

Item #1  
Ocean Rental Properties, L.L.C.  
Special Exception for Alternative Compliance  
528 21<sup>st</sup> Street  
District 6  
Beach  
April 13, 2016

## **CONSENT**

An application of Ocean Rental Properties, L.L.C. for a Special Exception for Alternative Compliance to the Oceanfront Resort District Form-Based Code on property located at 528 21<sup>st</sup> Street, District 6, Beach. GPIN: 2417-97-7929-0000.

## **CONDITIONS**

1. With the exception of any modifications required by any of these conditions or as a result of development site plan review, the layout of the site shall be substantially as shown for lot 26A on the exhibit titled, "PLANTING LAYOUT, 21ST DEVELOPMENT," dated 04/05/2015, as prepared by WPL. Said drawing has been exhibited to the City Council and is on file in the Department of Planning.
2. With the exception of any modifications required by any of these conditions or as a result of reviews under the International Building Code, the dwellings on the site shall be substantially as shown on the drawings titled "21st Street Towns Duplex," dated 2/8/2016, and "LPS-1387" dated 9/4/2014, as drawn by J Bengtson. Said drawings have been exhibited to the City Council and are on file in the Department of Planning.
3. At the time of installation and at any time of maintenance or replacement, the landscaping shall substantially be as shown on the submitted exhibit titled "PLANTING LAYOUT, 21ST DEVELOPMENT," dated 04/05/2015, as prepared by WPL. Said drawing has been exhibited to the City Council and is on file in the Department of Planning.
4. A subdivision plat shall be submitted to the Planning Department / Development Services Center as part of site plan review. Said plat shall show the removal of any interior lot lines, private pedestrian access easements, and the dedication of 2 feet along the southern lot line to the City of Virginia Beach.
5. The applicant shall make all proposed right-of-way improvements as required for 21st Street and 20th ½ Street as further required by Public Works Traffic Engineering, Landscape Management, the Strategic Growth Areas Office, and the Development Services Center as part of development site plan review.
6. Any existing curb-cut / driveway access located on 21st Street shall be removed.
7. The patios of the row house units and the driveway of the rear unit shall be constructed of permeable pavers. The driveway runners may be paved.

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8. All landscaping must be maintained in good health. All landscape that fails to grow or is determined to be in poor health shall be replaced with a similar type of plant that conforms to the landscaping depicted on the plans referenced by Condition 1. All replacement landscaping shall be approved by the City Landscape Architect for consistency with the conditioned plan.
9. All mechanical equipment, including but not limited to HVAC units, shall be screened year-round by landscaping or fencing. Screening shall, at a minimum, be the height of the equipment.

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

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

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

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

Item #2  
Shahab Rahimzadeh  
Modification of Conditions  
5001 Virginia Beach Boulevard  
District 4  
Bayside  
April 13, 2016

**DEFERRED**

An application of Shahab Rahimzadeh for a Modification of Conditions to a Conditional Use Permit (automobile sales and service) approved by City Council on July 3, 2012 on property located at 5001 Virginia Beach Boulevard, District 4, Bayside. GPIN: 1477-04-1959-0000.

A motion was made by Commissioner Thornton and seconded by Commissioner Rucinski to defer item 2.

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

By a vote of 11-0, the Commission deferred item 2.

Item #3  
5668 Indian River Road, L.L.C.  
Conditional Use Permit  
5668 Indian River Road  
District 2  
Kempsville  
April 13, 2016

**CONSENT**

An application of 5668 Indian River Road, L.L.C. for a Conditional Use Permit (Car Wash Facility) on property located at 5668 Indian River Road, District 2, Kempsville. GPIN: 1456-90-1977-0000.

**CONDITIONS**

1. With the exception of signage, the site shall be developed substantially as shown on the plan entitled, "CONCEPT PLAN, 5668 Indian River Road," dated 3/14/16, as prepared by Blakeway Corp.
2. The building shall be constructed substantially as shown on the plan entitled, "GRAND SLAM CAR WASH," dated 2016-01-20, as prepared by Balzer and Associates, with the addition of dormers constructed on the eastern building elevation, at a minimum, in a manner similar to the applicant's existing operation located at Edwin Drive and Independence Boulevard.
3. ~~The existing legally nonconforming free standing sign may remain for the duration of the conditional car wash use. Should the site be redeveloped or used for a use other than the conditional car wash, the legally nonconforming sign shall be removed. All signage shall be of the Monument style and meet the applicable requirements of the City Code. The legally nonconforming sign shall be removed prior to receiving a Certificate of Occupancy. No signage shall be installed within the cantilevered arcs of the vacuums.~~
4. ~~The applicant will work with Planning Department Staff during site plan review to propose landscaping between the existing sidewalk and front lot line, in the public right-of-way of Indian River Road. This landscaping shall be approved by the DSC Landscape Architect and Landscape Management, and incorporate evergreen plantings reaching at least 3 feet in height.~~
5. ~~The vacuums shown to the north of the proposed building shall be installed underground.~~
6. There shall be no pennants, streamers, balloons, portable signs, banners, or similar attention-seeking devices displayed on the site.

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**

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

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

Stephen Lentz appeared before the Commission on behalf of the applicant.

Item #4  
City of Virginia Beach  
Change of Zoning  
2272 Old Pungo Ferry Road  
District 7  
Princess Anne  
April 13, 2016

**CONSENT**

An application of the City of Virginia Beach for a Change of Zoning from B-4 Mixed Use District to P-1 Preservation District on property located at 2272 Old Pungo Ferry Road, District 7, Princess Anne. GPIN: 2309-23-6398-0000.

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

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

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

Item #5  
Joseph J. Arzillo  
Conditional Use Permit  
3476 Chandler Creek Road  
District 3  
Rose Hall  
April 13, 2016

## **CONSENT**

An application of Joseph J. Arzillo for a Conditional Use Permit (Automobile Repair Garage) on property located at 3476 C handler Creek Road, District 3, Rose Hall. GPIN: 1485-93-3667-0000.

## **CONDITIONS**

1. With the exception of any modifications required by any of these conditions or by the existing recorded proffers, the site shall be developed and maintained substantially in conformance with the submitted site layout entitled "PRELIMINARY SITE PLAN OF STOCK AND CUSTOM ROSEMONT COMMERCE PARK LOT 12 ROSE HALL," dated March 2016, and prepared by Hassell and Folkes, P.C. Engineers-Surveyors-Planners. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Planning Department.
2. The design and materials of the building shall be substantially in adherence, with the submitted exhibit entitled "STOCK OR MODIFIED BODY WORKS 3476 CHANDLER CREEK RD VIRGINIA BEACH, VIRGINIA EXTERIOR ELEVATIONS," dated November 27, 2015, and prepared by Lemole Architects. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Planning Department.
3. A Landscape Plan shall be submitted during site plan review process that reflects the requirements of the Proffers recorded on July 3, 2001, between Leon T. Carrington, Sr., and Riganto, L.L.C and the City of Virginia Beach. Said Landscaping Plan shall also reflect the plant material depicted on submitted site layout plan referenced in condition one above.
4. A Photometric Plan shall be submitted during the site plan review process to ensure that all lighting in the parking area shall be shielded and directed downward to limit the amount of overspill outside the property boundary.
5. With the exception of any modifications required by any recorded proffers, any freestanding sign shall be monument style with a brick base that matches the building, and shall be no taller than eight feet as measured from the ground to the top of the sign.
6. Any building signage shall meet the requirements of the City Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of any signage. No "box signs" shall be permitted on the building.
7. All vehicle repair shall take place inside the building.

- 8. No outside storage of equipment, parts, or materials shall be permitted.
- 9. There shall be no outside storage or display of tires.

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

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

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

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



Item #6  
Birdneck Storage 2, L.L.C.  
Conditional Change of Zoning  
1044, 1052, 1054 Bells Road  
District 6  
Beach  
April 13, 2016

**DEFERRED**

An application of Birdneck Storage 2, L.L.C. for a Conditional Change of Zoning from R-10 Residential District to Conditional I-1 Industrial District on property located at 1044, 1052, 1054 Bells Road, District 6, Beach. GPIN: 2416-58-1110-0000; 241-52-2140-0000.

A motion was made by Commissioner Thornton and seconded by Commissioner Rucinski to defer item 6.

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

By a vote of 11-0, the Commission deferred item 6.

Eddie Bourdon appeared before the Commission requesting the deferral.

Item #7  
Brenton Rodgers  
Conditional Use Permit  
2973 Shore Drive, Suite 108  
District 5  
Lynnhaven  
April 13, 2016

**CONSENT**

An application of Brenton Rodgers for a Conditional Use Permit (Tattoo Parlor) on property located at 2973 Shore Drive, Suite 108, District 5, Lynnhaven. GPIN: 1499-19-7796-0000.

**CONDITIONS**

1. A business license for the tattoo parlor 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 application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any onsite signage for the tattoo establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon or electronic display signs or accents installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign," but rather either externally lit or constructed of raceway-mounted channel letters with L.E.D. illumination. 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 7.

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

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

Item #8  
King Farms, L.L.C.  
Modification of Proffers  
East side of West Neck Road across from the Villages at West Neck  
District 7  
Princess Anne  
April 13, 2016

**CONSENT**

An application of King Farms, L.L.C. for a Modification of Proffers to a Conditional Change of Zoning approved by City Council on March 3, 2014 on property located on the east side of West Neck Road across from the Villages at West Neck, District 7, Princess Anne. GPIN: 1493-95-9189-0000; 1493-96-6386-0000; 2403-04-8740-0000.

**PROFFERS**

**Proffer 1:**

Proffer numbered 9 as contained in the 2014 Proffers is hereby deleted and replaced with the following amended Proffer number 9:

9. The dimensional and setback requirements applicable for each identified neighborhood in King's Landing shall be as follows:

- A. West Neck Park
  - (i) minimum lot width 100 feet
  - (ii) minimum lot area 12,000 square feet
  - (iii) minimum front yard setback 30 feet
  - (iii.a) minimum front yard setback for any front loading garage shall be no less than 10 feet greater than the front yard setback of the constructed dwelling 40 feet
  - (iv) minimum side yard setback 10 feet
  - (v) minimum side yard setback adjacent to a street 25 feet
  - (vi) minimum rear yard setback 20 feet
  - (vii) maximum building height 42 feet
  - (viii) maximum lot coverage 35%
  
- B. The Meadow View
  - (i) minimum lot width 80 feet
  - (ii) minimum lot area 10,000 square feet
  - (iii) minimum front yard setback 25 feet
  - (iii.a) minimum front yard setback for any front loading garage shall be no less than 10 feet greater than the front yard setback of the constructed dwelling 35 feet
  - (iv) minimum side yard setback 10 feet

(v)	minimum side yard setback adjacent to a street	20 feet
(vi)	minimum rear yard setback when adjacent to Open Space	10 feet
(vii)	minimum rear yard setback when rear property line is contiguous with the side or rear property line of an adjoining building lot	20 feet
(viii)	maximum building height	42 feet
(ix)	maximum lot coverage	40%
C.	The Central Park	
(i)	minimum lot width	80 feet
(ii)	minimum lot area	9,600 square feet
(iii)	minimum front yard setback	25 feet
(iii.a)	minimum front yard setback for any front loading garage shall be no less than 10 feet greater than the front yard setback of the constructed dwelling	35 feet
(iv)	minimum side yard setback	10 feet
(v)	minimum side yard setback adjacent to a street	20 feet
(vi)	minimum rear yard setback when adjacent to Open Space	10 feet
(vii)	minimum rear yard setback when rear property line is contiguous with the side or rear property line of an adjoining building lot	20 feet
(viii)	maximum building height	42 feet
(ix)	maximum lot coverage	40%
D.	The Park Side	
(i)	minimum lot width	80 feet
(ii)	minimum lot area	8,000 square feet
(iii)	minimum front yard setback	25 feet
(iii.a)	minimum front yard setback for any front loading garage shall be no less than 10 feet greater than the front yard setback of the constructed dwelling	35 feet
(iv)	minimum side yard setback	10 feet
(v)	minimum side yard setback adjacent to a street	20 feet
(vi)	minimum rear yard setback when adjacent to Open Space	10 feet
(vii)	minimum rear yard setback when rear property line is contiguous with the side	

	or rear property line of an adjoining building lot	20 feet
(viii)	maximum building height	42 feet
(ix)	maximum lot coverage	40%
E. The Creek Side		
(i)	minimum lot width	80 feet
(ii)	minimum lot area	8,600 square feet
(iii)	minimum front yard setback	25 feet
(iii.a)	minimum front yard setback for any front loading garage shall be no less than 10 feet greater than the front yard setback of the constructed dwelling	35 feet
(iv)	minimum side yard setback	10 feet
(v)	minimum side yard setback adjacent to a street	20 feet
(vi)	minimum rear yard setback	10 feet
(vii)	maximum building height	42 feet
(viii)	maximum lot coverage	40%

An accessory structure, approved by the Architectural Review Committee, measuring not more than 150 square feet in size may have a setback of five feet (5') from a rear property line and/or a side property line not adjacent to a street.

