

Item #1
Evelyn Ighalo
Conditional Use Permit
1617 Wicomico Lane
District 1
Centerville
January 11, 2017

CONSENT

An application of Evelyn Ighalo for a Conditional Use Permit (Family Day-Care Home) on property located at 1617 Wicomico Lane, District 1, Centerville. GPIN: 1465-65-5297-0000).

CONDITIONS

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

A motion was made by Commissioner Oliver and seconded by Commissioner Rucinski to approve item 1.

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			

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Evelyn Ighalo
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WEINER

AYE

By a vote of 9-0, the Commission approved item1 for consent.

The applicant Evelyn Ighalo appeared before the Commission.

Item #2
Connie L. Hiebert
Conditional Use Permit
2905 Bamberg Place
District 3
Rose Hall
January 11, 2017

WITHDRAWN

An application of Connie L. Hiebert for a Conditional Use Permit (Home-Based Wildlife Rehabilitation Facility) on property located at 2905 Bamberg Place, District 3, Rose Hall. GPIN: 1496-42-7970-0000.

A motion was made by Commissioner Redmond and seconded by Commissioner Horsley to withdraw item 2.

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 9-0, the Commission withdrew item 2.

Connie L. Hiebert, Anthony Hiebert, James P. Flengas, Barbara Gipson and Martha Spurrier appeared in support of the application.

Item #3
Daniel W. Fentress
Conditional Use Permit
Subdivision Variance
1660 Princess Anne Road
District 7
Princess Anne
January 11, 2017

CONSENT

An application of Daniel W. Fentress for a Conditional Use Permit (Alternative Residential Development) and a Subdivision Variance (Section 4.4(b) & (d) of the Subdivision Regulations) on property located at 1660 Princess Anne Road, District 7, Princess Anne. GPIN: 2402-98-7193-0000.

CONDITIONS

1. With the exception of any modifications required by any of these conditions, the site shall be subdivided and developed substantially in conformance with the submitted site layout entitled "SUBDIVISION OF PARCEL 1A INSTRUMENT NUMBER 20160212000120050 PROPERTY OF DANIEL W. FENTRESS," dated September 22, 2016, and prepared by Warren and Associates, P.C. Land Surveyors. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Planning Department.
2. Legal ingress/egress to Lots 1A-1, 1A-2, 1A-3 and 1A-4 shall be maintained at all times, through ingress/egress easement(s), no less than 20 feet in width. Said easement(s) shall be depicted and recorded on the final plat.
3. Per Section 405 (a) (9) of the Zoning Ordinance, there shall be only two access points on the existing public road system to the subject sites.
4. A note shall be recorded on the final plat indicating that Lot 1A-1 is not a building site.
5. No residential structures shall be permitted on Lot 1A-1.
6. Prior to obtaining a building permit, each of the proposed building lots shall obtain approval from the Virginia Beach Health Department for private well and septic facilities.
7. Prior to the construction of any residential dwelling, the existing concrete apron depicted on the site layout shall be removed.
8. A 50-foot vegetated buffer shall be installed and maintained between any residential structure and any abutting agricultural operation. Said buffer shall be consistent with the Rural Residential Development Guidelines with the first 25 feet being heavily planted with a mixture of grasses and low growing indigenous shrubs, and the second 25 feet adjacent to the structure planted with a double row of trees with a minimum caliper of one and one half inches and should be centered no more than thirty feet apart.

9. New dwellings on the property shall be designed so as to include architectural treatments typical of the agrarian character of south Virginia Beach. As noted in the Comprehensive Plan, these treatments include, but are not limited to, large open wrap-around porches, pitched roof lines, detached or side-loading garages. The elevation of each new dwelling shall be submitted for review to the Planning Director and shall be deemed acceptable by the Planning Director prior to the issuance of a building permit.

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

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 9-0, the Commission approve item 3 for consent.

The application Daniel Fentress appeared before the Commission.

Item #4
Wayne & Kimberly Johnson
Conditional Use Permit
1951 Clifton Road
District 7
Princess Anne
January 11, 2017

CONSENT

An application of Wayne & Kimberly Johnson for a Conditional Use Permit (Home-Based Wildlife Rehabilitation Facility) on property located at 1951 Clifton Road, District 7, Princess Anne. GPIN: 2307-88-2704-0000.

