. Kram is asking you to do is put a lot line exactly where there was an original lot, some time ago on this property in Sandbridge. Back in 1997, before the Krams bought this piece of property, the current owner at that time decided to vacate the interior lot line. At that time, it was pre-city sewer in the Sandbridge section of the City of Virginia Beach. He had a lot that would not percolate and could not get a building permit on it. And I can only assume because we're getting this at second hand information, that he was tired of paying real estate taxes on a lot that he couldn't build a house upon. So, he decided to vacate the lot line and make it all one piece of property. 2002, city sewer became available and was installed in the Sandbridge section of the City of Virginia Beach, so this lot now were if it weren't for that lot line being vacated, would be a buildable lot, and that is what we are here to ask you for today. The Krams intend, if this variance is approved, to build a house for their parents on the property that would be adjacent to their house. It is pretty noble cause. Not too many times, do kids get to take care of their parents when the parents have been taking care of their kids all of these times. But the original lot line, when this Sandbridge section was put to record was back in 1964, so from 1964 until 1997, you had two lots that were there, and that lot was taken away. We're back here today to ask you to allow us to recreate that lot to build another house on it. We've talked to all the neighbors that we could talk with in the surrounding area. None of the neighbors have opposition to it. As a matter of fact, I even have letters from the two adjoining property owners that are in agreement to it. We don't know of any opposition from the civic league or anyone else. The only opposition we know of is the one entity that stands to gain the most from this variance being granted and that is the City of Virginia Beach. And you may say,

well how is the City going to benefit from that? Let's just look at some of the fees that the city is going to get if this variance is approved, and a new house is built on this piece of property. The City spent millions of dollars putting City water down there. This house will have to hook-up to the City water. The City spent millions of dollars putting sewer in down there. A sewer hook-up fee will be required. You will have a building permit, plumbing permit, electrical permit, mechanical permit. They all have to be purchased from the City. And, these are just one time fees, so; it is not something that is in perpetuity. But, there are some other ones that will go on forever. One of them is the real estate taxes that this house will pay. You got additional real estate taxes that will be paid. I just happen to pay my water bill this morning and it was funny that I looked at that because I use less than ten dollars of water and I paid \$168.00 to the City of Virginia Beach. That is garbage collection. A garbage truck pulls up to the house next door to this, once every week, already to pick up the garbage. He is going to pick up another can next door if this variance is approved, without having to hire another person to do that service. It is all part of the fees that will be paid. But again, if it weren't for the fact that there was originally a lot line there before, I would not have been in front of you asking you for this variance today, because I know how you view subdivision variances. But, the fact that there was one there before that was taken away, it sure seems to me like this is a noble request, a reasonable request. I've heard the City say that they think this was reoccurring in nature, which I totally disagree with. If you can find me another person in the Sandbridge area that voluntarily took a lot line away, and wants to go back and recreate it, I would say that it would be reoccurring. I don't think it is reoccurring in nature, and I don't think it is a self-imposed hardship that the Krams have created by their own doing. We just simply disagree with that. So, we are here today to ask you for approval to go back and recreate a lot there was there for 33 years from 1964 until 1997, that was taken away to allow them the ability to build another house in the Sandbridge area on pilings, just like 99 percent of the other houses in that area, and that is what we are here to ask you for that subdivision variance today.

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

Ronald Ripley: I've got a question.

Jeff Hodgson: Mr. Ripley.

Ronald Ripley: it is a noble cause to build a house for your in-laws for sure. We had a lot of discussion about this this morning. I don't know if you were present, but we talked about this application right much, trying to understand it. I understand the issues, environmental issues, the variance issues, and how it negates a number of the subdivision ordinance issues, because it is in the floodplain, so and so forth.

Billy Garrington: Correct.

Ronald Ripley: But the question arose about what's the possibility instead of creating this lot simply adding on to the existing house. It seems like to me if the goal was to accommodate a relative that could get you to the same place. So, I am assuming that you already looked at that. You got an answer but we didn't know what your answer is. Could you address that?

Billy Garrington: Greg, do you want to address that? This is Greg Kram, who is the owner of the property.

Gregory Kram: Thank you. Besides our aging parents living there, my wife is one of seven. I'm one of six, so we constantly have family members who come down. They end up sleeping on the couch. We have six kids of our own, so; when we say we have a big family, our house is filled to capacity. My father and her dad were both down for a month and half from Christmas to beginning of February. As my kids came from college, my kids slept on the couch because the bedrooms were taken up by their grandpa. It is not a bad thing. Both of our parents are independent. Amy's dad goes to church every morning. He is the kind of parent that, we like to be close but also independence. But also for our family members who come down, brother and sisters who come, and Sandbridge is a great place to go visit, and they can, at that point, we can say, hey you have another house. We're not intending to sell this for basically our family use and friends that come down from Baltimore, and want to spend time with us.

Ronald Ripley: I understand. I'm trying to understand is could you accomplish the same by simply adding on to your house as far as accommodating additional space and needs that you just described there?

Gregory Kram: That would be an option. This would be something I thought would be better, and we didn't think that we were going to run into a wall with the City, just trying to put a lot line back and do that.

Ronald Ripley: Well, I've raised it because we've kind of ran into a wall too. Everywhere you turn there are issues here. It is a little more complicated than just providing a variance, and setting precedence so and so forth so; we really need to understand if there is another way to do it, and still be able to accomplish what you need. It was a discussion we had. You've answered it the best you could. I appreciate it. Thank you.

Gregory Kram: I understand. Thank you.

Billy Garrington: Mr. Ripley, two other things. I know this probably came up in discussion also. Number one. Are we in compliance with the Southern Watershed Protection Act? Yes, we are. This house, the request you have in front of you now, the house has been relocated to where it meets the 50 foot buffer across the back of this property, so it complies with the Southern Watershed Protection Act. I know there is a lot of talk and it is probably going on about FEMA to. Back in December 22, 2015, we got an email from Marie Rafford, who is the Mitigation Planner, CRS Coordinator. I don't know what CRS stands for, probably Coastal Resources or something like that with FEMA up in Philadelphia. They had no problem with a house being built. So, I just wanted to make sure that we had that in the record too. Again, I know how this board struggles with Subdivision variances, and if it were not for the fact that he is trying to go back, and recreate something that was already there, I would have told him that it wouldn't be worth pursuing. But the fact that he's trying to put something back that was taken away for probably the simplest of reasons in the world. Someone just got tired of paying real estate taxes on a lot that you couldn't build a house on. Now, it is available and it can be built upon because you got City sewer down there. We think it is a reasonable request, and that is why we are here today to ask for your approval.

Jeff Hodgson: Are there any other questions for Mr. Garrington?

Donald Horsley: I just have a comment. I think Mr. Garrington, you got time to stand? My main

concern how many more opportunities there are to happen. You look at it as a recreating a lot but really the general public looks at it as that lot not being there, so you're creating a lot, and how many more opportunities is it going to be for that to occur down there. This is a very fragile area, and we don't want that to happen. That is the reason why we are questioning this morning like Mr. Ripley just said about, is it possible that you can just add on to the existing structure where they could accommodate what they wanted because I think that is what we are wrestling with is what kind of precedence is this going to set and how many more opportunities is it going to be for that to happen?

Billy Garrington: I would dare say that there, and I don't know this for sure.

Donald Horsley: We don't either.

Billy Garrington: There are very, very few incidences where somebody has voluntarily taken a lot line away in the last 20 years in the Sandbridge section in the City of Virginia Beach. I don't know that for sure because I don't have all the records, but again, that is the reason why we are here today.

Jeff Hodgson: Mr. Garrington, I think going back to what Don just said, there is the one statement in here in the staff write-up that says, if approved, there are many parcels that could also request similar variances for new lots with residential structures within the flood zone, likely jeopardizing the City's participation in Federal Emergency Management Administration Flood Insurance Program. And that statement is a pretty strong statement that by doing this we could jeopardize.

Billy Garrington: With goes counter against the email that we got from the FEMA office back in December 2015. I just want to let you know that email is a part of the City's record. I thank you very much.

Jeff Hodgson: Thank you. Do we have any other speakers?

Jan Rucinski: There are no other speakers.

Jeff Hodgson: We'll close the public hearing and now will open it up for discussion amongst the Commission. David?

David Weiner: I want to ask Jimmy a question if I could?

Jeff Hodgson: Sure

David Weiner: On the letter from FEMA, and also where they are out of the Southern Watershed, does that make a difference. I'm sure you knew that but what does that do here?

Jimmy McNamara: I think to better address that, I'll call Whitney. She is the one who sent the email. She received the email. She can speak better to that.

David Weiner: Okay. Sorry to make you have to get up Whitney.

Jeff Hodgson: He put you on the spot.

Whitney McNamara: Whitney McNamara with the Planning Department. So, I guess to give some background history and then I'll read what is in the email. In 2012, FEMA did a Community Assistance visit where they reviewed our entire floodplain program. One of the things they told us during that Community Assistance visit is that we need to be very careful on how we evaluate variances. Moving forward especially in the southern part of the City. So, at the time when the applicant came in, I sent a quick email to FEMA, kind of explaining the situation but at the same time saying this does not meet our variance requirements for the City. So we are unable to recommend approval. What is your take on that? The response that I got is this is a higher standard so we would have no issue with the variance. Ideally they would locate any development as far from the special flood hazard area as possible. But again, that is not a minimum requirement under the NFIP. You don't currently participate in the Community Rating System, so, there is not that level of scrutiny. It wasn't a very strong answer in either way in my opinion. It kind of and I feel like it put the burden back on us, and you as members of the Planning Commission to really evaluate what the City Ordinance requirements are, and whether it meets the conditions for the variance. I will also throw out that we are currently in the process of applying to join the Community Rating System. That's a program that offers residents discount son their flood insurance policies. We're hoping to be able to move forward with that sometime in the Fall. We're waiting on a couple of things to fall into placed before we kind of apply to participate. Are there any other questions while I'm up here?