All fences approved by the Architectural Review Committee must be open style (i.e. not solid), no greater than fifty percent (50%) opaque and not greater than five feet (5') in height. Open style fences with brick or stone pillars and matching bases no greater than eighteen inches (18") in height may be approved.

**Proffer 2:**

With the exception of Proffer numbered 9 as hereby amended, all of the proffered covenants, restrictions and conditions set forth in the 2014 Proffers are unchanged, ratified and affirmed.

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

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

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

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

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

Item #9  
Minton Interests, L.L.C.  
Conditional Change of Zoning  
1244 North Great Neck Road  
District 5  
Lynnhaven  
April 13, 2016

**DEFERRED**

An application of Minton Interests, L.L.C. for a Conditional Change of Zoning from R-10 Residential District to Conditional B-2 Community Business District on property located at 1244 North Great Neck Road, District 5, Lynnhaven. GPIN: 2408-26-6234-0000.

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

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

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

Item #10  
Hardee Realty Corporation  
Change of Zoning  
3590 Holland Road  
District 3  
Rose Hall  
April 13, 2016

**REGULAR**

An application of Hardee Realty Corporation for a Change of Zoning from B-1 Neighborhood Business District to B-2 Community Business District on property located at 3590 Holland Road, District 3, Rose Hall. GPIN: 1486-64-1556-0000.

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

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

By a vote of 10-1, the Commission approved item 10.

Mike Darr appeared before the Commission.



Item #11  
Folk City Tattoo, L.L.C.  
Conditional Use Permit  
3590 Holland Road  
District 3  
Rose Hall  
April 13, 2016

**REGULAR**

An application of Folk City Tattoo, L.L.C. for a Conditional Use Permit (Tattoo Parlor) on property located at 3590 Holland Road, District 3, Rose Hall. GPIN: 1486-64-1556-0000.

**CONDITIONS**

1. Any onsite signage for the tattoo establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and shall be located on the building as shown on the submitted photo rendering entitled, "Folk City Tattoo Bldg Sign," dated March 3, 2016, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department. The proposed sign package shall be submitted to the Zoning Administrator for review and acceptance prior to the issuance of a sign permit.
2. A business license for the tattoo parlor 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.
3. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.

A motion was made by Commissioner Inman and seconded by Commissioner Weiner to approve item 11.

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

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

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Michael Cann appeared before the Commission on behalf of the applicant.

Daniel Cardona appeared in support of the application.

Item #12  
Phil Bonifant  
Modification of Conditions  
Conditional Use Permit  
2244 & 2252 Indian River Road  
District 7  
Princess Anne  
April 13, 2016

**DEFERRED**

An application of Phil Bonifant for a Modification of Conditions to a Conditional Use Permit (Country Inn) approved by City Council on December 9, 2003 and a Conditional Use Permit (Assembly Use) on property located at 2244 and 2252 Indian River Road, District 7, Princess Anne. GPIN: 2403-41-9483-0000; 2403-41-8534-0000.

A motion was made by Commissioner Thornton and seconded by Commissioner Rucinski to defer item 12.

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

By a vote of 11-0, the Commission deferred item 12.

Item #13  
Virginia Beach Travel Soccer  
Floodplain Variance  
North side of Buckner Boulevard, west of Holland Road  
District 3  
Rose Hall  
April 13, 2016

**DEFERRED**

An application of Virginia Beach Travel Soccer for a Floodplain Variance to Section 4.10.B.2 of the Floodplain Ordinance on property located at the north side of Buckner Boulevard, west of Holland Road, District 3, Rose Hall. GPIN: 1495-06-2871-0000.

A motion was made by Commissioner Thornton and seconded by Commissioner Rucinski to defer item 13.

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

By a vote of 11-0, the Commission deferred item 13.

Eddie Bourdon appeared before the Commission requesting the deferral.

Item #14

Leonard Aluminum Buildings, Inc.

Conditional Use Permits

980 South Military Highway

District 1

Centerville

April 13, 2016

**CONSENT**

An application of Leonard Aluminum Buildings, Inc. for a Conditional Use Permits (Motor Vehicle Sales and Rental & Bulk Storage Yard) on property located at 980 South Military Highway, District 1, Centerville. GPIN: 1456-13-2135-0000.

**CONDITIONS**

1. Except as modified by any of the conditions below, the site shall be developed substantially in conformance as shown on submitted site layout entitled, "CONDITIONAL USE EXHIBIT LEONARD BUILDINGS & TRUCK ACCESSORIES VIRGINIA BEACH, VIRGINIA," prepared by WPL Landscape Architects, Land Surveyors, Civil Engineers, dated February 25, 2016. Said plan has been exhibited to the Virginia Beach City Council and is on file at the Planning Department.
2. A Landscape Plan shall be submitted during the site plan review process reflective of the plant material depicted on submitted site layout plan referenced in Condition 1 above. In addition, the Landscape Plan shall include the required Category IV and Category VI screening as depicted on the site layout, street frontage landscaping along South Military Highway and Providence Road, interior parking lot landscaping, and the required screening for the dumpster. Final site plan approval shall not be issued until said Landscape Plan is approved by the Planning Department.
3. A solid fence no less than six (6) feet in height shall enclose the perimeter of the "Bulk Storage Area." A landscape buffer no less than six (6) feet in width with Category VI plant material shall be installed along the northern, eastern and southern boundaries of the "Bulk Storage Area."
4. A solid fence no less than six (6) feet in height shall be installed around the existing dumpster.
5. The existing parking lot shall be restriped to clearly delineate the parking spaces. In addition, handicap parking spaces shall be installed and shall comply with the requirements of the American's with Disabilities Act (ADA) with regard to the size and marking.
6. Trailers shall only be displayed within the "Trailer Display Area," as depicted on the site layout referenced in Condition 1 above. Trailers shall only be displayed in a single-file arrangement. No double-stacking of trailers shall occur.
7. Sheds shall only be displayed within the "Shed Display Area" as depicted on the site layout referenced in Condition 1 above. Sheds shall not be displayed within the 35-foot setback adjacent to Providence Road. A 15-foot landscape buffer with Category IV plant material shall be installed on the property line adjacent to the "Shed Display Area" and the adjacent Apartment District, as depicted on the plan.

8. The "Bulk Storage Area" shall be used only for the storage of equipment for sale.
9. Gravel or an all-weather surface, as approved by the Planning Department, shall be installed in the "Bulk Storage Area."
10. All on-site signage shall meet the requirements of the City Zoning Ordinance. A separate sign permit shall be obtained from the Planning Department for the installation of all signage.

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

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

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

John Richardson appeared before the Commission on behalf of the applicant.

Item #15

City of Virginia Beach

An Ordinance to Amend Section 1.5 of the Site Plan Ordinance (Appendix C) pertaining to definition of Dwelling Unit

April 13, 2016

**CONSENT**

An Ordinance to Amend Section 1.5 of the Site Plan Ordinance (Appendix C) pertaining to definition of Dwelling Unit.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 15.

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

By a vote of 11-0, the Commission approved item 15 for consent.

Karen Lasley appeared before the Commission.

Item #16

City of Virginia Beach

An Ordinance to Amend Section 203(b)(5) and Section 204(d) of the City Zoning

Ordinance pertaining to illumination onto Adjacent Parcels.

April 13, 2016

**CONSENT**

An Ordinance to Amend Section 203 (b) (5) and Section 204 (d) of the City Zoning Ordinance pertaining to Illumination onto Adjacent Parcels.

These amendments pertain to the illumination of parking areas and loading areas. Currently, the Zoning Ordinance requires that such illumination must be shielded from any adjacent premises in residential, apartment or hotel districts. Virginia Beach has an increasing number of mixed use districts such as ORD – Oceanfront Resort District, B-4K – Historic Kempsville Area Mixed Use District and the CBC – Central Business Core District, where residential and hotel uses are permitted, but the districts are not technically residential, apartment or hotel districts. The amendments clarify that lighting found in parking and loading areas must be shielded from any adjacent parcels where residential, apartment or hotel uses are allowed by the zoning.

A motion was made by Commissioner Thornton and seconded by Commissioner Horsley to approve item 16.

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

By a vote of 11-0, the Commission approved item 16 for consent.

Karen Lasley appeared before the Commission.



Item #D1  
Direct Independence Group, L.L.C.  
Conditional Change of Zoning  
449, 457 & 465 Independence Boulevard  
District 2  
Kempsville  
April 13, 2016

**DEFERRED**

An application of Direct Independence Group, L.L.C. for a Conditional Change of Zoning from O-2 Office District to Conditional B-2 Community Business District, District 2, Kempsville. GPIN: 1476-59-4453-0000; 1476-59-5337-0000; 1476-59-6300-0000.

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

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

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

Item #D2  
Dacor, L.L.C.  
Subdivision Variance  
Northwest side of Ferry Point Road, west of Indian  
River Road  
District 2  
Kempsville  
April 13, 2016

## **REGULAR**

Jeff Hodgson: Will you please call the next agenda item.

Jan Rucinski: The next item on the agenda is D2. An application of Dacor, L.L.C. for a Subdivision Variance to Section 4.4 (b) of the Subdivision Regulations. The property is located at the northwest side of Ferry Point Road, west of Indian River Road, District 2, Kempsville.

Eddie Bourdon: Again, Mr. Chairman and members of the Commission, again Eddie Bourdon, representing the applicant. And we obviously had a presentation to the Commission last month. Has anyone signed up to speak on this item? I will make this very brief. Kristine Gay did a great job of explaining it in the informal.

Ed Weeden: Eddie, you have two speakers.

Eddie Bourdon: There are people who signed up? Okay, I'll spend a little bit more time. The property that is adjacent to this piece of property that Ms. Gay was referring to this morning that came in applied, the owner of that piece of property spoke with me at that time. Did not retain a representative, and I told him as staff had told him, since this piece of property was on the market, and available that it would be in his best interest to try to acquire this piece of property. That did not happen. I'll just leave it at that. The owners of this piece of property, the family who owned this property for generations, actually approached David Rhodes, who is the person I am representing before the Commission today, and asked him if he would please buy this piece of property from him. He was doing construction in the community. And Mr. Rhodes did contract to purchase the property. I didn't know anything about it until he accepted the contract to handle the closing and I suggested to him that he speak to the gentleman that owned the property next door to see if they could work something out so they could develop the properties together. By doing so, they would have been able to put in a cul-de-sac and ten homes. So, that's the by-right scenario. The proposal today on this piece of property is simply build a total of three homes on three lots. The two on the road all exceed the requirements and the single-family home in the back exceeds every requirement by 5 times except for the road frontage here. So, we got a flag lot with a single-family home, very large valuable piece of property and a home that Mr. Rhodes has already constructed on the road fronts, which are 325,000 this one will most likely, based on how the prices should be, closer to \$400,000. It is a reduction in density from 10 to 6, if the adjoining property as was shown this morning to the Commission, were to do something similar. My client met with some of the neighbors and he knew going in that they didn't want to see a cul-de-sac and ten houses. The civic league has now, after we talked again and they understood it better, as indicated they would much prefer this to any by-right development of the property. The conditions, as set forth, again, I understand the recommendation, but if it is to be approved, all the conditions are not

only acceptable, but we attempted to depict them on the new plan. I'll be happy to answer any questions that you may have.

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

Eddie Bourdon: Thank you.

Jan Rucinski: We have one speaker in opposition and that is Dimitrios Manousos, if you can please state your name for the record?

Dimitrios Manousos: Dimitrios Manousos. I don't have any problem. I own the property right next to it. It is almost the same square footage. I don't have any problem with Mr. Rhodes is doing except he is proposing one house. There are five flag lots in the area, which are duplexes. One of them was recently built in 2013. My problem with this is why go with the duplex in the back instead of one house. We have 28,000 square feet lot. It takes 10,000 square feet to build a duplex. The lot is 28,000 square feet. The density is going up twice more than what the normal circumstances would be. We are only asking and we don't have the funds. So, I would not object to this. I would like the flag lot. I don't like the duplex because this would create a hardship to me because later on I would have to do the same thing he does. I propose some other plans for me, by-right, he could build seven houses. Ms. Karen Lasley, we talked with my engineer last week actually and the other proposal would be to create the drive way as Mr. Rhodes has it and put two semi-attached houses on two different lots, single-family lots in the back, and we can also sell each unit, so my problem with this is with the density. We don't want to over build there. We are way under built in a 28,000 square foot lot to build one house. That would change the character of the neighborhood. You see 5,000 flag lots and then you see one house on 28,000 square foot lot. So, that's the reason you have to tell us and the rest will be little.

Jeff Hodgson: Do you own the parcel to the right of this?

Dimitrios Manousos: Yes sir.

Jeff Hodgson: Okay. You prefer more than a single-family house that he is putting there.

Dimitrios Manousos: I would do what Mr. Rhodes does, only I would like a duplex or two semi-attached houses.

Jeff Hodgson: We'll have to look at your application when it comes forward.

Dimitrios Manousos: I did file an application before with Ms. Gay and it was denied by you. I'm sorry. I withdrew my application.

Jeff Hodgson: I don't remember seeing it. Okay.

Dimitrios Manousos: I just want to say to you that before I bought this property, I went to Development Services and Mr. Jim Pearce and Ray Odom, both of them assured me that I could put two houses in the court that I was talking about, two houses and a duplex in the back. Somehow, they move from Development Services to the Planning. Who's doing the subdivisions? At that time, I am talking a couple

of years ago. And they assured me that before I bought the property, they assured, I could put two houses a duplex. When the power shifted to the Planning, everything changes because they didn't want a flag lot. So, it is a hardship for me.

Jeff Hodgson: Okay.

Dimitrios Manousos: Because I was promised by the city four units and now we do this, it will be three units, so I would like for you to that into consideration that if you approve this, it is a hardship for me also. I have to follow him. Okay.

Jeff Hodgson: Are there any question for Mr. Manousos? Thank you sir.

Dimitrios Manousos: Thank you.

Jeff Hodgson: Are there any other speakers?

Jan Rucinski: There are no other speakers.

Jeff Hodgson: Mr. Bourdon.

Eddie Bourdon: Mr. Manousos had every opportunity to acquire this particular piece of property and I certainly wish he had done so, and Mr. Rhodes was an innocent by-stander in that circumstance. But what, and I certainly don't know, and I am not even going to attempt to respond to the assertion with regard to the DSC. The simple narrative is what he is asking for is the in between position the ten by-right if you put it all together throw the cul-de-sac and max it out, he is asking to do, with the four and four, a total of eight, and what my client paid for the property. He is able to make a profit and build three. I believe what he is doing is and I told you all this last month. He'll do a duplex. He'll do a single-family. The civic league, the community the person who lived there forever, prefer a single-family. He is proposing a single-family. When Mr. Manousos comes forward and proposes what he wishes to propose, the Commission can make its mind up on his proposal.

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

Donald Horsley: Mr. Bourdon, you're in 100 percent agreement to go with what your plan is today. No questions asked?

Eddie Bourdon: Absolutely correct.

Donald Horsley: Okay. Thank you.

Jeff Hodgson: No other speakers?

Jan Rucinski: No other speakers.

Jeff Hodgson: We'll close his and open it up for discussion amongst the Commission. Would anybody like to lead it off?

Bob Thornton: I'll just say something real quick and simple. When we heard this last time, we all were a little bit concerned about putting a duplex back on the back side of this lot, and we went to the applicant and explained that we would like to express our thoughts on a single-family, he has done that. In my opinion is, I don't think he can hurt a neighborhood by having less density. It is a nice looking plan. Yes, the lots a little larger than the rest of them but in today's world, people like decent size lots. I commend Mr. Rhodes for doing what he has done and I'm in favor of voting for this as they submitted it back to us.

Jeff Hodgson: Is there anybody else.

Jan Rucinski: I agree.

Jeff Hodgson: Would anyone like to make a motion?

Jan Rucinski: I will make a motion to approve the application.

Don Horsley: Second.

Jeff Hodgson: A motion made by Commissioner Jan Rucinski and seconded by Don Horsley. Mr. Weeden?

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

Ed Weeden: By a vote of 11-0, the Commission has approved the application of Dacor, L.L.C.

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

Item #D3

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 - It's Our Future: A Choice City, 2016, including the Policy Document, Technical Report, Reference Handbook and all plans incorporated by reference, which will supersede the 2009 Comprehensive Plan.

April 13, 2016

**REGULAR**

Jan Rucinski: The next item on the agenda is item D3, 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 - It's Our Future: A Choice City, 2016, including the Policy Document, Technical Report, Reference Handbook and all plans incorporated by reference, which will supersede the 2009 Comprehensive Plan.

Jeff Hodgson: There are no speakers. We'll close it for discussion amongst the Commission. Does anybody have discussion?

Mike Inman: I have a motion.

Jeff Hodgson: We have a motion.

Mike Inman: I have a motion that we forward the Comprehensive Plan we just approved to City Council.

Jeff Hodgson: Motion made by Commissioner Inman and seconded by Commissioner Rucinski.

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

Ed Weeden: By a vote of 11-0, the Commission has approved to move the Comprehensive Plan to City council.

Jeff Hodgson: We have no more items.

Donald Horsley: Can I make a comment?

Item #D3

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 - It's Our Future: A Choice City, 2016, including the Policy Document, Technical Report, Reference Handbook and all plans incorporated by reference, which will supersede the 2009 Comprehensive Plan  
Page 2

Jeff Hodgson: Yes sir.

Donald Horsley: I am sitting awful quiet today, and I know you all think that is unusual but I didn't on this Comprehensive Plan as much as the rest of you here because I was gone all last year. I didn't have much to say today. I just want to let the Seatack community know that the Comprehensive Plan is processed over the years has changed drastically. I've been around for a long time. Mr. Minns, I remember you when you were a young whipper snapper coming in here talking to groups. I remember that from many years ago. But the in depth analysis that is given to the Comprehensive Plan in these last two wasn't done many years ago because we didn't have the need for that in depth analysis. The City has grown and specialized in its development process over these years and it hasn't. But rest assure that your community will be well looked after because I can remember serving with the Honorable Barnett Thoroughgood from your community, and he took care of your people very well and he was a very honorable man and I can remember serving with him with great pride. He was a good man over the years that he was here. And we miss him, we really, really do. But I just want you to be assured that if nothing has been left out of any community, if there is a specific need and I'm hoping that this analysis will take place after this because the motion that was made, we will find out if it has the need to have a specific focus area for Seatack. I am sure it will proceed there but I want you to be assured that you are not getting overlooked or penalized in any way. It's just the way the City has developed over the years and these last two Comprehensive Plans have been so heavily scrutinized with the Strategic Growth Areas, the SFAs. We didn't have anything like that many years ago. So rest assured that we will take care of you. I'll be here for at least three more years anyway. Thank you, sir.

Jeff Hodgson: Is there anything else? If not, I would like to thank everybody for coming down today. I would like to thank Director Barry and his department for taking the heavy lifting on all of these. Thank you very much.

Ross Brockwell: This Comprehensive Plan has been really enjoyable for me to work on. I know everyone take it very seriously. It has been a real pleasure for me for the life time love for this City. It has been very enjoyable, and I thank you all very much.

Jeff Hodgson: Thank you. Meeting is adjourned.

Item #D4

City of Virginia Beach

The adoption of the City of Virginia Beach Comprehensive Plan—It’s Our Future: A Choice City, 2016, which will supersede the Virginia Beach Comprehensive Plan 2009 and will contain the following: Preface [purpose and use of the Comprehensive Plan, public outreach and processes and elements of the Plan—policy document, technical report, reference handbook], planned land use map, urban areas [Strategic Growth Areas—Burton Station SGA, Centerville SGA, Newtown SGA, Pembroke SGA, Rosemont SGA, Lynnhaven SGA, Hilltop SGA, Resort Area SGA], Suburban Areas [Suburban Focus Areas—Shore Drive Corridor, North Courthouse/South Holland, Historic Kempsville Area, Virginia Aquarium & Owl’s Creek Area, First Colonial Medical Corridor, Sandbridge, North Beach (North End), Military Highway Corridor, Historic Seatack Community], Princess Anne Commons & Transition Area, Rural Area, Military Installations & Support, Master Transportation Plan [Citywide transportation policies/complete streets, roadways, public transit, active transportation, other regional scale transportation planning, transportation demand management, intelligent transportation systems], environment stewardship framework [Sustainability Plan, water resources protection and management, parks and conserved lands, green infrastructure, living resources and ecosystem management (urban forestry, living shorelines, unique plant and animal habitats), sea level rise, recurrent flooding and hazard mitigation, land development and stormwater management, energy resources management and alternative energy development, solid and hazardous waste management, noise, light and air pollution management], Housing and Neighborhood Plan, economic vitality [Strategic Economic Growth Areas—SEGA 1-East Oceana, SEGA 2-West Oceana, SEGA 3-South Oceana, SEGA 4-Princess Anne Commons], plan implementation [implementing the plan, summary of policies, agenda for future action], the Technical Report, Reference Handbook, and the following plans and amendments thereto: Virginia Beach Historic Resources Management Plan (1994), Natural Heritage Report (1994), Municipal Center Master Plan (1997), Consolidated Strategy and Plan for Housing and Community Development Programs, Public Facilities: General Aesthetic Guidelines (2000), Shore Drive Corridor Plan (2000), Southern Watershed Area Management Plan (2001)—Multiple Benefits Conservation Plan, Strategic Plan for Agriculture in Chesapeake and Virginia Beach, Southern Watershed Area Rural Area Preservation Plan, Conservation Plan for the Southern Watershed Area, Beach Management Plan, 2002, Shore Drive Corridor Design Guidelines (2002), Retail Establishments and Shopping Center Ordinance Guidelines (2002), Mixed Use Development Guidelines (2004), Hampton Roads Joint Land Use Study (2005), Old Beach Design Guidelines (2005), Historic Kempsville Area Master Plan (2006, amended 2014), APZ-1/Clear Zone Master Plan (2008), Virginia Beach Outdoors Plan (2008), Resort Area Strategic Action Plan (2008), Northampton Corridor Strategic Growth Area Implementation Plan (Burton Station) (2009), Pembroke Strategic Growth Area 4 Implementation Plan (2009, amended 2014), Major Street Network Ultimate Rights-of-Way (2010), Newtown Strategic Growth Area Master Plan (2010), Interfacility Traffic Area (ITA) and Vicinity Master Plan (2011), Bikeways and Trails Plan (2011), Rosemont Strategic Growth Area Master Plan (2011), Virginia Aquarium and Owls Creek Area Master Plan (2011), Lynnhaven Strategic Growth Area Master Plan (2012), Oceanfront Resort District Design Guidelines (2012), Hilltop Strategic Growth Area Master Plan (2012), Centerville Strategic Growth Area Master Plan (2013), Urban Forest Management Plan (2014), Transition Area Design Guidelines (2015), and Green Sea Blueway and Greenway Management Plan (2015).