Jeff Hodgson: Karen?

Karen Kwasny: So, part of what they say in that letter is that ideally it will be located outside the floodplain.

Whitney McNamara: Correct.

Karen Kwasny: Which cannot occur because the entire lot is in the floodplain?

Whitney McNamara: Correct.

Karen Kwasny: Correct? And the stipulations that the City put in place to address FEMA's concern about too many variances were include i.e., physical nature of the land, hardship, are setting precedence. Right, there are three others I believe. I have them written down here.

Whitney McNamara: Yes.

Karen Kwasny: But all five of those, I believe, are problematic to this particular application.

Whitney McNamara: Yes. We had, I left all of my papers back there. So, we had under the variance requirements currently 3 of them that do not meet the City variance requirements. The circumstances given rise to the various applications are not of the general or reoccurring nature. You have talked about this a little bit about the precedent that it could possibly set for other properties in the Southern part of the City wishing to subdivide and putting a new structure there. The circumstances arise from the physical character of the property and not from the use or from the development from the adjacent property, not from the personal situation of the applicant. So, that, as we talked about a little this morning, this really has to do with the typography, the surrounding development. It is more geared

towards the need for fill or the need for a specific foundation type on a property because it is undevelopable otherwise. And, that variances shall be the minimum necessary to provide relief, which again, we feel the minimum necessary here is the addition to the house will provide the same relief that they are seeking. The last one was meeting the requirements of the Southern River Watershed Management Ordinance. If they do develop on piles, and don't fill the lot as they originally proposed, then they would have met that condition.

Jeff Hodgson: Are there any questions for Whitney while she is up here? Jan.

Jan Rucinski: FEMA said that based on that one recommendation that they don't really see an issue with that but, what I fear is that if other people then come forward to start subdividing and there are more and more people that want to do that, does that put us in a position then that FEMA could step and say we have more problems because we're going outside of that to provide the variances?

Whitney McNamara: Correct. So, what they are really looking at. What they said in this email was they are looking at FEMA minimum standards. That is what she looked at for this one. This is higher city standard, however, during the Community Assistance visit, they really did point out that while it is within our right to waive the higher standards, they should be meted out very judiciously. There should be very good cause. It needs to be thoroughly evaluated. It can't be something where we have three, four, five, six coming through. They don't want to see a pattern of the variances. So, my biggest fear is that one will open the doors for other ones to come through and then we're going to start getting that pattern of multiple applicants seeking to subdivide properties to put residential structures on them, and that pattern is what FEMA is looking for.

Jan Rucinski: Okay. Thank you.

Jeff Hodgson: Mr. Thornton.

Bob Thornton: I've got a question for Billy, not Whitney. Thank you Whitney.

Whitney McNamara: You're welcome.

Ross Brockwell: Can I ask you something really quick?

Whitney McNamara: Yes. Sorry.

Jeff Hodgson: Mr. Brockwell?

Jeff Brockwell: I guess I'm asking you to speculate what FEMA is thinking what probably isn't fair, but the intent of the flood insurance program is to try to limit our eagerness to build in flood prone areas because of the massive amount of expenditures that is required to repair damage from floods. I would think that this is a prime example of a place they would suggest you not to build.

Whitney McNamara: Correct.

Ross Brockwell: So, why do you think they said something like we don't really have a problem with it? I don't know why they. Does that make sense?

Whitney McNamara: I really can't answer for them. I'm sorry. I don't want to start speculating on what they were thinking or why they answered the way they answered.

Ross Brockwell: I haven't read the email but is it there may be more to the point of they wouldn't have a problem with how our standards being lowered, two feet or something like that. I don't understand how they could simultaneously say don't build in a place like this but we don't have a problem.

Whitney McNamara: I am trying to see if I could give you a little bit more information based on what's in the emails without trying to speculate or put words in their mouth.

Ross Brockwell: I know that's impossible but is pretty vague. It's about our standards they are comment on you think?

Whitney McNamara: Yes, basically I feel. The exact wording was this is a higher standard so we would have no issue with the variance. Ideally, they would locate development as far from the special flood hazard as possible, but again, that is not a minimum requirement under the NIFP.

Ross Brockwell: So, they are coming more to our standard versus the building there at all.

Whitney McNamara: Right. The way I interpret it is that it is up to City staff and then Planning Commission to really evaluate it and see where it stood in relation to our variance requirements.

Ross Brockwell: Thank you.

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

Bob Thornton: I have one of Mr. Garrington.

Ross Brockwell: I have a staff question if you want me to ask it first, because you might want to respond.

Jeff Hodgson: Okay. Go ahead Mr. Brockwell.

Ross Brockwell: So, when did the minimum lot requirement come into effect in relation to this history of this vacating the property line? I appreciate the concept of putting back something that was there before. I'm trying to focus on that and in addition to the floodplain questions. But is it not true that if the floodplain issue was not in effect, they would still need a variance because of the 76 foot frontage?

Jimmy McNamara: That is correct. There are two lots that would be created, one is 122 feet, physically speaking, and the other one would be 76 feet, which is still under the 100 foot requirement.

Ross Brockwell: So, we have precedent consideration there, independent of the floodplain precedent consideration. So, I just wanted to make sure that is in the discussion too.

Jeff Hodgson: Mr. Thornton, did you have a question?

Billy Garrington: Back in 1964 when this lot was created, we had no R-15 zoning district. You had no minimum lot sizes obviously, which is the reason why that lot was allowed to be created. I apologize Mr. Thornton.

Bob Thornton: That's okay. My question was really to you and your applicant. Have they done any kind of architectural planning to see if we're not of a mind to let them build another house on that lot to add on to a room?

Billy Garrington: Not yet. We have done preliminary sub-buildings plans for a new house, just preliminary it is on pilings like all the other houses are down there. Mr. Ripley, one other thing that came to mind as I was thinking about that question of yours, the City recently changed the freeboard requirements to where everything you build now has to have two feet of freeboard from what the flood record is in that area. Not knowing the finished floor of elevation of his house and knowing when his house was built, there is a very good chance that his house doesn't meet that requirement and of course FEMA says, any time you do improvements that are more than 50 percent of the assessed value of the current structure, you can't do it without raising it all up. So, it is possible and I'm not saying this for sure but if he tried to do an addition to the house, he might end up having to raise the whole house anyway so he could meet that 2 feet of freeboard, so; I don't want to muddy the waters any more than it is already is but that is a FEMA requirement.

Bob Thornton: Is it size or dollars? You said 50 percent.

Billy Garrington: 50 percent of the appraised value not 50 percent of the size, so whatever the city's got your house appraised, once you exceed 50 percent of that you can't do it without raising everything out of the flood zone.

Bob Thornton: Have you looked at those numbers?

Billy Garrington: No sir. We haven't looked at those yet. I apologize because, we weren't thinking of doing an addition to the house itself. We were thinking of doing a new house but again, if you're doing an addition to the house, or you're doing a whole new house together, you're still doing additional living space in an area that you know is going to be prone to flooding and he is going to take every precaution he can to try and build it towards high enough that it doesn't flood but we can't predict mother nature and we know that it is in an area that is prone to it, and you're going to take every precaution you can to hope that it won't happen.

Bob Thornton: Thank you.

Jeff Hodgson: Thank you. We're still in our discussion amongst the Commissioners. Does anybody else have any comments?

Bob Thornton: I only have one. It seems to me and what trouble me aside from the floodplain. That is what it is. We can't get caught violating what FEMA wants us to do. It seems to me that to subdivide this and to put an 1100 square foot house on a lot down there, at some point, if you all move, you may

very well sell that 1100 square foot lot to another family, and it seems like there, and I have no idea how large your house is, but it appears to be larger than 1100 square feet, it doesn't seem reasonable to put an 1100 square foot house is a small house compared to most of the houses in that neighborhood. So, my worry is that at some point, there will be a regular size house sitting on a lot and a very small house sitting on a lot that may be incompatible with the demographics of the neighborhood. That is my worry. I just throw that out there for what it is worth.

Jeff Hodgson: Is there anybody else? Karen.

Karen Kwasny: My worry is similar to yours Bob, and that while a slippery slope is typically a fallacy, I think, in this case, there are two slippery slopes were on and one is in relation to the Floodplain Variance, and the other is in relation to the larger house, smaller house, larger house, smaller house and subdivision of lots along the way in keeping in what this one sets its precedence, so I think caution is a better option here.

Jeff Hodgson: Is there anybody else? Would anybody like to make a motion?

Karen Kwasny: I would.

Jeff Hodgson: Karen.

Karen Kwasny: I would like to make a motion to recommend denial of this application for a Floodplain Variance and Subdivision Variance, agenda item 5.

Jeff Hodgson: A motion made by Dr. Kwasny. Is there a second?

Jan Rucinski: I'll second that.

Jeff Hodgson: A second by Jan Rucinski. Mr. Weeden?

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

Ed Weeden: By a vote of 11-0, the Commission has denied item 5, the application of Gregory Kram.

Item #6
Stephanie L. Weekes
Conditional Use Permit
1205 Sydenham Court
District 1
Centerville
March 9, 2016

CONSENT

An application of Stephanie L. Weekes for a Conditional Use Permit (Home Occupation – Family Day-Care Home) on property located at 1205 Sydenham Court, District 1, Centerville. GPIN: 1475-12-8402-0000.

CONDITIONS

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The hours of operation shall be Monday through Friday, between the hours of 6:00 a.m. to 6:00 p.m.
3. The home daycare shall be limited to a total of twelve (12) children, other than children living in the home.
4. The applicant shall maintain a license with the Commonwealth of Virginia, Department of Social Services.
5. No more than one (1) person, other than the applicant, shall assist with the operation of the Family Daycare Home at any one time.
6. Any sign identifying the home occupation shall be non-illuminated, not more than one (1) square foot in area and mounted flat against the residence.
7. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Daycare Home.

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

	AYE 11	NAY 0	ABS 0	ABSENT 0
BROCKWELL	AYE			
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			

Item #6
Stephanie L. Weekes
Page 2

RIPLEY	AYE
RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

By a vote of 11-0, the Commission approved item 6 for consent.

The applicant Stephanie L. Weekes appeared before the Commission.

Item #7
Pembroke Square Associates, L.L.C.
Conditional Use Permit
4554 Virginia Beach Boulevard
District 4
Bayside
March 9, 2016

CONSENT

An application of Pembroke Square Associates, L.L.C. for a Conditional Use Permit (Outdoor Recreational Facility) on property located at 4554 Virginia Beach Boulevard, District 4, Bayside. GPIN: 1477-56-2034-0000.

CONDITIONS

1. The Outdoor Recreation activities shall only occur on the property highlighted on the location map, shown on Page One of this report.
2. The property shall be cleared of trash and debris at the conclusion of each event. Any additional trash, debris and recycling receptacles shall be removed at the conclusion of each event and the contents property disposed of at the end of each activity day.
3. Any tent erected on the property shall meet all applicable requirements of the Virginia USBC and the International Building Code and shall obtain any permits required by the Building Official's Office.
4. Tent set up and parking lot closure shall not restrict access to any fire hydrant or Fire Department connection.
5. All events with food service shall adhere to the applicable standards and regulations of the Virginia Beach Health Department.
6. Up to 32-square feet of temporary signage is permitted for each Outdoor Recreational event. Such temporary signage may be erected up to 10 days prior to an event and shall be removed within 24 hours after the completion of each event.
7. All animal waste shall be disposed of in a lawful manner.
8. All Outdoor Recreational events and activities shall be operated in a manner that does not disrupt the residential neighborhoods in the vicinity of the property.

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

AYE 10 NAY 0 ABS 1 ABSENT 0

BROCKWELL AYE

Item #7
Pembroke Square Associates, L.L.C.
Page 2

HODGSON	AYE	
HORSLEY	AYE	
INMAN		ABS
KWASNY	AYE	
OLIVER	AYE	
RIPLEY	AYE	
RUCINSKI	AYE	
THORNTON	AYE	
WALL	AYE	
WEINER	AYE	

By a vote of 10-0-1, with the abstention so noted, the Commission approved item 7 for consent.

Carol Hahn appeared before the Commission on behalf of the applicant.

Item #8
Veonca Evans
Conditional Use Permit
5490 Davis Way
District 2
Kempsville
March 9, 2016

CONSENT

An application of Veonca Evan for a Conditional Use Permit (Home Occupation – Family Day-Care Home) on property located at 5490 Davis Way, District 2, Kempsville. GPIN: 1467-49-7384-0000.

CONDITIONS

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The hours of operation shall be Monday through Friday, between the hours of 6:00 a.m. to 8:00 p.m.
3. The home daycare shall be limited to a total of eight (8) children, other than children living in the home.
4. The applicant shall maintain a license with the Commonwealth of Virginia, Department of Social Services.
5. No more than one (1) person, other than the applicant, shall assist with the operation of the Home Daycare at any one time.
6. Any sign identifying the home occupation shall be non-illuminated, not more than one (1) square foot in area and mounted flat against the residence.
7. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Daycare Home.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 8.

	AYE 11	NAY 0	ABS 0	ABSENT 0
BROCKWELL	AYE			
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			

Item #8
Veonca Evans
Page 2

RUCINSKI	AYE
THORNTON	AYE
WALL	AYE
WEINER	AYE

By a vote of 11-0, the Commission approved item 8 for consent.

The applicant Veonca Evans appeared before the Commission.

Item #9
Dacor, L.L.C.
Subdivision Variance
Northwest side of Ferry Point Road, West of Indian River Road
District 2
Kempsville
March 9, 2016

REGULAR

An application of Dacor, L.L.C. for a Subdivision Variance to Section 4.4(b) of the Subdivision Regulations on property located on the northwest side of Ferry Point Road, west of Indian River Road, District 2, Kempsville. GPIN: 1465-09-7091-0000.

A motion was made by Commissioner Thornton and seconded by Commissioner Weiner to defer item 9.

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

By a vote of 11-0, the Commission deferred item 9.

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

Item #10
Victory Baptist Church
Modification of Conditions
Traditional Concepts, L.L.C.
Conditional Change of Zoning
4125 Indian River Road
District 7
Princess Anne
March 9, 2016

DEFERRED

An application of Victory Baptist Church for a Modification of Conditions to a Conditional Use Permit for a Religious Facility approved by City Council on December 8, 1998); and an application of Traditional Concepts, L.L.C. for a Conditional Rezoning (R-15 Residential District to Conditional R-7.5 Residential District), District 7, Princess Anne. GPIN: 1474-53-4410-0000.

A motion was made by Commissioner Rucinski and seconded by Commissioner Horsley to defer Item 10.

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

By a vote of 11-0, the Commission deferred Item 10.

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

Item #11
Sue Davis, Trustee of the Franklin L. Cox Irrevocable Trust
Change of Zoning
5775 Princess Anne Road
District 2
Kempsville
March 9, 2016

CONSENT

An application of Sue Davis, Trustee of the Franklin L. Cox Irrevocable Trust for a Change of Zoning (I-1 Industrial District to B-1A Limited Community Business District) on property located at 5775 Princess Anne Road, District 2, Kempsville. GPIN: 1457-94-7014-0000.

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

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

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

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

Item #12

City of Virginia Beach

An Ordinance to Amend and Reordain Section 506, of the City Zoning Ordinance, Adding a New “Figure 2 – Roof Dormer Diagram”.

March 9, 2016

CONSENT

This amendment adds “Figure 2. Roof Dormer Diagram” to Section 506. The diagram was inadvertently omitted from the original ordinance.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 12.

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

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

Karen Lasley appeared before the Commission.

Item #13

City of Virginia Beach

An Ordinance to Amend Sections 111, 401, 501, 801, 901, 1001, 1110, 1125 and 1421 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code

March 9, 2016

CONSENT

This group of amendments to the City Zoning Ordinance pertain to Day-Care Centers and Family Day-Care Homes. The definitions of both are expanded to include not only children, but also senior citizens (age 62 and older) and disabled persons. Such facilities are not residential in nature, but provide care for only a part of the 24-hour day. Day-Care Centers are a Conditional Use in the Residential Districts; the B-1, B-1A, and the B4-K Business Districts; the I-1 and I-2 Industrial Districts; and the PD-H2 Planned Unit Development District. Day-Care Centers are a Permitted Use in the Apartment Districts; the B-2, B-3 and B-4 Business Districts; the RT-3 Resort Tourist District; the CBC Central Business Core District; and in the ORD Oceanfront Resort District Form-Based Code. Family Day-Care Homes, where more than four persons are cared for, are allowed as Conditional Uses in all the Residential Districts; the Apartment Districts; and the PD-H1 and PD-H2 Planned Unit Development Districts.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 13.

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

By a vote of 11-0, the Commission approved item 13 for consent.

Karen Lasley appeared before the Commission.

Item #14

City of Virginia Beach

An Ordinance to Amend Sections 210, 210.1, 210.2, 211, 212, 213, 214, 215, 216, 218, 234, 303, 403, 501, 504, 605, 705, 805, 901, 905, 1001, 1005, 1503, 1533, 2210 of the City Zoning Ordinance and Section 6.3 of the Oceanfront Resort District Form-Based.

An Ordinance to Add Section 210.01 of the City Zoning Ordinance.

An Ordinance to Repeal Sections 211.1, 212.1, 212.2 of the City Zoning Ordinance.

CONSENT

The amendments are primarily intended to replace content-based sign regulations in the City Zoning Ordinance with regulations that are not based upon the subject matter of signs. A listing of current signs that are regulations considered to be content-based, either because they define a type of sign based upon its content or because they regulate what may be displayed on a sign.

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

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

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

Kay Wilson appeared before the Commission.

Item #15 & 16

City of Virginia Beach – Comprehensive Plan

The adoption of the City of Virginia Beach Comprehensive Plan

A Resolution of the Planning Commission of the City of Virginia Beach

Recommending to the City Council the Adoption of the City of Virginia Beach
Comprehensive Plan

March 9, 2016

REGULAR

Jeff Hodgson: I believe we're on our last agenda item.

Jan Rucinski: The last item on the agenda is the City of Virginia Beach Adoption of the Comprehensive Plan and the Resolution of the Planning Commission of the City of Virginia Beach recommendation to the City Council the Adoption of the City of Virginia Beach Comprehensive Plan "It's Our Future: A Choice City, 2016", including the Policy Document, Technical Report, the Reference Hand book, and all plans incorporated by reference which will supersede the 2009 Comprehensive Plan. Jeryl Phillips is going give us an overview of that.