April 13, 2016

## **REGULAR**

Jan Rucinski: Our next item on the agenda is D4 for the City of Virginia Beach, the Adoption of the City of Virginia Beach Comprehensive Plan “It’s Our Future: A Choice City, 2016” which supersedes the



Item #D4

City of Virginia Beach

The adoption of the City of Virginia Beach Comprehensive Plan-It's Our Future: A Choice City, 2016,  
Page 2

Virginia Beach Comprehensive Plan 2009 and will contain a Policy Document, a Technical Report, Reference Handbooks, Land Use Maps, and photos. I believe Jeryl is going to give us a quick run through and presentation of that.

Kay Wilson: Jeryl, I would just like to inform the Planning Commission that they will need to vote on D4, that will be your vote on the Comprehensive Plan, and then when you do D3, that is simply a vote to send it off to City Council. Thank you.

Jeryl Phillips: Good afternoon Mr. Chairman and members of the Commission, I'm Jeryl Phillips, Comprehensive Planning Manager. Just to recap where we are with this item, and for the benefit of the public, our Comprehensive Plan update that is proposed. Just to back track on our process and talk about our proposed revisions and the Addendum. The Planning Commission is required under Virginia Code Section 15.2-2223 to review the adopted Comprehensive Plan at least once every five years to determine whether it is advisable to amend the Plan, and to that end the Department of Planning and Community Development and Planning Commission began a review of the 2009 Comprehensive Plan adopted December 8, 2009, as it was last amended, in January 2014. The Planning Commission and City Planners hosted open houses around the city in held a virtual town hall session with the citizens serving in October and November of 2014. And the staff and 19 city departments also participated in two workshops for the purpose of obtaining input. Through these forums, citizens and city staff prepared opinions about the City of Virginia Beach and the Comprehensive Plan including what may need improvement. After consideration of all the public and staff input came through the process described, the Planning Commission reviewed each chapter of the 2009 Comprehensive Plan during the period of February 2015 to June 2015. Along with city staff, the Commission studied the existing conditions recent and projective trends and new state planning mandates. In addition to being responsive to public input, the Commission established several desired outcomes for this plan updates as follows. To build on the strengths of the current Plan, with an updated Plan which is appropriate for this present time in 2016 and looking ahead to the year 2040, to address new State planning mandates approved by the General Assembly in December 2009, and to align the plan with the goals and of Envision Virginia Beach 2040, the regions 2040 long range transportation plan, and our community plan for a sustainable future. AN initial draft Comprehensive Plan was prepared in November 2015 for Planning Commission and Council review, and subsequently a public review draft was prepared. Citizens were invited to review the draft plan and provide feedback during the month of January 2016. The Virginia Department of Transportation was also provided a copy of the draft Plan to determine the plan's compliance with Virginia Code Section 15.2-2222.1. All public feedback received on the draft plan was presented to the Planning Commission in February 2016 and a final draft plan dated February 24<sup>th</sup> was prepared based on that input. You held a public hearing on March 9<sup>th</sup>, and received public input on the final draft plan. You deferred action at the time, and gathered in a workshop to consider that input, and to consider a list of proposed revisions. A list of proposed revisions is in your packet, and based on this morning's discussion with some additional input, there is an addendum. It is a little hard to read on the screen and I'll go over it. The first item on the addendum is a proposed revision to the Policy Document based on a public meeting that was held with the Aragona Civic League and considered by you this morning regarding the Pembroke Strategic Growth Area Plan. So this is the proposed amendment adding an agenda for future action recommendation to the Pembroke SGA section of the Plan Chapter 1, Section 1.2, Page 37, "prepare a Master Transportation Plan for the Pembroke SGA using a public process that involves the adjacent neighborhoods". Next, in addition to the Rural Area, Chapter 2, Section 1.5 on page 9, in the

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section on the Rural Preservation Plan insert the following sentence after the last bullet listing planning objectives for the rural area. The City's commitment to directing a new growth in to the Strategic Growth Areas and special economic growth areas is complementary to these rural preservation plan objectives. This was a very important statement for you as you worked on this chapter. We receive a request to make a minor change to a sentence in the Master Transportation Plan acknowledging that the City is contracted with ODU the Virginia Modeling Analysis and Simulation Center to prepare the modeling that was the basis for the update of the Master Transportation Plan. And then lastly, a map was omitted from Exhibit A, in your list of proposed revision, and that was the map with a labeling change for Suburban Focus Area 8, the Military Highway Corridor Strategic Focus Area. You can look to the next page so you can see that map. It was just a labeling change. We mislabeled a portion of the City of Norfolk as the City of Chesapeake. We are making that correction. So, with that list of proposed changes and that addendum, the staff recommends approval of the Plan and it is available for any questions.

Jeff Hodgson: Does anyone have any questions for Jeryl?

Jeryl Phillips: And before I leave, I would just like to acknowledge all of your time and effort working with us. We really appreciate this in the past two years and the huge staff effort that was involved, led by the Comprehensive Planning Division and a lot of input from many other departments. We appreciate the support of the Director.

Jeff Hodgson: I believe this has been going on for a year and a half on this.

Jeryl Phillips: Almost two years.

Jeff Hodgson: Almost two years. The list is too long to even begin to mention you all who have been involved in this. I mean, the countless hours. I mean by your team and the Commission up here. I think in some ways the City staff was over us. We went through this line by line and word by word, and we started with a great plan before and our goal was, and the reason why we took it so seriously was to try and make it that much better for the final; so, thanks for being patient with all of us for all the little nick picks that we went through and did in this Plan. So, thank you.

Jeryl Phillips: Thank you.

Jan Rucinski: I just have one thing. For those who weren't familiar, if you could just provide some clarification. So, once this goes to Council, and whatever point it becomes accepted, it is going to be one whole document. They are not going to see piece meal on what was changed at those different times. Everything is going to flow smoothly and it is going to be all together in one document.

Jeryl Phillips: Correct. All adopted revisions would be moved in to a new clean document of three parts, a Policy Document, a Technical Report, and a Reference Handbook.

Jan Rucinski: Okay. Thank you.

Jeff Hodgson: thanks Jeryl.

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Jan Rucinski: We have a speaker in support and that is Lorraine Samko, representing the Aragona Village Civic League.

Jeff Hodgson: Good afternoon.

Lorraine Samko: Good afternoon. Thank you. I've never spoken before a group before so forgive me if I am nervous.

Jan Rucinski: Please state your name for the record.

Lorraine Samko: I have a prepared statement.

Jeff Hodgson: Could you please state your name first for the record.

Lorraine Samko: I am Lorraine Samko and I am President of Aragona Village Civic League in the Bayside District of Virginia Beach. Okay. I do have a prepared statement. Good afternoon, ladies and gentlemen of the Planning Commission. I am Lorraine Samko, President of the Aragona Village Civic League. I am here today in representation of a consensus of the residents of the Aragona Village. Aragona Village Civic League and the residents of Aragona Village, respectfully ask today that the Planning Commission approve the City Comprehensive Plan, with its incorporated Strategic Growth Districts to include an addendum, an amendment, or revision that would adopt the removal of actual physical written and visual consideration to open a paper street section of Lavender Lane and Aragona Village located between Broad Street and Virginia Beach Boulevard and that future plans and maps reflect this matter, which was item A on the handout that I brought a copy of for each member. Aragona Village, begun in 1957 by Johnny Aragona, has existed much earlier than the surrounding development built to our north, east, south and west. Our neighborhood sustains direct impact of encroachment from all sides to include the increase of heavy and dangerous traffic on numerous streets in our neighborhood that were only designed and initially for neighborhood usage. This includes Lavender Lane, Aragona Boulevard, Sullivan Boulevard, and Kellam Road among others. It is fair to note that Aragona Village has never been directly invited to participate in the planning stages of either the Pembroke Strategic Growth Area referenced further as PSGA Plan or the City Comprehensive Plan. And while we respect the protocol of public notice, if we are suggested in print from our city government, to be directly impacted by a flyover to run straight through the southwestern part of our neighborhood of 2,988 homes per the City tax records, which is item B, then we should be invited to participate on a personal level at the beginning of such planning. It is stated on page 12 of the PSGA plan that Columbus Station and Pocahontas Village were to be invited to participate in early planning and then have no such affront suggested for these neighborhoods. A presentation brought to an Aragona Village Civic League meeting in September 2014, long after much of the planning had been done, did not include the power point slide presentation in item B.

The Lavender Lane flyover only came to our attention in the month of March by an astute neighbor who now watches web and print for information related to our neighborhood. We requested copies of all current plans and an Aragona Village Civic League task force reviewed them in full. In reviewing this to the PSGA plans it is more discretely indicated to open through traffic on a paper section of Lavender

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Lane between Broad Street and Virginia Beach Boulevard and create a flyover, which is item C. We requested a meeting with PSGA Planning to address this, along with other questions concerning the effects of the plans. We met on April 7 with Mark Shea and Ashby Moss. We directed to them at present:

1. Lavender is a lane, not a Boulevard or road. Traffic on Lavender is excessive and extremely dangerous at present. Speeding at or in excess of 35 mph is normal and has been substantiated by Virginia Beach Traffic Engineering. We have received minimal support from Traffic Engineering to curb the abuse. Even additional stop signs have been asked for and we have been denied.
2. There are 70 homeowners on Lavender that directly sustain the current traffic misconduct on a daily basis. Adjacent streets of Rose Marie, with 55 homes, Jacqueline, with 85 homes and Carnation, with 41 homes, also bear a substantial impact. These homes have already lost resale value due to the current traffic conditions. Homeowners selling their homes have concerns about them being shown at peak commute times.
3. There are a minimum 3 elementary bus stops on Lavender Lane, one within 75 feet of Witchduck Road traffic. There are also several middle and high school bus stops. A near tragedy happened in fall of 2015 with a car careening at high speed and narrowly missing a parent with children at a bus stop on Lavender.
4. Our Police Department has indicate through reports from Traffic calming work on Sullivan Boulevard that nearly 70 percent of citations issued are not residents of Aragona Village. We feel this holds true to most of the traffic abuse on our streets.

Can you imagine yourself living on Lavender Lane now? And if this lane is opened to further traffic perversion, can you even imagine living within a mile of Lavender Lane?

It was stated by both planners that the flyover presentation in Item B was a concept by an outside consultant and that current or future funding is non-existent and implementation was doubtful. A consensus by all parties was reached that there is no viable reason to continue indication or pursuit, per the plans, to open a paper street section of Lavender Lane between Broad Street and Virginia Beach Boulevard. We asked for directive to proceed to remove this item from the plans and their recommendation was to ask you, the Planning Commission, for this relief. Mark Shea and Brian Solis have indicated they would attend this meeting and would address the Planning Commission to support our request if asked.