Jeff Hodgson: Good afternoon.

Jeryl Phillips: Good afternoon. Mr. Chairman and members of the Commission, I am pleased to bring forward for your consideration today, for the purpose of the public hearing, the work you have done to review the 2009 Comprehensive Plan, "It's our future". You have worked with staff diligently, and taken into consideration all of the public input that we've received throughout the course of the project to update the plan, for the year 2016. And, I would like to provide a quick overview of what this project has been about, and the summary of changes. The purpose of the project is a state mandated, five year review of the local government's comprehensive plan. Our current Comprehensive Plan, "It's our future", was adopted in December 2009. It contained three elements, a Policy Document, a Technical Report, and a Reference Handbook. And, your purpose was to review this material and bring it forward with any necessary updating and amendments. So, as per state code, it is your obligation to prepare the update with input from the community, and recommend it to Council. We are largely building on the success of the 2009 Comprehensive Plan in terms of its format and its content, so, coming forward the Plan contents are quite similar, even though we added a few new sections. The Plan starts with a preface, which is the purpose of the plan, the public involvement process, and the various plan elements. There is an executive summary. Chapter one of the Policy Document addresses our planning areas, and the Planned Land Use map. There are six planning areas, excuse me five planning areas. The Strategic Growth Areas, which are also our urban areas, our Suburban Areas, The Princess Anne Commons and Transition Area, the Rural Area and we've added a new section on Military Installations and Support. The second part of the Plan, addresses city wide elements, and that includes the state mandated Master Transportation Plan, Environmental Stewardship Framework, and the Housing and Neighborhoods Plan. We've added a new section on Economic Vitality. The third part of the Policy Document, addresses how you go about implementing the Plan, and the agenda for future action, which are recommendations to pursue once the Plan has been adopted. Lastly, we include two appendices, the Technical Report and the Reference Handbook. I'll go through each of these for the benefit of our citizens. Starting with the planning areas in the Plan Land Use map, this map is very consistent with the map that keep in the 2009 Comprehensive Plan. We have made a few adjustments, modifying a few

boundaries of some of our areas including the Princess Anne Commons Area and we have added some additional suburban focus areas. Briefly, on the section of Urban Areas, the Plan's guiding principles, for the SGA have been expanded to include a strengthening in language and policies regarding transit oriented development, for diversifying our housing stock and introducing workforce housing, providing accessible parks and open space and recreation facilities ensuring they are an integral part of our urban areas, and with that expanding our green infrastructure. It is also very important that we preserve our historic resources found in this area, and our citizens said it's very important to them and also to the state that we plan for adaptation measures for sea level rises that may be impacting our SGAs. You asked that we include recognition of the new Vibe creative district in the Resort SGA, and the goals and incentives for that area. It has been done. As we moved from planning into implementation of the Strategic Growth Area Master Plans, we are often dealing with requests for uses that may not be consistent with the long range vision for the SGA, and are considered as interim uses. And so, this plan update addresses and introduces a policy for interim uses such that uses deemed inconsistent but acceptable as interim uses should be granted for a limited period of time. And this time period may be extended on an annual basis. Lastly, there is a recommendation that the Burton Station SGA plan be revisited through a public process to reflect the changes that have been affecting future land use in the western half of the SGA. Moving into the suburban area, which comprises the majority of the northern half of the city, and is our traditional pattern of development. We feel that it is very important to continue the emphasis of preserving that area as a stable residential area with quality neighborhoods and housing, and a variety of housing choices. This plan also continues to provide guidance for areas that may have had an area plan adopted for them or for which we feel there are specific recommendations that need to be put in place to address issues that have been reported by the communities. These are called our Suburban Focus Areas. We have nine of them. Many of these have come forward from the 2009 Plan. We have introduced two new ones. Suburban Focus Area 2, north courthouse, and South Holland, for the area just north of the Courthouse here to reflect a number of land use activity and development opportunities along the Princess Anne Corridor, and Nimmo Parkway and Holland Road. Also, following our last round of public input, we had a community meeting with the Seatack Civic League, and they brought forward their items of consideration. They asked us to please consider including a new Suburban Focus Area that addresses the historic Seatack community, and memorializes their recommendations. So, we have done that with Suburban Focus Area 9. We have, removed some areas north of the Green Line, and designated them as part of the Suburban Planning area, as part of that Suburban Focus Area 2. And we've adjusted the boundaries of Suburban Focus Area 4, Virginia Aquarium and Owls Creek Area. And lastly, any recommendations that were associated with Special Economic Growth Areas that were part of the Suburban Area in the last plan, we've moved to that new chapter on Economic Vitality. In regards to the Princess Anne Commons and Transition Area, this part of the plan has historically addressed two very important areas, south of the Green Line, in between the Green Line and the Rural Area. Here we have again, we've moved the description, and policies associated with Special Economic Growth Area 4, Princess Anne Commons, into the Economic Vitality Section. We put emphasis on the significance of areas that are part of the Southern Watershed Area, and the new Green Sea Blue Way and Green Way Management Plan. We have a lot of sensitive natural resources in this area. Also, we made a strong statement that the remaining area of the Transition Area that is undeveloped, primarily along Newbridge and Indian River Roads located at the Head Waters of Back Bay, be planned in a responsible manner. There has been a lot of focus on that area lately, in terms of possible new development. As a result of that and understanding the unique environmental constraints of the area, the new policy has come forward recommending that preliminary cumulative impact drainage studies for all discretionary development in the Southern Watershed

Management area occur, both for Princess Anne Commons and the Transition Area. I'm a little ahead of myself. Likewise, all new development in the Transition Area should be considered relative to impact on current and planned infrastructure and that connection to existing public utilities infrastructure should be required for all discretionary development. Also, as a future action recommendation, and asked us to consider the fiscal feasibility of expanding the very successful Agricultural Reserve Program to include the Transition Area as an alternative for development of the rest of that area. There is a recommendation to update the Princess Anne Commons Design Guidelines and also it is very important that we revisit the ITA Vicinity Master Plan with the amount of land that the City has acquired since the plan was adopted in 2011, paying particular attention to infrastructure planning needs and economic development opportunities in there, so, a very important recommendation going forward. For the Rural Area, this plan update continues that four point rural preservation plan, however, there is an added emphasis, not just for preserving the rural area for the sake of being a beautiful place. We are really emphasizing preserving and promoting the vibrant agricultural economy that is there, and the rural way of life. That is important to the entire city. Again, significant areas that are part of the Southern Water Shed here are brought forward, and likewise that same policy that preliminary cumulative impact drainage studies should be required for all discretionary development in the Southern Water Shed Area. We have added some designations for the Rural Villages, for Pungo, Back Bay, Creeds and Blackwater, and we removed the various specific recommendations from the ULI Pungo Crossing Study that were never adopted by City Council. Our new chapter on Military installations and support acknowledges the long term presence of our military installations and the missions of each, and it really emphasizes the support for their continued presence as part of our economy. It also acknowledges our need to diversify our economy. What we really wanted to do with this section of the plan, is to memorialize the various plans that have been adopted and zoning for compatible land uses surrounding the installations and to discuss or various military partnerships for advocacy. Now switching to sticking to our citywide elements, the Master Transportation Plan in 2009 Comprehensive Plan is currently a multi model plan, and we've heard from our citizens that is very important that we continue to offer and develop more choices from our mobility in the city, so this plan update continues that multi model approach. We bring forward trends and conditions that are affecting our mobility needs, and we also in this section address new state planning mandates for consideration (inaudible) of transportation network and modes for disable persons. Since the 2009 plan was adopted, we have developed, as it was a recommendation in 2009 plan, complete streets policy, which considers all users of the right-of-way, and have adopted an Administrative Directive in that regard. So that comes forward in this plan as a framework for how we develop our transportation network, and we modeled the primary roadway network for the first time to validate the recommendations that are in. As a result, we had just a few changes that are identified in the Plan for planned Roadway improvement. This chapter of the plan does contain a very important map. It is our primary roadway network map, and does reflect the changes based on those modeling results, which were very minimal, which means our planning work in the past has been quite good. I will skip forward. Our environmental Stewardship framework is a very robust section of the plan. It will bring forward many of the components of the 2009 Plan, but we also added a few new elements. The framework components are listed here. We now have a sustainability plan that was a recommendation of the last plan, so that is reflected now and will be coming forward. We have added a section on green infrastructure. We've also, in this section, addressed two new state planning mandates in regard to including the state's preference for living shorelines, as well as adaptation planning for sea level rise and recurring flooding. This was very much on the minds of our citizens during our public input process, and so there is a new policy as we move forward with a three year study, watershed by watershed to bring forward strategies for your consideration and City Council's