Aragona Village Civic League, on behalf of the residents of Aragona village, respectfully requests the Planning Commission approve the City Comprehensive Plan today with an addendum, amendment or revision that would adopt the removal of any consideration to open the paper street section of Lavender Lane in Aragona Village located between Broad Street and Virginia Beach Boulevard and that future plans and maps reflect this matter.

Thank you for your time and allowing us to speak.

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Jeff Hodgson: Thank you Ms. Samko. Real quick! Were you in this morning's meeting? I am not sure you were.

Lorraine Samko: No sir, I was not.

Jeff Hodgson: This came up and we discussed this at our meeting today, and out of that was this addendum, which I don't know if you saw that has future action recommendations for the Master Transportation Plan for the Pembroke SGA, using a public process that involves adjacent neighborhoods, and that is to address your concerns that were brought to us this morning, and we hope that would suffice on what you're looking for.

Lorraine Samko: Do you have a copy that I could see? I did hear the previous speaker mention something but could not hear her from the back.

Jeff Hodgson: If you look at the one that says page 37.

Lorraine Samko: Okay. Alright.

Jeff Hodgson: I believe Mark mentioned that this isn't even proposed in the next 20 years, and since it is not like something that can happen next year, we've got a 20 year window, this gives us time to do a study and make the necessary changes to the SGA. Is that kind of a correct statement?

Mark Shea. Yes that is correct.

Ed Weeden: State your name for the record.

Mark Shea: I'm Mark Shea, Transportation Planner for the City of Virginia Beach. Just to kind of be consistent with Lorraine was saying earlier that we do agree that with the lack of the need being shown for that paper street being connected, and also based on the fact that it is a conceptual plan and that we didn't have any funding identified for the flyover in the next 20 years, however, looking at the big picture the flyover isn't necessary to support the SGA, so we didn't want to go any further on that but our paper street, we were. The second point was the cost estimate on how to do that with a future plan amendment or could it be done at this meeting. Does that answer your question?

Jeff Hodgson: Does that answer your question?

Lorraine Samko: We would have to test that previously.

Jeff Hodgson: Okay. Are there any other questions up here?

Ronald Ripley: The idea of the public plan was really to look at the whole area, so if the transportation is not working the way it should work and how it should work in the future, this part that you brought up ought to be considered seriously, so that was the idea of the plan.

Mark Shea: We are seeing Lavender Lane as a whole.

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Lorraine Samko: Lavender Lane is a whole and should be addressed and I think it is important that we begin now to address the fact that if we don't do something it is going to be worse and certainly, I think we've agreed that a flyover would not help the situation, but I think there are things that we can do within the Plans to assist our neighborhood and better traffic management for our neighbors.

Jeff Hodgson: I think we agree with you and this gives us an opportunity to do that at a greater detail instead of just having one more piece.

Lorraine Samko: Okay.

Jeff Hodgson: Is there anybody else.

Lorraine Samko: Thank you for your time.

Jan Rucinski: Our next speaker is in opposition and it is the Seatack Community Civic League. There is no name on here. It just says Seatack Community Civic League.

E. George Minns: That is not my card. My card has my name on it

Jeff Hodgson: Did anyone just write Seatack Civic League speaker?

E. George Minns: That is not my handwriting.

Jeff Hodgson: Please continue.

E. George Minns: Seatack would ask....

Jeff Hodgson: Please state your name.

E. George Minns: E. George Minns, President of the Seatack Community Civic League. We would have to ask that again that this not be approved on the basis of fundamental values. Other communities may have minor situations. As I indicated to this body on March 9<sup>th</sup>, Seatack was left out for 40 years, as it relates to the Comprehensive Plan, 48 years overlooked historically, although we were the first community there. Now, keep in mind that Seatack has never caused any problems to the City. Seatack has provided a lot of the backbone that helped the foundation of the City to grow. So, why is it that Seatack has to beg for basic American fundamental values? If you look at what was before you on March 9<sup>th</sup>, now you look at what's before you today, we are in worse condition today, as it relates to the Comprehensive Plan than we were on March 9<sup>th</sup> when this body took a constitutional position and sent it back to get it corrected. On March 9<sup>th</sup>, your record will show they got our name correct, Historic Seatack Community, they placed us in the proper position Suburban Focus Area, along with other suburban focus areas. In that aspect, name Suburban Focus Area, we were equal for a moment. We didn't have anybody else to come to other than you to exercise our free speech and objection. We did not create the problem we are forced to live under. We did not exclude ourselves for 40 years. We excluded by the City. We didn't create the problem. We came to the City to correct the unjust, the unconstitutional lift that was opposed upon our community for over 40 years, while everything around

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us progressed. When due process, I believe would be required. And due process is a process that is due under a given set of circumstances depending on the precise governmental action to a degree to which the American citizens have to suffer. We already suffered 40 years before we even knew what a Comprehensive Plan was. We didn't get a full understanding of it until January, so we come before you in March and I outline to you this problem that is forced upon us, not any other community in the Oceanfront. We are the only African-American community in the Oceanfront. We had no control of being born African-American. Why is that being used to treat us differently? If you look at the March 9th and you look at what's proposed today. You look at North Beach, it stays the same. You look at Shore Drive Corridor, it stays the same. These are focus areas. Now you look at Seatack. Delete the name. Delete the picture. Delete the text. The only thing we were saying was correct our history. We are over 200 year old community. As African-Americans, haven't we suffered enough? Is it too much to ask that our history be correct for all our contributions we given before any law American ever had? Who created the problem? Mr. Frankenfield said he was going to write up something with a passion. Well that sounded fair. The only thing he didn't tell he was going to write it up, and put it in the book before letting me know. So, that's where the argument started over history because what was in there was wrong, because Mr. Frankenfield didn't grow up in Seatack. He does not know Seatack history. Each city community should have the American right to tell you who they are. What their needs are. We should not be punished for exercising free speech, but if you look where we were on March 9<sup>th</sup>, and look where we are today, in your records, we were punished. Now what would the Supreme Court say about punishing innocent American citizens guilty of no crime? We haven't committed a crime. All we wanted was our history corrected. To impose punishment upon a person solely because he can do it, because he has the power to do it, just was William O. Douglas, who was one of the longest is sitting on the Supreme Court, said it's offensive to the cardinal principles for which the Constitution stands. We would never have liberty and justice for all if citizens can't come to you and explain their community conditions and surely not to be there after punished because you sent back for corrections. We should have not been punished but when you take this below from where we were, and you said now delete them. That's punishment for what? You just had us where we should have been all the time in the Suburban Focus Area but you took it all away. That's wrong. It's constitutionally wrong. At the very moment, we deserve procedural process since all of it does involve property. Here is the record of the notice we received. We just got notice this was being done to us April 7<sup>th</sup>. Would you please pass this around? This is Mr. Frankenfield's email to us that we discovered what was being done to us. Now, somewhere I read that citizens were supposed to be given two week notice on changes of that major. And these are material changes. These are not minor changes. And we shouldn't get mad and punish us because, he doesn't know our history, you can't know it. You didn't live it. That's the reason we ask because once the Comprehensive Plan goes forward, that's five years. We should not be committed to suffer five more years. We already suffered 40. I believe somewhere along the line that even Seatack is entitled to equal justice under the law. I think the Federal constitution says that "No state shall make or enforce any laws that are abuse the rights and privileges or deny its inhabitants. We are inhabitants, equal protection under the law. How can you look at how Shore Drive is? Adequately treated. Look at North Beach. Adequately treated. But look at what happened to Seatack? Denied for 40 years, and then when we finally discovered what was going on, we didn't know anything about a Comprehensive Plan. Last month we were almost there. We were almost to the equality, but now we are worse off just because we exercised free speech. I don't think you can punish American citizens for going to the statutory governmental body exercising free speech. And look at the different between where we were when you sent it back and look where we are now and tell me what is the crime that we committed that

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would warrant that degree of punishment upon a community, the entire community? Even if you hate George Minns, you cannot justify punishing a whole community because you don't like the Civic League President, denying free speech even if there are things we don't agree because we are limited. And Seatack doesn't need the Planning department to be a Taliban on us. We supposed to be America. And no citizen should feel afraid to come before the Planning Commission or City Council, and the city record should not show that those innocent American citizens have been punished by city staff for free speech. Are there any questions?

Jeff Hodgson: Are there any questions for Mr. Minns? I just have one question. You said you weren't aware of the Comprehensive Plan until this January that it even existed?

E. George Minns: In the context of how it works and so forth. I heard the phrase Comprehensive Plan. But we didn't know that communities could participate in it and all of that. When the City uses a lot of phrases, they don't ring a bell. Just like we caught them labeling our community Oceana East, but you use that phrase, people at Seatack don't know what you're talking about.

Jeff Hodgson: I don't think the City intentionally hid the Comprehensive Plan from Seatack and showed it to the rest of Virginia Beach and just didn't show Seatack that we had a Comprehensive Plan.

E. George Minns: Let me say and I will put it like this. If you are subjected to a second rate education system for years, and you expect it to function like people who never suffered that, we are constantly being subjected to things. Now you can hear about Comprehensive Plan, you can hear a lot of phrases but you don't really know the inner workings of it that ok if it opens up like the Red Sea once, and then it closes up for five years. We are sitting in Seatack we were wondering why were things are being done in other communities but not in ours. After we got in to in depth, I saw a map with a name that I have never seen, so I went to digging and that's what led to a full understanding of the Comprehensive Plan. And that's when inside that old community it began to understand why we got left out of so much, so that became really important for us get into a better corrected now, because it is basically now or never. We got overlays all on top of us that shouldn't even be in our residential area. In fact, when proposed by the City they were not going to do it. One of them was the aquarium. It was supposed to go around the back of Seatack. We went to the day time meeting, the nighttime meeting and all that, and they showed us maps and said okay, we are not coming through your residential area, and then we got to January 20<sup>th</sup> at the Convention Center, the map they got up there is the one they had at the beginning. So, they fooled us by switching the maps. It was like a bait and switch thing going on. That is what I mean when I say what we experience in Seatack versus what you see in other areas. And then City records showed you were an imbalance in the black community and not in others because they go down there and meet with them privately and explain things to them and they didn't do that to us. It is not the same. So we will ask that you not approve this. No other community in the City has suffered 40 years. We have now suffered in front of you. We were here on March 9<sup>th</sup>. You see where that is, it is on your record. And you see where we are today, which is less. That's punishment. That's wrong.

Jeff Hodgson: Just one more thing I want to clarify is this. You mentioned that if this is approved, it is five years. That's it. I would just like to tell you that five years that I've been on here, I can't tell you how many Comprehensive Plan revisions we've done in the last five years that I've been on here. So, it is not that if it is approved today, nothing can happen to it for five years. It can be amended next month,



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two months from now, six months from now. So, it is not a five year.

E. George Minns: You know how indian say if you walk a mile in my moccasins then you understand my pain. If your community has been denied 40 years, you finally find out and the doors open and gasping and go cope to find the equal that the sun is shining. March 9<sup>th</sup>, we were close. But from March 9<sup>th</sup>, to here, that is basically a 30 day period, look how far we've been pushed almost back to where we were before we even discovered it. And, now you're saying, it could be. It could be. It could have been done any time in the 40 years but it wasn't.

Jeff Hodgson: So, my understanding was that previously everything you asked for is in here.

E. George Minns: No sir.

Jeff Hodgson: With the exception you're saying the Special Focus Area, that map.

E. George Minns: No sir. The history that is written in the revision...

Jeff Hodgson: Which I am looking at right here.

E. George Minns: Does even match the Circuit Court Records. I just didn't go down bullet, bullet, bullet, all the things that are off base. It is contradictory within the first paragraph of itself. It says formed in the late 1800s. Don't you know we got our name in the war of 1812? So, how can you say we've become existing in the late 1800s?

Jeff Hodgson: It says possible as far back as the 1500s.