for addressing sea level rise. We did establish a planning target, and so, planning for 1.5 feet of project sea level rise for a short term and 3 feet of projectory rise for the long term 50 plus years. This is what we've come up with. The section on Housing and Neighborhoods identifies our trends and conditions affecting our housing stock in our neighborhoods today. And it emphasizes the need for continued support of housing rehabilitation assistance programs. Something that was also important that we heard was the lack of affordable housing being built in our Strategic Growth Areas where we are encouraging a variety of housing choices, so bringing forward strategies seeking affordability and equal opportunity for housing options in the SGA was important. And, we have added reference to our 12 historic African American neighborhoods in this section. The last section is a new section that was added to the plan on Economic Vitality, seeks to align within Vision Virginia Beach 2040 and the thriving economy desired outcomes of that vision plan. We also brought forward the City's Strategic Plan Economic Vitality Strategy. We felt this was missing from the 2009 Plan. It is important as we go forward with economic development opportunities that they are in sync with our land use plan, and acknowledging new target markets that we are seeking, and again, the recommendations for all the special economic growth areas that have been incorporated in this chapter. The last chapter of the plan addresses plan implementation identifying the key tools available to us to ensure the success of this plan. Certainly, having familiarity with the plan, by both are internal customers, as well as our external customers. Using the City's Capital improvement program and development ordinances, it is important that those ordinances are reviewed holistically and brought forward to be in sync with the Plan, and lastly monitoring and reporting on the plan's progress to you on an annual basis. The Policy Documents ends with a summary of agenda for future action recommendations. These are listed by chapter, with the lead responsible party and the estimated time frame. The appendices include the Technical Report which has all of the background supporting data on existing conditions, trends, projections and maps that are the basis for the policy recommendations that are included in the Policy Document. It also includes a new requirement of all the primary roadway planned networks cost estimates. So you will see that in the Technical Report. The Reference Handbook brings forward our various adopted Design Guidelines and the documents that have been adopted that comprise the body of the Comprehensive Plan. We also thought it was important to include reference to the new complete Street Policy. We have the ultimate right-of-way widths matrix in there that is referred to when we were doing development reviews, and the basis for the Transportation modeling that was completed. All this work has been done over the past year and half coming on two years. Starting in the summer of 2014, working with our first phase in Public involvement in the Fall of 2014. And reporting back to you what we heard, and then working with you through a series of workshops to review each chapter of the Comprehensive Plan, taking into consideration all of your stakeholder involvement where you individually might have reached out into the community and brought back suggestions. We drafted the plan from July to October. We provided a draft of that to you in November and to City Council in December. And, then we went out with a public review draft In January. And, we received public comments on that, and bringing forward to you the final draft today for your consideration. We briefed the City Council on March 1, today is your public hearing and they are scheduled to hold a public hearing on March 15. That is a quick overview of a very comprehensive document. We really appreciate all of your support and involvement throughout the process, and refreshing this to ensure that we have a good future going forward. Thank you.

Jeff Hodgson: Thank you. Does anyone have any questions for Jeryl?

Ronald Ripley: Jeryl, the Council and we learned this morning, they are re not going to address until 17th of May. Does that sound right?

Jeryl Phillips: They will still hold a public hearing on March 15, next week on the final draft as it was brought forward to you. It is my understanding that they will consider taking action on May 17th.

Ronald Ripley: Thank you.

Jeff Hodgson: I would like to say thank you for the countless hours you have put in on this as along with the other departments within the City, and planning Commission. If you totaled up all the hours to get us to this point, it would be staggering.

Jeryl Phillips: A huge team effort.

Jeff Hodgson: So, thank you for everybody that had a part in this.

Jan Rucinski: Okay, we do have one speaker today in opposition. E. George Minns., President of the Seatack Civic League.

E. George Minns: Good evening to all members of the Planning Commission.

Jeff Hodgson: Good afternoon.

Jan Rucinski: Please state your name for the record.

E. George Minns: I was going to that I am just move a little slow these days.

Jan Rucinski: Thank you.

E. George Minns: I'm E. George Minns, President of the Seatack Community Civic League, an over 100 year civic league. Let me pass this to the madam City Attorney. It has already been emailed to the City Attorney, City Manager, and all I found was one email address for the Planning Commission. I didn't see any individuals so I couldn't send it to them. I think it was sent about 12:02 today. Unfortunately, I stand before you in opposition based firmly on Article 1, Section 11 of the Constitution of Virginia. I do believe each of you have a constitutional duty to uphold the Constitution of Virginia. Let me be very clear, specifically which prohibits on its face and clear, plain unambiguous language, racial discrimination. It is unfortunate, and I tried in every way I could to avoid having to come in here with this. There have been numerous meetings with Barry Frankenfield. We have had two town hall meetings at Mount Olive Baptist Church, with the church pretty much full. The entire community voted on these issues. The crux of the discrimination is if you went to North Beach, and you purchased a lot, it would not alter the community. So, why is it, if somebody comes by and buys a lot in Seatack, and an over 200 year old community, our community has been cut up? This portion down here, which is at Lake Ruddee is Seatack. The land tax, the tax assessor records say Seatack. So, just because somebody else comes in and buys the lands, the City Assessor bumps it up three times the value to half million a lot, and then Planning comes along now, and cuts it out. But at the same time, this is the only African American community in the Beach district. City records show that the Planning Commission, the City

Attorney, Public Works, Public Real Estate, and all went and had private meetings, with North Beach, Shore Drive, Old Beach, Oceana last year. That is in the City records. Giving them all the assistance they need in the City records that said work with them extensively. Also, bragged about it. All of the City departments newsletters, Public Works. But here, Seatack, the only African American community today, cut up, just because somebody else bought land in Seatack. If you went to Japan and bought a 1,000 acres, it wouldn't stop being Japan. There is no compelling governmental reason that justifies cutting up the oldest community in the Oceanfront district. I don't know how well you know the history, but Seatack built the town of Virginia Beach in 1906. We were the only thing there. The other section that is being cut up is where I live, so for the record, I am an aggrieved party. I grew up there. I am in my 60s. I've been a member of a 127 year old civil rights family. We haven't taken anything from any other part of the Beach. Why come in and cut up Seatack? Mr. Frankenfield, when I sat and talked with him with the land plat of 1915, the community is 200 years old, don't say Seatack. The land back on the wall says Seatack. I have the records lying on my desk. So, when the plat says Seatack, they cut it out. I stumbled upon this last month. I saw a map that says Oceana East. I said I'm 63 years old. I have never seen that phrase. But I know it is part of what is called gentrification. The way you do away with certain communities. So, the long and short of it, is if the Comprehensive Plan is approximately 17 years old. The City has been going around preserving historical places and historical sites and even that of Thoroughgood House, which has nothing to do with the City. It has something to do with Princess Anne County. But keep in mind, Seatack was Princess Anne County. How can you justify preserving this and disregarding Seatack and cutting it up? That is where you cross the line of that constitutional provision that prohibits racial discrimination. So what we are asking of this Comprehensive Plan, send it back to Planning, so they can correct this map that they have on page 38 of 40, where they are cutting us out. They cut us out so bad that when I looked at it, I said why are you cutting out Seatack Park? And my family's land, part of what they cut out is my family cemetery that has been there since the 1800s. So, the controlling law in this situation in terms on how you treat this old black community is the constitution provision. I don't think this body under the Dillon rule has authority to move this Comprehensive Plan forward, now that you have actual knowledge that there is only space of the doctrine racial discrimination. There is only one black community there. And, no community in the Oceanfront has been cut up like this. No matter what the jet planes are doing, the jet plane is in the air and that is no reason to cut up the community. This has always been a part of Seatack. Before the City of Virginia Beach became a little city in 1952, Seatack went all the way to the water. But then in 1952, when it became a City, we got moved back to Cypress Avenue. We didn't draw the line, they draw that segregated line. I know where they drew it. I had to stop my bicycle when I got to that line. I was 14 years old before I was allowed to put my foot in God's ocean. So, Seatack has suffered for a long time, 40 years, all of our history overlooked. 17, years no one ever explained anything about this Comprehensive Plan to the Seatack community. And, this I find by accident and the cutting out the land of park and old road involves mayor Sessoms, Vice Mayor Jones. They had a totally white committee. There were no African Americans on it. And I've been President for six years. No notice, no due process. No opportunity to be heard. Nothing. No, this should not be coming out before you. Why? Because on January 20, I served Mr. Frankenfield, on January 28, served him again, and on March 1, served him again. I left my job as a contractor, and came and met with him face to face. His final position was, wait until after it goes before Planning, to actually go before City Council, then we'll think about moving the line back. No, I could be in Federal Court before then, see there is another part to the story. The City of Virginia Beach has been very greedy over the years, and during that time they were right up over 100 million dollars in Federal money involving Seatack. I don't think you can take federal dollars and then violate Federal law. I don't think you can take public dollars and violate the

Constitution of Virginia. Like I said, there is only one community there. So based on the constitution, if you have no respect for the black community, at least respect the Constitution of Virginia as plain on its face. This is Seatack all along. I don't care who buys the land, who builds what. We are not complaining all the crazy building they are doing. But don't cut our community up like this. There is no justification for it. Planning has never did any community in this beach the way it is shown on page 38 and the first sentence on that in itself is a lie. It says "Historical Seatack located in the City's Oceanfront Resort Area". That is an insult. Seatack has never been in the resort area. When the General Assembly created the little City, it kicked Seatack out. Segregation laws were existing. I know because my family worked there on the Oceanfront. You had to have a white apron, white coat or a white baby in your arms. We have never addressed these issues, and now it is the last of the older black communities. When they had target communities and that violated Federal law but that is not what Congress said to do but that is a whole other story. But so far as it relates to this Comprehensive Plan, in my judgment you don't have the authority to send this thing forward to Council with Constitutional defects, blatantly, against the Constitution. And Planning knew before this got here, I should have not had to come here with this. It should have been corrected in Planning so I ask you to send it back to Planning so they can correct this Constitutional law against this old community, which has done nothing but given our best to the betterment of Virginia Beach. I, myself, was a foreman on redoing the Mayflower. My cousin Brittany Courtney, my other cousin Brittany Crosswinds, we all gave up our labor for 100 of years. At least respect our community. There is no reason to slice up like this. The bottom line is it is the position of the seniors of Seatack. Before you get to the City Council, we can be in Federal Court.

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

E. George Minns: Thank you.

Jeff Hodgson: Are there any other speakers?

Jan Rucinski: There are no other speakers.

Jeff Hodgson: I will close the public hearing and open it up for discussion. Is there anybody? Mr. Ripley?

Ronald Ripley: I have a motion to make. I am not ready for discussion unless someone else has some discussion. This is the third Comprehensive Plan that I've been involved with. I don't know how many times Don Horsley has been involved with Comprehensive Plans. I don't know. But, normally the Comprehensive Plans are coming through towards the end of the year and they usually get to Council, January, February timeframe. This one is falling a little bit later, and it is jamming up the City Council. I think in their timing too. They have the budget to deal with, so they asked actually that they are going to hold their public hearing, as you mentioned in March, but they are not going to act on this, as you heard, until May, so there are some things that, I think were being adjusted to come into the Plan, and it will give due consideration to Mr. Minns, and what he had to say, I'm sure, as part of it. And, so what I would like to recommend is that we defer acting on the Comprehensive Plan from the Planning Commission until our April meeting, which would be April 13. Is that right?

Mike Inman: That is right. I'll second it.

Jeff Hodgson: A motion made by Commissioner Ron Ripley to defer this agenda item until our April meeting. And a second by Commissioner Inman, I believe.

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

Ed Weeden: By a vote of 11-0, the Commission has deferred the Comprehensive Plan until the April meeting.

Jeff Hodgson: I would like to thank everyone for coming down today and I hope you get to get out and enjoy the rest of the nice weather. If there is no other business, the meeting is adjourned.

Item #D1
Taste Unlimited, L.L.C.
Conditional Use Permit
Modification of Proffers
4097 Shore Drive
District 4
Bayside
March 9, 2016

CONSENT

An application of Taste Unlimited, L.L.C. for a Conditional Use Permit (Outdoor Recreational Facility) ; and a Modification of Proffers approved by City Council on July 2, 2013 on property located at 4097 Shore Drive, District 4, Bayside. GPIN: 1476-59-4453-0000; and portion of 1489-16-1962-0000.

PROFFERS

1. In order to provide for the coordinated development of the Property, the Property shall be developed in substantial conformity with that certain plan designated as "Exhibit B", entitled "FIELD CHANGE OF SITE DEVELOPMENT PLAN OF TASTE AT BAYVILLE FARMS, Virginia Beach, Virginia," dated December 15, 2015, prepared by WPL (the "Plan"), which Plan has been exhibited to the Virginia Beach City Council and a copy of which is on file with the City of Virginia Beach, Department of Planning, with regard to layout, ingress and egress, and landscaping. Grantor shall comply with all terms and conditions of all City Ordinances and Guidelines pertaining to landscape design. The landscaping shall substantially conform as depicted in the Plan. Vehicular ingress and egress shall be situated as depicted on the Plan.
2. The architectural design, exterior material, and color of the building constructed or to be constructed on the Property are substantially as depicted on the two (2) elevations designated as in the Existing Proffers dated May 22, 2013, prepared by Robyn Thomas Architecture, PC have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning ("Elevations"). The exterior building materials are a combination of wood board and batten, with a standing seam metal roof.
3. The property shall be used for retail sales, a seasonal produce stand, and an eating, drinking establishment without a drive-through window and music, including seasonal outdoor music. The seasonal outdoor music shall be played no earlier than 12:00 P.M. nor later than 9:00 P.M. Applicant shall provide a parking attendant on First Court Road during outdoor music performances.
4. The signage on the Property is currently designated as "existing free standing sign" and will remain after the development of the site. In the event the "existing free standing sign is removed or replaced, the signage shall come into compliance with the applicable signage requirements of the B-2 zoning ordinance.
5. As provided by Section 107(i) of the City Zoning Ordinance, and upon a finding by the City Council that there will be no significant detrimental effects on surrounding properties, the structure depicted on the building elevations titled "Exhibit C" to the Existing Proffers and dated May 22, 2013

may deviate from the maximum structure height established for this site by Section 904 of the City Zoning Ordinance. Section 904 restricts the maximum height of any use or structure located within one hundred (100) feet of an adjoining lot zoned Residential or Apartment district to 35 feet. Since the adjacent lot, zoned R-7.5 Residential, is not developed and is restricted from future development by a conservation easement, a deviation to the maximum height restriction will have no significant detrimental effect on that lot. The deviation to the maximum height shall be no greater than four (4) feet for a total maximum structure height of 39 feet.

6. Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City Codes by all cognizant City Agencies and departments to meet all applicable City Code requirements.
7. Further lawful conditions or restrictions against the Property may be required by Grantee during the detailed Site Plan review and administration of applicable codes and regulations of Grantee by all appropriate agencies and departments of Grantee, which shall be observed or performed by Grantor. Grantor acknowledges that additional further lawful conditions or restrictions may be imposed by Grantee as a condition of approvals, including but not limited to final Site Plan approval.
8. All references hereinabove to zoning districts and to regulations applicable thereto, refer to the City Zoning Ordinance of the City of Virginia Beach, in force as of the date the conditional rezoning amendment is approved by the Grantee.
9. The Grantor covenants and agrees that (1) the Zoning Administrator of the City of Virginia Beach, Virginia, shall be vested with all necessary authority on behalf of the governing body of the City of Virginia Beach, Virginia, to administer and enforce the foregoing conditions and restrictions specified in this Agreement, including (a) the ordering in writing of the remedying of any noncompliance with such conditions, and (b) the bringing of legal action or suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings; (2) the failure to meet all conditions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; (3) if aggrieved by any decision of the Zoning Administrator made pursuant to the provisions of the City Code, the City Zoning Ordinance or this Agreement, a petition shall be filed to the governing body for the review thereof prior to instituting proceedings in court; and (4) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the subject Property on the Map and that the ordinance and conditions may be made readily available and accessible for public inspection in the office of the Zoning Administrator and in the Planning Department and that they shall be recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia and indexed in the name of the Grantor and Grantee.
10. Bayville executes this Agreement to acknowledge the existence of the Modified Proffers.
11. Except as specifically referenced herein, the Existing Proffers are hereby superseded and of no further force and effect.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item D1.

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

By a vote of 11-0, the Commission approved item D1 for consent.

Ann Crenshaw appeared before the Commission on behalf of the applicant.

Item #D2
Auto and Export, Inc.
Conditional Use Permits
569 Central Drive
District 6
Beach
March 9, 2016

CONSENT

An application of Auto and Export, Inc. for Conditional Use Permits (Automobile Repair Garage and Bulk Storage Yard) on property located at 569 Central Drive, District 6, Beach. GPIN: 1496-67-78-8840-0000.

CONDITIONS

1. With the exception of any modifications required by any of the below conditions, the site shall be developed and maintained substantially in conformance with the submitted site layout plan entitled "569 Central Drive, Virginia Beach, Virginia." Said site layout plan has been exhibited to City Council and is on file with the Planning Department.
2. All vehicle repair shall take place inside the building.
3. There shall be no outside storage or display of tires.
4. The storage of vehicles shall only be permitted within the "Designated Bulk Storage Yard," as indicated on the submitted site layout plan referenced in Condition 1 above.
5. The bulk storage yard shall be used only for the storage of automobiles associated with the applicant's business.
6. Any automobile, chemical or equipment storage shall be kept outside of the Special Flood Hazard Area.
7. A six-foot, solid, opaque fence shall be installed in the northern and southern drive aisles as indicated on the submitted site layout plan entitled "569 Central Drive, Virginia Beach, Virginia."
8. At a minimum street frontage landscaping shall be installed between the parking lot and right-of-way, in accordance with the City of Virginia Beach Landscaping Guide.
9. Canopy trees shall be installed within the existing parking lot islands as is required by the City of Virginia Beach Landscape Guide prior to issuance of a Certificate of Occupancy.
10. Other than dead, dying or diseased vegetation, existing vegetation along the southern and western property lines shall be preserved to the extent possible.

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Auto and Export, Inc.
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A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item D2.

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

By a vote of 11-0, the Commission approved item D2 for consent.

The applicant Hasseb O. Baidy appeared before the Commission.

Item #D3
Titan Meyers Development, L.L.C.
Conditional Change of Zoning
District 2
Kempsville
March 9, 2016

REGULAR

Jeff Hodgson: We are going to shuffle a little and do agenda item D3 next.

Jan Rucinski: Agenda item D3 is Titan Meyers Development, L.L.C., an application of a Conditional Change in Zoning from 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. Is the representative here? Hi.