E. George Minns: But I'm saying it's bouncing around.

Jeff Hodgson: Well, okay.

E. George Minns: The history leaves out a lot. It is twisting in ways it shouldn't be. So, the history is not correct. Then we are moved out of the Suburban Focus Area where we should be.

Jan Rucinsk: I have a question.

E. George Minns: Yes ma'am.

Jan Rucinski: Why do you think you need to be in the Suburban Focus Area? What focus do you think that the Planning Department or the city of Virginia Beach needs to do at Seatack?

E. George Minns: Number one, it should be respected as a historical community. Since the Supreme Court of Virginia says you don't have to have a historical building. They already tore down all the historical buildings. But there could still be a historical overlay district protecting its culture. How does the City justify trashing all of the black history in Seatack that is American history. We have civil war graves and stuff there and other artifacts. How do you justify overlooking it?

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Jan Rucinski: It is not overlooked.

E. George Minns: It has been totally overlooked. There is no reference.

Jan Rucinski: It has been moved to the historical section of the Comprehensive Plan, so my question to you is why do you think there needs to be a Special Focus Area? What focus do you think the city needs to have in regards to Planning for Seatack?

E. George Minns: The same, equal should mean equal. The same way the City preserved community that came into existence in 1915 Old Beach. That is the same type of City delivering of preservation services that should have been delivered to the Seatack Community that has existed over 200 years. If no more than the fact that we helped build the town of Virginia Beach, and the City of Virginia Beach, for all we've contributed. In your own documents, it says something about those who contributed to the growth work and development of the City. But how do you disregard Seatack?

Jan Rucinski: I still don't understand why you think it should be a Special Focus Area?

E. George Minns: Because we made contributions to this City, and our community is being eaten up from 1963 to now. It is like pacman eating our community up, so our boundary is going to be outlined and that area needs an overlay historical culture area, and tweaked as past history. We don't have a chance to show the historical value, because no one won't listen. A lot say the same thing like you. But I don't understand. Sometimes it is hard to understand other people's culture, and we will never understand diversified cultures if we don't give them a chance. But they understood Old Beach.

Jan Rucinski: Because there were changes that needed to be made there. What changes need to be made to Seatack?

E. George Minns: Stop trashing it. Stop putting storage sheds in there. Give it a chance to be the historical place that it is, recognize the few historical things that are still there so we can have in this city a black history tour about American history. It is as much American history in Virginia Beach, as a matter of fact, it is the Colonial Williamsburg of Virginia beach. But it has been overlooked. The City saw the significance in Kempsville, but it's overlooked at Seatack.

Jan Rucinski: Because changes need to be done there, and that is why I believe by putting in the Technical Report and referring to the History of Seatack and giving Seatack the credit for the history that is there is a more appropriate place for Seatack to be outlined in the Comprehensive Plan.

E. George Minns: I respectfully disagree that Seatack is more than just history. We are still there, but our community is being wiped out. What you're talking about leads to our land being taken and anything else done with it, without us having a voice. And that is what happens with the section I live in. We ask you as a body today, to consider these wrongs that has been done. You can refuse. We've then left with nothing but the Federal judge because at somewhere it needs to stop. Anybody outside of Seatack shoves down Seatack is struggles, to microwave what I think your land should be used for.

Jeff Hodgson: Speaking for me and nobody else up here. I think this is a very important area. I think this area is surrounded by the some of the City's biggest assets. The aquarium, the Oceanfront, the

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potential arena that may be coming in, the amusement park that is there. You've got a lot of the amenities surrounding the Seatack area. I personally think this is a very important area. The one thing I think we're doing positive here is instead of at the 11<sup>th</sup> hour trying to rush and create an SFA in this area, when it needs to be studied a little more, which is what was asked, and you're saying that once it's approved by Council, it is five years. That is not true. It could be next month we can decide and say let's look at this as a Special Focus Area, and spend the time on it instead of holding this entire plan up that we worked for two years on because this came to us at the 11<sup>th</sup> hour. It wasn't because we're trying to punish you, and I'm speaking for myself. I don't think anybody here is trying to punish you. I think this came to us at the 11<sup>th</sup> hour. We worked incredibly hard on this document, and to trying to shove something in at the last minute and not give it the attention that we gave every other piece of this document is not fair to you, Seatack or the City of Virginia Beach as a whole.

E. George Minns: Let me ask you this what would it take away from you as Commissioner of the City, to put Seatack if only simplistically on equal footing of significance in a Suburban Focus Area?

Jeff Hodgson: I don't think anyone is disagreeing with you on that. I think we want to look at this, instead at the 11<sup>th</sup> hour trying to stick something in here that may not be right or it might not do you the justice that is deserved.

E. George Minns: The injustice is to do things in to us without us included. Whatever was done in back rooms, we were not included.

Bob Thornton: What exactly are you talking about? What was done to you that you didn't know about? We had public hearings for zoning. Public hearings for use permits, public hearings for everything known to man in the City, which is the way it is supposed to be. So what exactly are you talking about? What specific?

E. George Minns: The original write-up that went in the printed book was not shown to us until after it was in that book. We were not told anything before it went in. We were told it would be written up, could review it. That sounded very fair. When we went to look, it was already in the book. Then we were told that it cannot be changed. It has to go past Planning and City Council before any revisions could be done.

Bob Thornton: Are you talking about the amendments that the plan we are working on now? Are you talking about the past?

E. George Minns: What came before you on March 9<sup>th</sup> when we were in a Suburban Focus Area. Nobody said we shouldn't be in a Suburban Focus area, and that's exactly what the Planning Staff brought to the community in the meeting and we got the video.

Jeff Hodgson: That goes back to what I was just been saying. It came to us at the 11<sup>th</sup> hour. And those things, we want to do them right, and all of a sudden were saying here's the map, here is where the SFA needs go. We haven't had a chance to go through that and might even make it better for you, maybe its bigger, maybe smaller. I don't know. We haven't had a chance to go through it we're saying we don't want to hold up two years of work so we could get that. This could be approved by Council next

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week, maybe not. And then the next month. We can say hey, let's look at this SFA and see how we can do this the right way instead of just doing it at the last minute and not doing it right.

E. George Minns: The only reason why I was at the meeting last month, it was because we were not informed as other communities were informed.

Dee Oliver: Mr. Minns, respectfully, every time we do something, it is published. It is published in the newspaper. It is published all over the City for the public to hear it and to know that. That being said, this document is a living short, I think now it is breathing, because we worked on it so much. The document changes constantly. The lady from Aragona came in. All of a sudden she says wait a minute you got this ramp coming in 20 years down the road. Maybe this ramp will come in, maybe it won't come in. But right now, she's got an issue with the paper street. We just, two hours ago made an amendment to add in here to protect this paper street that she doesn't want made into a road. When you came up here the first thing you said when you stood up was I don't want any storage unit. Right?

E. George Minns: That was another application.

Dee Oliver: Right, that is on this issue because what we're talking about is your district. That is in your district. I don't want the storage unit in your district.

E. George Minns: Well, thank you.

Dee Oliver: But you have to give us an opportunity to look at the district, detailed completely. You don't want us to just willy nilly throw a blanket, and a net overlook this area, and just say let's just do it. It is not fair to that area. It is not what you want and it is not what we want. I don't want to see these storage units all through your neighborhood. I think it is terrible.

E. George Minns: They are already there.

Dee Oliver: I realize that. I'm well aware of that. What we have in the book now is your map. We have your map.

E. George Minns: You have part of what we tried to get them to do.

Dee Oliver: Sir, we have a map. We have the history of Seatack. We've done a ton of work on this. What we need to do to make it a focus group for you is to work on that so we can get what you want but we can't do that like that, because we just started working on this 45 days ago. The description is there. It is open-ended and it is ready to roll. It needs to go and be voted on; so, we can do it the correct way.

Jeff Hodgson: I can you that my two years on this Commission, and I will do everything that I can to work in the area. It is my backyard. I live right there too. My best friend lives in Seatack. So, I will do everything that I can, and I'm sorry that I have to say something here. Barry agreed,, and I don't want to put words in your mouth that this warrants to be looked at as a SFA, and we are willing to do that but we as a group said we're rushing it. We don't want to do this half-cocked. Let us look at it in more detail and try to come with something a little better than what we would just shove in right now We are not trying to punish you. I can promise you that.

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Dee Oliver: I don't mean to cut you off but Seatack is not just your community. It is all of our community. We are built around Seatack. We drive through it, we live through, and we use it. It is part of our community. Don't you think we want to be proud of your community when we go through there? Don't you think it is as important to us as it is too you to make it as beautiful as it can possibly be? To rush through this is not in the best interest of that section of our City that we all proud of our City, and we need to take it slow. You're talking new construction, roads, whatever you want, storage buildings and not storage buildings. Change in zonings, not change in zonings. We can't do all that in 45 days. You don't want us too. We want to be as proud of that community as you want it to be.

E. George Minns: May I respond?

Dee Oliver: Yes sir.

E. George Minns: I don't see how anyone else and I can be on the same page if I am not included. For what you're saying now, it sounds like you're saying that the Commission removed it from the Suburban Focus.

Jeff Hodgson: That is correct.

Jan Rucinski: That is correct. We requested a change of placement. We did not want it removed from the Comprehensive Plan. We agreed to a change of placement in the Comprehensive Plan.

Jeff Hodgson: For the history and the map. The SFA, we did not want to stick that in there right now. That was not a choice by Barry. Barry came to us and said it, and again I don't want to put words in your mouth. This area deserves to have a special focus area, and it warrants it. And, I think we all agree on that. We just weren't willing to try and do it that quickly.

E. George Minns: That makes it even more painful. That is saying there was something about the Commission. A decision was made from where we were. We were looking at it March 9<sup>th</sup>. And then it was moved to where it is now, not by Mr. Frankenfield but by the Commission, and we were not even told that it was being discussed, so that our input could have been considered whatever the decision is made to move it from where it was shown on the record March 9<sup>th</sup> to where it is today. In fact, we were actually thinking Mr. Frankenfield did it. But from what you're saying the Commission did it.

Bob Thornton: Mr. Minns, the SFA never existed. There was never a Special Focus Area 10.

E. George Minns: We were 9.

Bob Thornton: Nine.

Bob Thornton: When you came to us in March and brought this matter up, one of Barry's solutions was to say to us, we can create another Special Focus Area built around the map you gave us. After we debated with Barry, we as a body said, it is not proper. We can't debt it. As Dee said, you're not the only people that live in this neighborhood. There are businesses. There are industrial properties. The

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United States Navy has the large piece of property in here that they control by air rights and AICUZ. We just didn't feel like we could stick this in the ordinance or stick this in the plan without having the whole community involved in it. So, we suggested to him to pull it out. We're not comfortable creating a Special Focus Area, so we put your concerns in the Technical section of the book, and that is where we have it today, and that is where we propose to approve it. If you and your neighborhood, and the rest of this body feel like a SFA is warranted, we'll have public debate about it. We'll have a meeting about it. We'll have work sessions on it. We'll ask our staff to give us recommendations, but you have to remember, and Dee said it perfectly right, you all are not the only people that live inside that map. There are lots of businesses. There are lots of people, and we just can't do something to satisfy one small group of that geography, and not take into consideration everybody that is in that geography. So that is why we made the decision we made, and we asked him to move it, and put it where it is today, as a result of our work.

E. George Minns: Why didn't someone let us know?

Dee Oliver: We did. There was a public hearing. You weren't there. It was at Town Center. What was the date of that? At the SGA Office. It was a workshop. It was open to the public.

Ross Brockwell: And also what we are doing today is kind of presenting the results of that workshop. As I was going to point out.

Jeff Hodgson: Hold your though real quick. I know Karen has been waiting. Karen?