R.J. Nutter: Yes ma'am. Thank you very much. Members of the Commission, for the record my name is R.J. Nutter, I'm an attorney representing the applicant. It is a pleasure to be before you. Thank you very much. This application has come a long way. I've met with Mr. Weiner, the district rep, and let him know the history. I won't bore with the history, but I will give you a little bit of contrast in the application. When my clients purchased the property that is before you today, they were trying emulate an application that you all had approved, actually just a little less than three years ago for the Bishard Family. This is Daniel Smith Road, and the other property located just off this street here and went into this block. And, that property came before the Commission. It was called the River of Life application. It was approved by the Commission unanimously, approved by Council unanimously. And it called for a series of single-family homes, much like we're doing here. It was about 3.9 acres and it had 42 homes, so it was about 10.6 units per acre. It didn't have as much open space as this but it had very attractive homes being built on it that were selling very well, about the \$280,000 to \$300,000 range. And we submitted the application and the staff said, this is, we don't want to go down that road again. We want more open space. Can you work with us in that regard? And we said, certainly we can. So, to create more open space, would you consider doing townhomes, we can give you more open space. We worked with staff and they said, you know that could work for us. So, we then went to the civic league and the Council representative in this case, who did a wonderful job with us and the civic league, Dr. Ross Hammond. They sat down and they said, we like what you're doing except we hate townhouses and we want you to go back to single-family. So, we sat back down with staff, and said, let's go back to work. And so, what happened is they came back and we found a way to reduce the density too, actually we showed the civic league we could put 38 units. We met with them and Dr. Ross Hammond and they approved of that. When we then laid it out in more detail because staff wanted some more internal parking, some additional parking, we brought it down to 35 units. So, that is a very short review of a nine month history, much like giving birth, I might add. I've never given that pleasure but I would tell you that we went through a long process, nor do I want to go through that process. But I can tell you. A lot of hats go off here. Praise here to the civic league who spoke up and gave us clear direction and was very supportive and Ms. Carrington is here today. I'll tell you about her in a second. And in addition to that, to my clients, who really had to reverse course several times to get where everybody would be happy. But the nice part for you is by comparison, the other application, this is 7.9 units to the acre as opposed to 10.6. It has more open space than the other application. It has on-site additional visitor parking that the other application did not have. And another thing that I thought you should know is

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Titan Meyers Development, L.L.C.

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that the other homes were all vinyl in that case. This has brick and stone on all the units, so; we wanted to make sure you were aware of all that too. So, it is a really significantly improved application from what was previously approved what was down the street. We think it will hold property values, and we're happy to be here before you. Now, Ms. Carrington stepped in at the last minute here. Mr. Kirk has kind of been the leader of the civic league. Ms. Carrington is actually the President, but Mr. Kirk was going to be here today but had to go to the hospital last night, so he was kind enough to email Ms. Carrington. She was kind enough to take time off at the last minute to come down and speak in favor of today. I'm afraid we do have one person in opposition. I'm advised by Mr. Kirk and Ms. Carrington that, whoever that is, did not attend the civic league meeting when this was advertised. We went to the civic league about January, so this has been before them now for some time. So, I'm here to answer any questions you all might have. And, of course respond to the person who might be here in opposition

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

R.J. Nutter: It's my pleasure. Thank you very much.

Jan Rucinski: We do have one other speaker in support. Linda Carrington.

Jeff Hodgson: Hello.

Jan Rucinski: Please state your name for the record.

Linda Carrington: Hi. My name is Linda Carrington and I am the President of the Newsome Farm Civic League. And Mr. Kirk has been the go person on this because I work all the time. But, when they brought it to the civic league twice, and we went over it, we had a couple of meetings, and they came back, and my objective was. I moved there from Burton Station, and I have a nice neighborhood and I would like to keep it that way. And, I have been to the City for several projects, and I don't want it built up where you come down Newtown Road and you can't see our houses. You can't see anything. I would rather for it to be homes there, so we can stay the neighborhood that we are. We came from a target neighborhood and we come a long way, and we got history there. I don't want it to be built up with townhouses and apartments and condos where if you ride down Newtown Road, you can't see it. I would rather for homes to go there and the civic league has agreed with the Planner and Mr. Nutter to have homes there. And, I'm for it 100 percent. And then the President of the civic league, I have been told to say these things to you all. They want less houses but these the people who don't come to the civic league. They want lesser homes. They want to reduce one of the exits, and they want to have traffic pattern studies done again to make sure that it won't hinder the existing people that live there going out, which hinders us anyway because we are on Newtown Road. It's the main stream to the interstate. It's the main stream to the airport. It's just the main stream to the Little Creek Base. It is going to hinder us anyway, but I'm for it. I just don't want my neighborhood to be hidden. I've done too much work in the neighborhood for it to be hidden by some apartments. So, that is my opinion.

Jeff Hodgson: Thank you. Are there any questions for Ms. Carrington? Thanks for coming down today.

Linda Carrington: Thank you.

Jan Rucinski: Our speaker in opposition is James Sodnlarer. Come forward please, and if you will, state your name for the record please?

James Sodnlarer: Yes. My name is James Sodnlarer, a resident of Virginia Beach since 1966, and currently at the address for the last 26 years at Connie Lane. A point on this matter, Ms. Carrington has been living across the street there. She is President of the civic league. I was a member 26 years ago, Ms. Sandy Shaw, which our neighborhood. I see, we are very diverse here. It is a historical black neighborhood. It was founded in 1991. Ms. Shaw, there is a little brick monument out there in front of our community in honor of her. She used to be very, very active within the community, and she instilled in me that they don't trust the City. And, as I can see, I've got three minutes they told, so I'm just going to run it down real quick. I've lived here a long time. They worked with the civic league, I think there were four people they said was at the meeting last week. I get very, very emotional. I went around the neighborhood, and out of all of these nearly three dozen names and address, just addresses, not people who are living there, three people are members of our civic league. I let things go and maybe I shouldn't. I just start talking about Comprehensive Plans and all of that smart growth. The whole fact of the matter is that they got to rezone to get it there. It is zoned R-7.5 now. The frontage isn't there for any of this right near this thing right here. There is not enough land to be rezoned for that, so; just the fact that there is not enough land ought to be enough to say no. Ms. Carrington, I refer to her. I hate making barriers and what not, and talking about barriers fencing. The first thing you're going to see when you come down my street is fences on the backside of people's, 10-feet in the back. I think they want six feet in between the houses. I can't even fall over without hitting the house next to me. Fire, if our house was to be on fire. It happens. One goes up the next one goes next to it. I'm real short. I know this is what they've told a lot of the residents that is s a done deal. They are going to do it, and they're going to do it. Well, this is the first step, I believe, and correct me if I'm wrong. This is the first time I've stood before the Commission. If I'm wrong, in 1996, I was against rezoning R-7.5 for the Rite-Aid that was in business for two years, and it has been blighted, vacant ever since for the last 12 years. It had to start here. A couple of words that I heard today were demographics. You're going to be putting a community within a community, 35 homes. There are not 20 on one side of the street going in there. My lot, I have a 1,300 square foot home and it has 1,700 square feet of lot, big lots. That is what I like. I don't want to be six foot from someone. I don't know how big the homes are, close together. You get people close together, you know what happens. It is all over the City. Congestion, and we won't even go with the parking there. There is parking in that area. You can ride down anytime down my street, I was coming out today, there is water coming over the sidewalk. Owners of the property, I don't know how long they've owned this property. It's been dilapidated, just completely terrible. I walk the woods the other day. There were piles of cars this high. What I would ask it would be great if the owners of the property. What scared me were the names that were on the owners of the property. That is what got me going. I won't say that but there are some people's names on there and it scared me. You start dealing with some people. I know it is a phone call away.

Jeff Hodgson: Sir, I will ask that you start wrapping it up.

James Sodnlarer: I'm sorry.

Jeff Hodgson: That's okay. I just want you to get your last few thoughts out.

James Sodnlarer: My last few thoughts are that the people and I didn't go door to door just stop going

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Titan Meyers Development, L.L.C.

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down the street. I read this short little thing here. Just a moment please. We are residents of Newsome Farms. They are not in favor of the rezoning and the property located in between these two streets. We would like to see the property developed under the current zoning regulations. I appreciate your time. I am sort of emotional at the time, and I hope you take those few words as far as changing the neighborhood. It is a neighborhood within a neighborhood with fences and what not. Thank you so much for your time.

Jeff Hodgson: Can you show me with the pointer where your house is located on that map. There is a pointer right there.

James Sodnlarer: They blocked it off. You can't see it. I'm right down here.

Jeff Hodgson: Okay. Thank you.

James Sodnlarer: I would like to say.

Jeff Hodgson: Please come to the microphone.

James Sodnlarer: When they put the signs up that is when I called. I think last rezoning was there B-1 right there on the corner, B-2 excuse me. I wasn't aware they could sell cars there and that was the last rezoning. It was done with a Use Permit or whatever. I'm going to be getting a lot better. There was another name and I will say. I've had developers back on my property walking my property, saying I'm coming through those woods. What it is zoned for now, I believe it ought to stay that way. They are coming on the back of my property. I'll be seeing you, I'm sure a few times. I hate to say it. I've lived here a long time. I need a little room. Encroachment on some of these neighborhoods isn't what I wanted to do.

Jeff Hodgson: Thank you.

James Sodnlarer: Thank you for giving me more than three minutes.

Jeff Hodgson: Does anyone have any questions?

James Sodnlarer: Thank you so much.

Jeff Hodgson: Thank you. Jan, do we have any other speakers?

Jan Rucinski: There are no other speakers.

Jeff Hodgson: Mr. Nutter, would you like to rebut?

R.J. Nutter: Very briefly. I'm glad to live there and the civic league showed some of their views. I will tell that we worked very closely with the civic league and the members there, and at least three meetings that I am aware of with the civic league. So, I can attest to who confident in every one, but I can tell you those civic league members who lived there at same length of time and longer, think this is a wonderful thing for their neighborhood. And, wanted to have a relationship with these builders, in this

case, we're not afraid of them. They saw the produce they build elsewhere and felt very comfortable. So, I think Ms. Carrington said it best. They look at this. One of the issues they talked about is at one point we looked at three-story home on this property versus a two-story home, and they asked us to eliminate that and we did. That is what took the extra month. We had to make the homes wider to make them a really nice size for livable purposes. But all that worked out and we are here today before you, so we guaranteed them these are all two-story homes. It really worked out where a wonderful combination between the city, neighborhood and the developer. Sorry that one person isn't happy but I can tell you the civic league. I don't want to speak for the Council member but she attended the meetings with us, as you know, and was very, very supportive in helping to bring this case to you as it is today. I would ask for your support and that you vote in favor of your staff recommendation, which also sights this favorably as well, for all of the reasons they indicated in your staff report.

Jeff Hodgson: Thank you.

Jan Rucinski: I have a question.

Jeff Hodgson: Jan.

Jan Rucinski: I heard Ms. Carrington mention something about that one of the members of the civic league had asked about reducing the entrances on Connie Lane from two to one. Is that an option or a possibility?

R.J. Nutter: Actually what really happened is as President of the civic league she felt like those were some of the things that Mr. Sodnlarer was bringing forward to her attention. She felt like she had to share the three things that the people who did not attend the civic league meeting wanted her to say. I think that is right isn't it Karen?

Karen Lasley: Yes.

R.J. Nutter: So, those weren't the civic league requests.

Jan Rucinski: But that was the request that somebody obviously made to her.

R.J. Nutter: Right. Apparently it was at the last moment. One reason we have the two access ways there quite frankly, is to allow for maximum of fire coverage in there, so you don't have a dead end in there. Because on the other side you have someone put a cul-de-sac with a dead end on it. This way the fire department has multiple ways of entering. And this neighborhood by the way, has I believe has 5 different points of ingress/egress out to public to the main corridors. So, it is a very broad network of streets in there, which is one thing the neighborhood looked at by the way and we were talking with is how many access points they had out to the major arterials.

Jan Rucinski: So, there is no access from this community to the neighborhood behind it?

R.J. Nutter: Connie Lane has access to that. This runs into additional single-family lots to the. I guess that is to, I think that is the east or southeast or something, but in that direction to the right. I guess it would be the east. They run into single-family lots.

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

Bob Thornton: I've got one. Is the applicant also going to do the home construction?

R.J. Nutter: No. I would tell you that the construction company has come to all the meetings with the civic league.

Bob Thornton: I mean, is the developer the applicant, the homebuilder?

R.J. Nutter: The developer is the applicant and they brought the builder with them to all the civic league meetings.

Bob Thornton: Who is the builder, if I may?

R.J. Nutter: In this case, this is Ryan Homes.

Bob Thornton: It's Ryan Homes. Okay.

R.J. Nutter: And it was Ryan who went with us with the neighbors. They asked us a series of questions about building materials, size and so forth.

Bob Thornton: Do you have any idea of the price range of these.

R.J. Nutter: The homes on the street are \$280,000 to around a low \$300,000.00. These are nicer. We think they will be around \$300,000 to \$350,000. Some people want additional add-ons, but mostly to \$300,000 to \$325,000, more likely sir.

Jeff Hodgson: Mr. Inman.

Mike Inman: The property that is sort of surrounded by this property that fronts on Newtown Road, those are residences correct?

R.J. Nutter: They are.

Mike Inman: How is it zoned? What is the zoning?

R.J. Nutter: Those are also R-7.5. Interestingly, we tried, and if my clients tried at the neighbors request to acquire these properties and these properties. Interestingly enough, the property owner who owns this lot would sell us this lot but would not sell us the other one. I don't understand the logic in that but we tried desperately on both cases to buy the parcel here, which the neighborhood really asked us to try to acquire. And, we went round and round and round with those people to try to do that but with no success. So, we would have made it nicer for us, quite frankly, if we had been able to acquire that property. We would have to live with it, as we will be ones fronting next to it, I'm afraid. Not them. But we tried desperately to try to acquire that property.

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Mike Inman: Can you tell me how many units you could get on the property that you have acquired or maybe going to acquire or maybe not?

R.J. Nutter: Yes sir.

Mike Inman: How many units could you get on there with R-7.5?

R.J. Nutter: I don't know the answer to that. I don't know the answer to that because of the irregular shape. It is very difficult to tell you with cutting a street in. Typically we deprived the street and so forth. I am not sure I know the answer to that.

Mike Inman: Less. Less.

R.J. Nutter: Less would be correct. I just don't know how much less.

Mike Inman: Right.

Jeff Hodgson: Ms. Rucinski.

Jan Rucinski: I have another question. What have they done to, I guess, get rid of Public Works or Public Utilities concerns about the water, sewer?

R.J. Nutter: As Karen pointed out to you and I am sorry Karen couldn't stay. She has been really sick. She and I have both tried for two weeks to try to set up a meeting with them, and without any success. We tried to meet with them in advance. I would tell you that we told them that we would be happy to accommodate them almost in any matter. We've offered to make the building to public standards. We offered to dedicate them to the public, and grant them an easement in the streets. We offered and if they didn't want that, we offered to have a separate maintenance agreement with them. I would tell you that in working with projects like this, and I imagine Mr. Inman has far more experience than I, he does a lot of condominium work, they have never had any problems with any of their neighborhoods in this size 30 to 35 units or smaller, with people not paying their bills, in any way jeopardizing the rest of the neighborhood for having sewer or water service. The HOA, the Condo Association pays those fees and if someone is delinquent, they go after that delinquent owner. But at no time, are the other owners, in any way, in jeopardy, is what I want to relate to you. We relayed that and I think, Planning has a similar view in that regard. This has not presented a problem. Part of the problem has been, policy is that did not want to grant, they did not want to allow public utilities in a private road served by a public easement. In other words, they didn't want us to have a private road with an easement granted to the public for the utilities. They wanted to own the street. They just didn't want to use the easement. Well, they varied from that at the Cavalier. When the Cavalier's private streets, their public utilities and there is a public utility easement that allows the public to go in to those street, Utility department, and fix any problem that might arise. So, my clients have said we will solve this any way the department wants. We just have go the department to meet with us. And despite even Karen's efforts, quite frankly, she told you this morning.

Jan Rucinski: Okay. Are you guys going try to attempt to do that before this goes to City Council?

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R.J. Nutter: Absolutely. We tried to do that before it came to you. So, yes ma'am. But I can guarantee you that it will be worked out in one way or the other. We have offered everything they asked us to do. We just don't know which direction they want us to go.

Jan Rucinski: Okay.

Jeff Hodgson: Is there anyone else?

Mike Inman: I will say it is a new one on me. As I indicated earlier this morning, I haven't been doing a lot of work with Condominium Associations. I haven't heard about this issue coming up.

R.J. Nutter: It is all over town.

Jeff Hodgson: Does anyone one else have any more questions for R.J. Thank you sir.

R.J. Nutter: Thank you very much. I appreciate your help.

Jeff Hodgson: Any more speakers?

Jan Rucinski: No other speakers.

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

David Weiner: I'll start. It is my area. Luckily enough, I've been involved with this a little bit. Mr. Nutter distributed some things a little history of this and how far it has gone back and what people have done, going back to townhouses to looking like condominiums to these hoses. Every time they seem to go back to the civic league, the civic leagues asks them to do something, they come back with the change that the civic league has asked more than once, twice I believe. In looking at this area, I really believe this is going to be something nice compared to what could go there for R-7.5 what they could be doing there by right without even coming in front of us. And they could, as the young lady said, they could be putting apartment complex in there if they wanted too without. I think it looks nice. I like the idea it is a Condominium Association. They are working together. I don't have any problem supporting it.

Jeff Hodgson: Is there anybody else? Mr. Ripley.

Ronal Ripley: My office is right down in that area. And it is right next to the first subdivision that Council has mentioned, and that really has been a nice addition to the area, in my opinion. It really has upgraded the whole road and view and everything, and the quality. I think they are doing a nice job. If this is going to be less dense, and it is a little better quality, I think it is even a better improvement. So, I think this is a really nice application. I hear what the gentleman that came in and would like to see the zoning stay where it is, but I don't think where this is, is inappropriate. I think if we were invading back into the neighborhood, way back into the neighborhood, I would agree totally. But I think this is a really good transition, quite frankly, between the road and to the larger lots in the neighborhood in the back. And I don't think it is going to diminish their values. It is probably going to help the values, in my opinion. I favor it as well.

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Jeff Hodgson: Is there anybody else? Does anybody care to make a motion?

David Weiner: I make a motion that we approved item D3.

Mike Inman: I'll second it.

Jeff Hodgson: A motion made by Commissioner Weiner and seconded by Commissioner Inman.

Bob Thornton: Ed, I need abstain from voting on this. I'm doing work now with Ryan and for Ryan, so I don't have anything to do with this, but I just don't want to vote on it.

Ed Weeden: Could you press the button?

Jan Rucinski: Abstain.

Bob Thornton: Oh, ABS.

	AYE 10	NAY 0	ABS 1	ABSENT 0
BROCKWELL	AYE			
HODGSON	AYE			
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON			ABS	
WALL	AYE			
WEINER	AYE			

Ed Weeden: By a vote of 10-0, with one abstention, the Commission has approved the application of Titan Meyers Development, L.L.C.

Jeff Hodgson: Thank you for coming down Ms. Carrington.

Item #D4
Beach Borough Development, L.L.C.
Change in Nonconforming Use
403 33rd Street
District 6
Beach
March 9, 2016

DEFERRED

An application of Beach Borough Development, L.L.C. for a Change in Nonconforming Use on property located at 403 33rd Street, District 6, Beach. GPIN: 2418-92-4767-0000.

A motion was made by Commissioner Rucinski and seconded by Commissioner Horsley to defer item D4.

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

By a vote of 11-0, the Commission deferred item D4.

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