Karen Kwasny: I think the discrepancy between what you want and what's there, what's been provided, what's been documented is illustrative of Jeff's initial point, which is that it needs more detailed attention, with your input with you at the table, your community in the discussion for the shaping of the SGA. If it is going to go in as a Suburban Focus Area, I'm sorry SFA, it is going to go in as a SFA. One of the things that was apparent when we were looking at, what we had a workshop is there was a huge body of historical information in the SFA, which isn't appropriate to the information that goes into the Comprehensive Plan on a SFA, it is much more technical, and so when we took out the historical vial information and put it where it belongs, which is in historical resources, and I may add that Seatack has a significant area of text in the historical resources, and rightfully so. It is a valuable historical resource to the City of Virginia Beach and we need to recognize these historical resources because we don't emphasize the draw of our history. It is everyone's history. And so that is the place for that. But when we put that out what was the more technical aspect of the SFA, we were at a loss because work needed to be done to put it into the shape of the other SFAs, and frankly, there just isn't the time to do that with your community at the table. You've illustrated that, you're very displeased with the language in the historical resource section, and you weren't 100 pleased with what was being done in the SFA, and that suggest to me, going back to Jeff's initial point, that this living breathing document, as Dee said, needs to be, this part of it needs to be addressed in such a way that we're patient with the process, so that what needs to be done to highlight the history, mark the area, show the value can be done. Sometimes it's just a matter of taking a step back, taking a look at the value, and then applying. What we're doing right now is arguing over what's not in there, and we just need to take some time with it. And it is not the Red Sea closing. It is actually a door still opening, because there is an opportunity here for us to, really, have your voices be heard and have the history you like in the Comprehensive Plan, Technical Report

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whatever, be there. I think continuing to be divisive about what's not correct and what's not included isn't helping us get to where we need to be and that is push this forward and come back and do what needs to be done, and spend some time providing all of us with a history you're convinced we don't have a value for, and we don't have the knowledge of, and we can't get that in two to three weeks when we're trying to put together this very dense document in its entirety.

E. George Minns: I am absolutely blown away. That a workshop, I was under the impression at your workshop you all discuss things but others could not have input.

Michael Inman: We could never do that. We have to out in the open.

E. George Minns: You could be out in the open but, in other words, I could not speak.

Michael Inman: Oh, okay, I'm sorry. You're right.

E. George Minns: So, I wouldn't have input, and I have to work for a living. So the time for me to have input is today. But I'm hearing that a decision was made in your workshop. I object for the record to that process.

Ross Brockwell: Well, I can make the point that I was going to make and so that you know, in this workshop, we had scheduled for two hours and it took 3 ½ hours. We take this very seriously. One of the things that we discussed was the merits of recommending in the plan is the Historical Overlay District, and that recommendation has large consequences, some which are unforeseeable and unintended and a discussion about, yes of course this is a historic district, should we do a Historical Overlay District? And there are lots of things that happen when you invoke that mechanism that can't be hashed out in a two hour workshop and they can't be hashed out here. So, I am just saying this to let you know that all of these things that you're thinking about are being taken very seriously and considered very thoroughly but like everyone has said, to put this in the Plan in the format that you envisioned, we didn't feel it was appropriate and we think we can go forward confidently with the good recommendation of this Plan in its current form, with plenty of opportunity to address this topic and the others in the fairness they deserve going forward, so I would just like to reassure you personally that we take all of these things seriously, and the things that you may be afraid we have done, we haven't done. We definitely appreciate your commitment and your time and hopefully you understand the things that we try to highlight here in this discussion. So, thank you.

E. George Minns: I owe Mr. Frankenfield an apology because I felt he did it. Now I am informed that it was done in a workshop, in which I would have had no voice, even if I had been physically present I could have no input. Because it wasn't a public hearing, it was a workshop, if I understand correctly, that's the reason we didn't appear because we assumed it was your workshop.

Dee Oliver: Mr. Minns, when you come to a workshop, it gives you the opportunity to actually see what we do. What you see up here is not what we do. When we were in the informal, where you are allowed to come, and nobody is allowed to participate in our conversations, or a workshop that we participate in, you get to see exactly how we process things, what we do, how we vet certain things, what we want for the City. What you view of us here isn't the amount of work and though that goes into every single

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thing. We want the best for Seatack. We want it to grow. We want it to thrive. We want it to look fabulous. Those are the things that we discuss, It takes time to get those things done, and there is a process where in which we are tied to. And in order for us to do that, we have to have more time, but it is like Commissioner Kwasny said, this has opened the door to allow us to work more in depth in that area.

E. George Minns: I want to thank all of you that have done anything to help Seatack. Seatack does not reflect today if you drive through it that anyone has sincerely tried to preserve it. I think you all know that as well. It is a big difference when you tell a citizen this is a hearing where you can speak versus this is a workshop, you can only sit and listen, and you have to make a decision to go to work and so forth. And you don't expect the binding decisions to be made that would have shifted us from where were to where we are now and that decision to have been made in a workshop. That constitutionally scares me a little bit. I'm not going to labor anymore.

Jeff Hodgson: Mr. Minns, I know we're not going to come to an agreement here but we did this in your best interest whether you see that or not.

E. George Minns: I don't.

Jeff Hodgson: I understand. That is your opinion.

Mike Inman: I want to clarify. We didn't make a decision in the workshop. The recommendation on how to proceed today we're making a decision.

E. George Minns: Someone said, they said they made a decision to move from where it was to here.

Jeff Hodgson: Not a decision, a recommendation.

Mike Inman: The recommendation for changing the draft which was done.

Bob Thornton: The SFA was never approved. It was a recommendation from our leader, Mr. Frankenfield, and we processed it. We talked about it. We spend three hours working on it. And at the end of that time, we came to the conclusion this would be a mistake because we're doing it in a hurry, and quite frankly, what I would like to suggest is, where we've reached the point where we put back on the table whether it is a good idea or not to create a Special Focus Group, you be part of it. You come and meet with us. We want your input because you are a big part of that community but you have to remember you're not all of that community. We need the stakeholders at the table and what we would call a Special Focus Area. You are part of it. The businesses are a part of it. There are other people that are part of it. We got to hear that from everybody. If we just did this just for you and the Seatack folks, we would have the other half of the people that live in that area pretty upset with us because we may put something in there that limits their ability to use their property. So, once we get to that point, I as one, and I'll be on this Commission two more years, we want you to work with us. We want a cooperating working environment. We don't want an adversarial environment. And, so that is my closing remark.

E. George Minns: Two things. If you saw what we as a people, a packed church saw. There is DVD of it.



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That is why we DVD it. What Mr. Frankenfield presented to us that Planning would do. He is the Director of Planning, and we have every right to believe to what he was telling us about the Suburban Focus Area, and working on that, when we see we move, an official city record, however it happened and we never knew that anyone was making a decision on Seatack in a workshop.

Jeff Hodgson: We made a recommendation.

E. George Minns: The other thing is that I understand when you see me standing here, it is not just me. There are nine churches, 4000 some citizens, but I hope the same procedure that is applied to Seatack. If you make Seatack bring everybody in the community; so, we can see everybody agree with that and not just you, do the same thing to the rest. But the City records show that special efforts were made to work with other communities and to get them to where they are. That is special effort wasn't applied to Seatack, but I am going to leave that right now. I'm going to go back and outline it chronologically how help was given to others that was not given to Seatack. We operated on basically what was shown to us.

Jeff Hodgson: I don't know the benefit of that. We are telling you right now we are willing to work with you, and we did this in the best interest of Seatack. It seems like we're trying to help you but you're trying to point out all the wrong doings that we did, and that is why I am confused. We did this and delayed this. I hearing you say that you are blaming us that we did that for your community. I am dumb founded.

E. George Minns: I am not blaming you for doing something for my community but as adults, if I'm doing something to impact you, your life, your parent, your hope, dreams and aspirations as an American citizen, should you not as an adult being informed as to what is being done?

Bob Thornton: That is what today is all about. That is today.

Jeff Hodgson: Just like Aragona Village. Today, we informed them what we were doing. We are not treating you any different then we treated them.

Karen Kwasny: I think when Barry came to present to your community what he was making was a recommendation of what could be done with some of your desires, and some of your ideas. And what he brought back to the Commission, and what we reviewed was how that related to land use plans, which we are responsible for in the Comprehensive Plan, and that was why we took a look at what was in the Suburban Focus Area 9, what was in that text and determined what was appropriate to the text and what was appropriate to another part of the Comprehensive Plan document. So, we simply separated things out, and we then we took one piece of it and said this still needs attention. And Mr. Thornton made a very good point about. I understand that you represent a significant body but there are other pieces of that community that may also, want to be at the table that you don't represent. That is an important part of the process, that is that open door we're talking about getting bogged down in parts of the process up to this point that you are displeased with is in impeding the progress and all of us working together and coming up with a quality piece. And I really almost as a supplicant to you ask you to focus on what we can do. And I think we all admitted that there have already been mistakes along the way in terms of how Seatack has been incorporated or addressed in previous

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Comprehensive Plans and the documents. Whether or not we agree on that is subject to debate, I'm sure, for everyone in the room and elsewhere. But I think at the moment were agreeing that more positive work can be done and that we could do it if we put aside displeasure with process up to this point and focus on what can be done with the documents at hand.

Bob Thornton: We can't rectify the past. We can only move forward and work with your community, and do the best we can for your community, the other people in the community and this Commission to make reasonable recommendations to City Council. At the end of the day, they are the people that make the decisions. We make recommendations to them, like Barry makes recommendations to us. And we want to work with you, but dragging up the past does absolutely nothing. We cannot fix the past. What happened two years or what happened in previous Comprehensive Plan, none of us were around then, and we want to make this right. We want to make a good document, and as someone said earlier. This document is constantly being tweaked. We see modifications in the ordinance. We see modifications in the Comprehensive Plan on a frequent basis. By law, we have to do a Master Comprehensive rewrite every five years but that doesn't mean we don't look at it when it is needed. The staff over here brings this stuff to us on a frequent basis and says this is inconsistent with another part of the plan; so, it is a living and breathing document. We want your input but dragging up the past and quite frankly, blaming us for the past, we didn't have anything to do with that. We want to be here to fix it. We want to be part of the solution not the problem.

E. George Minns: I'm not blaming you for the past since you brought that issue up. But I have a duty to bring to your attention those things that we feel. If this one says don't talk about the past. We've already suffered through it. Then we get here. You suffer through the past some more. And nobody wants to touch it. But other things are going on around the City that has been done wrong in the past, is corrected. But I respect your position today. I will argue mine in another forum.

Jeff Hodgson: Thank you sir.

E. George Minns: Thank you.

Jan Rucinski: We have one more speaker in opposition. Cheryl Snowden with Coastal Virginia Preservation.

Jeff Hodgson: Good afternoon.

Cheryl Snowden: Good afternoon to everybody

Jan Rucinski: State your name.

Cheryl Snowden: My name is Cheryl Snowden. Today, I am here as Information Officer for Coastal Virginia Preservation. An organization, we created four of us, and you all know Edna Hendricks, local historian, black historian, retired Lt. Colonel, United States Army, Jim McCue, who is our Vice President. B.G. Mills, who is Second Vice President, Seatack Community Civic League, and myself, who wear a number of hats. I sit on the Vision to Action 2040. I am to an At-large Board member of Seatack Community Civic League, and a native since 1959, since when I was born. After listening to everybody,

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and I'm glad now Barry that we don't have to blame you.

Barry Frankenfield: There is probably some blaming you can do.

Cheryl Snowden: Yeah, I am pretty sure there is. But, what I like to say was Mr. Minns does speak for Seatack Community, those of us the African American land owners and tax payers that live here. We back him and he backs us. I appreciate everything you guys said about going forward but sometimes weren't not going to go forward until we know what the past has done to make corrections. My cousin told me that I'm not going to make any friends trying to make the corrections that we have to make. But what Coastal Virginia Historical Preservation wants to offer to the City of Virginia Beach is the cited and referenced historical contributions of Seatack. Not just within the walls of Birdneck Road but also to from the beginning the Seatack Lifesaving Station that was changed. It is still Seatack. Princess Anne Hotel was Seatack Hotel, before it was changed. We're not just talking about an African American community, when we incorporate. I see this light blinking but I do believe I have ten minutes as a group.

Jeff Hodgson: Yes ma'am.

Cheryl Snowden: Okay. We're not just talking about Birdneck Road, Bells Road. We're talking about Seatack as a whole. With all of this intensive research that we done completed, I got a list right now of 13 items that I could shoot to guys with citations and references to Seatack. Whatever your research is or whatever you have to do, we can help. I personally would like to see being that this gentleman, Ross Brockwell is leaving, can we get someone one on this Planning Commission that would help with the, not only with the research that needs to be done for Seatack, but also a representative because right now I'm looking at everyone here. Is anyone here from Virginia Beach?

Jeff Hodgson: You many not want to hear this but I'm actually am your representative for Seatack.

Cheryl Snowden: Didn't know!. Just as the law doesn't recognize, we call it ignorance but I am just going to say this. We've had so many City representatives come to our civic league, and on questioning and asking why we couldn't do this and why couldn't do that. Not one of them brought up the Comprehensive Plan. So we could be informed with it. I have a Bachelor's Degree in Information Management Technology. I have an MBA. You can imagine how I felt after we found out about the Comprehensive Plan. My family also has a history of the Convention Center of having to be moved by imminent domain. Not that this is the subject here but I'm just saying my parents were never informed. They were just given a piece of paper one day. You have to leave basically. So, what Mr. Minns is talking about I can relate to. When you all talk about I can relate to because I was born and raised here. And a lot of my friends are black and a lot of my friends are white. But he is still trying to show you all is that it may not, and you can say that you didn't do it, but we are still talking about the Planning Commission. Right now, we can't look at you all as individuals, we look at you all as the Planning Commission. We can't look at Barry as an individual, we look at him as the Planning Director. We can't look at the SGA. It is agencies that we are looking at. So, Mr. Minns may be kind of aggressive. I am here to try and soften that blow

Jeff Hodgson: We'll say he is passionate.

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Cheryl Snowden: He is very much so. I just want you guys to know that, and I was going to literally to run down on my list everything that I had but I'm going to hold that information because in these talks and whatever you guys decide to do today, and it looks to me that you have already made your decision but can be revised, or looked at, please incorporate some Seatack natives, maybe Coastal Virginia Preservation. It is not that we focus on black history. We focus on all the history. But, I'm trying to choose words. I don't want to sound like Mr. Minns, so much.

Jeff Hodgson: It is okay if you sound like Mr. Minns. He didn't say anything wrong.

Cheryl Snowden: I'm just saying I lived here since 1959, a child of desegregation. I've seen things happen. We've seen procedures. I don't know if our political representation wasn't informing us, which I thought it wasn't supposed to happen in politics but evidentially it has not happened. We are not blaming anybody as an individual here, but we do look at you all as a body because just as Mr. Brockwell, who is going to Italy, will be leaving, that changes nothing about the Planning Commission.

Jeff Hodgson: Were going to miss a big asset.

Cheryl Snowden: I watched you all in the last couple of years to see what was going on. You did have quite a bit of input. I liked your style and you kept it clean. Sometimes people can talk and they double talk. So, I think we need to get past the double talking, represent the African American community in Virginia Beach as a 200 year old African American community that is documented in the Library of Congress by our Congressman in the Second District, Congressman Scott Rigel. I don't know if you all knew that but he got on the house floor in May 2013, went to the Capitol building, and he read info to the Library of Congress that Seatack was the oldest African American community in the United States. So there is documentation for the history of the community itself, but the community far stretches more so than just N. Birdneck Road. If we look up all the history in deeds, you might almost have to give the city back to Seatack. Maybe that might be what the problem is because we really don't want to go back but we do have to recognize our past before we can move forward on some of these SGAs or what the Planning Commission wants to do. I am just keeping it real because I am really out of my comfort zone, don't like being in front of you, but it is almost force. Involve the Seatack community, and what the community wants. The civic league is a 106 year old civic league. So, when you're saying focus area, and my understanding. I know that you may be talking about the businesses that have been put there, some of the people who have recently moved there, but were not talking about present day. We're still trying to keep it historical. Some kind of way it has to be kept historical, and it also has to be kept protected. My family still owns a piece of land. They can't do anything but put crops on it. Chesapeake Bay Preservation, APZ1. A lot of that is not your fault. And I am pretty sure you all probably know other people like there in our situation, but as far as the effort of the SGA, the Planning Commission so much taken more land that we have that our grandfathers paid for. We are over 200 years old. We could not have stood without having people like Mr. Minns speak up for us. Even in some of the technical writings I've seen in the library, it says that they didn't want that land. I wonder why they didn't want the land? You had the opportunity to get it. Well, we had the opportunity to get it, we got it and we want to keep it. That is the bottom line. It is ours. We paid the taxes on it. Like I said, there needs to be more involvement. You just can't continue to come and decrease and decrease and decrease a community, an African American Community. I will beseech to all of you, let Coastal Virginia Preservation get involved with the historical aspect of what you all need to know before you make other decisions

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because I don't want to see us in Federal Court. I believe that would destroy our City. That is just what I believe from my heart. I really do. We all have to make decision as taxpayers, as Commissioners, as agencies to get this done, passing it today. Please be honest about your word Mr. Hodgson and Mr. Thornton, because you both expressed that. Don't let it be that we pass it today, and two weeks you guys are going to Italy.

Bob Thornton: He hasn't invited us. If he invites us.

Cheryl Snowden: I'm just saying because it is not an individual thing. It is the Planning Commission as a body. Anyone of you or all of you could be gone and replaced any day. It is not an individual thing. So, your fight is not with Mr. Minns. It is not even a fight. It is about communications. And again Barry, I am so glad. I like Barry, when we worked on the 2040, I like him. I know that he has a job to do. Everybody basically has their job to do that works with the City, but also my job as a volunteer to advocate for those who cannot speak for themselves or who may be misinformed. Please keep us informed and let's try to do this thing together. Okay?

Jeff Hodgson: Thank you. Are there any questions? Thank you very much for coming down. Is there anybody else?

Jan Rucinski: I have no more speakers.

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

Jan Rucinski: Maybe what we need to do because I don't think we did this is go ahead and increase the addendum, the amendments we've done and indicate, put an addition for recommended for further action is to evaluate the Seatack, and the need for the SFA.

Jeff Hodgson: I have to agree with you on that.

Ross Brockwell: We had discussion on about it in the workshop.

Jan Rucinski: I don't see it. I may have missed it Jeryl, but I went back to look at the bullet points that we made to make the addition to the changes but I don't see that we putting the other further action recommendations. And maybe that would help the Seatack community to have a little bit more of a good feeling that yes, our intentions are to look further, and see if action is needed. What kind of action? Where it should it be? But just to review that.

Ross Brockwell: Jeff, if I may? We had two Friday workshops when we talked about this at night and the one we had in the Planning Building. We had four bullet points that I thought they were going to add to the recommendations. If I am mistaken, the second Friday workshop, we referred back those and maybe we thought the way those were phrased covered the intent as you just described after our discussions, the second projected workshop.

Barry Frankenfield: We have them. We have those recommendations. When we moved it to the Technical Document, the Technical Document doesn't make recommendations so, we have those

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recommendations, we'll be able to put them somewhere, but they will not go into the Technical Document.

Jan Rucinski: But wouldn't they go under in that same section of, well future recommendations in the Suburban Area. Isn't there a section that has further recommendations?

Jeryl Phillips: Yes. That would be my recommendation that at the end of the Suburban Area Chapter, there is an agenda for future action recommendation, and that we add an item based on the wording you suggested that we evaluate the historic Seatack community neighborhood for consideration for recommendation as a Suburban Focus Area. I think it is very important that we go out, and work with the community in a non-rushed process, as you said, to identify what are the needs of the community. What are the needs of the stakeholders? And bring forward a set of recommendations for consideration for yes or no as a Suburban Focus Area.

Jan Rucinski: Because we may sit down at a table in a workshop that includes everybody in that conference, and it may be determined that Seatack might say, you know what, we don't want those kind of restrictions; so, no we would like to have this changed in the Technical Document, if that is in their best interest. I just think that might give them a little bit more comfort that we are genuine. We're genuine that we think that area needs to be looked at, what the outcome of that is, we don't know right now. We won't know until we have an opportunity to review it and look at it.

Ross Brockwell: Hey Jeff, I think page 39 of 40, Chapter 1, Section 1.3. These are the four bullet points we discussed. And, I remember we heard a lot of discussion about the word evaluate. We changed the word pursued delineation of the Historical Overlay District to evaluate for that exact reason. So, some of that leg work we may have already did.

Jan Rucinski: That all went away when we took it out of the SFA and put it into the Technical Report.

Jeff Hodgson: Is everyone okay with adding this to the addendum?

Karen Kwasny: What if the language needs to include, and I don't know that we will assume it will be part of this but if it could include something that says with significant community outreach and perhaps even. I think Coastal Virginia Preservation needs to be mentioned in there. They have significant body of history and they would like a liaison, a Commissioner or someone to provide research, leg work with them to liaison with them, and that a recommendation be a part of that.

Jan Rucinski: I don't think it is necessary to be listing all of those people because if we forget someone.

Karen Kwasny: Outreach would cover that. Having that phrase in there references those people beyond just the Seatack community itself, other organizations. That is all that I am saying. Community outreach might be appropriate for that recommendation.

Jeff Hodgson: You got all that wording for us?

Jeryl Phillips: Again, I would recommend there would be an agenda for future action recommendation

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item added to partner with the Seatack community, and the stakeholders there to identify what the land use needs are. There could be other needs identified as part of that process. I'm comfortable with an evaluation on whether or into this should a Suburban Focus Area that could include things as looking into a Historical Cultural Overlay District, etc. Whatever comes forward as part of that process? But, committing to that as a recommendation here, I think will go very far.

Jeff Hodgson: Okay. Does anybody else have any other discussion on this?

Jan Rucinski: How does that affect our ability to move forward with this?

Kay Wilson: It doesn't. You're going to vote on D4, approve or not approve the Comprehensive Plan and D3 is simply forwarding it to with your recommendation, and we're going to add this extra condition into the addendum that you're voting on, and it is included in your resolution.

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

Jan Rucinski: I will. I would make a motion that we approve the Comprehensive Plan with the revision, and the addendum that we have been provided today, and send it forward to City Council.

Jeff Hodgson: Motion made by Commissioner Rucinski. Is there a second?

Dee Oliver: I'll second it.

Jeff Hodgson: Second was made by Commissioner Oliver.

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

Ed Weeden: By a vote of 11-0, the Commission has approved the Comprehensive Plan with the additional amendments and recommendations.

Jeff Hodgson: Thank you for coming down.

Mike Inman: Aren't we going to make a motion on D3?

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Jan Rucinski: I have to call D3.

Jeff Hodgson: I wasn't saying we were adjourned. I was thanking everybody for coming down today, and us, have a good debate on this. I think it was worth the time spent. So, thank you. Also, I know the Comprehensive Plan is a big document to read, but I would encourage everyone to at least read the introduction because it is very insightful to the City of Virginia Beach, and when I was looking through it, I was absolute amazed at the accolades that the City has gotten from the Nation just in the last, maybe ten years, so it is definitely worth reading that. It will make you proud to be part of the City.