CONDITIONS

1. The applicant shall comply with all of the provisions of Section 242.3 of the City Zoning Ordinance pertaining to a Home-Based Wildlife Rehabilitation Facility.
2. No animals shall be dropped-off between the hours of 10:00 p.m. and 7:00 a.m.
3. No animals shall be released at the subject site or within the neighborhood.

A motion was made by Commissioner Oliver and seconded by Commissioner Rucinski to approve item 4.

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 9-0, the Commission approved item 4 for consent.

The applicant Kimberly Johnson appeared before the Commission.

Item #5
HAC Properties II, L.L.C.
Conditional Use Permit
2041 & 2033 Indian River Road
District 7
Princess Anne
January 11, 2017

CONSENT

An application of HAC Properties II, L.L.C. for a Conditional Use Permit (Assembly Use) on property located at 2014 & 2033 Indian River Road, District 7, Princess Anne. GPIN: 2403-92-6067-0000; 2403-92-7269-0000.

CONDITIONS

1. Events, vehicle parking, and food trucks shall be located as depicted on the submitted site layout which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
2. There shall be no more than 20 Assembly Use events per year. The hours of said events shall be limited to between 9:00 a.m. and 11:00 p.m., and shall be limited to 150 guests, or as otherwise determined by the Fire Marshall.
3. Food trucks shall be permitted to operate as a catering service and permitted to serve attending guests while events are occurring on the property. No food trucks shall be permitted to serve the general public.
4. No outdoor amplified music shall be permitted after 10:00 p.m.
5. All parking for the Assembly Use shall be on the property.
6. The traffic control plan and parking management during events shall be as detailed in the "Evaluation and Recommendation" section of this report. There shall be parking attendants provided at each wedding or similar event to manage traffic and parking. Parking attendants will not be allowed to direct traffic within the rights-of-way unless they have received proper training and certification that qualifies for monitoring of traffic within the rights-of-way.
7. Handicap spaces shall be provided adjacent to the event area in accordance with all ADA requirements.
8. All trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall be not be allowed to accumulate.
9. Any outdoor storage of materials associated with the Assembly Use shall be prohibited.

10. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach prior to operation. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the indoor riding ring and any other buildings in conjunction with Assembly Use events, including the issuance of a temporary Certificate of Occupancy as deemed appropriate by the Building Official's Office.
11. Subject to Section 221 (k) of the Zoning Ordinance, an annual review based on the date of City Council approval shall be performed by the Planning Director of the Assembly Use Conditional Use Permit. This use may be allowed to remain on the site subject to a determination by the Planning Director that the presence of the use is not detrimental to the public health, safety, and welfare. Furthermore, this use, as conditioned herein, shall not cause public inconvenience, annoyance, disturbance, or be incompatible with other uses in the vicinity or otherwise interfere with the reasonable use and enjoyment of neighboring properties by reason of excessive noise, traffic, or overflow parking.
12. Prior to each event, the applicant shall notify the Police Department, the Fire Prevention Bureau, the Health Department and Emergency Medical Services of the event's time, size and scope of activities.

A motion was made by Commissioner Oliver and seconded by Commissioner Rucinski to approve item 5.

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 9-0, the Commission approved item 5 for consent.

The applicant Herb Culpepper appeared before the Commission.

Item #6
River City Recovery, L.L.C.
Modification of Conditions
1528 Centerville Turnpike
District 2
Kempsville
January 11, 2017

CONSENT

An application of River City Recovery, L.L.C. for a Modification of Conditions (Bulk Storage Yard) on property located at 1528 Centerville Turnpike, District 2, Kempsville. GPIN: 1455-75-5284-0000.

CONDITIONS

1. All conditions attached to the Conditional Use Permit granted by the City Council on 1/12/2010 shall be deleted and replaced with the conditions below.
2. As is required by the Zoning Ordinance, the bulk storage yard shall be screened from the right-of-way with Category VI screening, as specified in the City of Virginia Beach Landscaping Guide. As required by these standards, the existing chain link fence along the right-of-way shall be replaced with a solid six-foot tall privacy fence. No additional barbed or razor wire shall be permitted on the site.
3. To mitigate for the deviation to the requirement of Category VI screening along the rear property line, plant material shall be installed along this property line in order to create a continuous screen to buffer the residential properties from this use. Said plant material shall be depicted on a Landscape Plan that shall be submitted to the Development Services Center's Landscape Architect (LA) within 60 days of approval by the City Council for review and approval as deemed appropriate by the LA.
4. All outdoor lighting shall be shielded to direct light and glare onto the premises; said lighting and glare shall be deflected, shaded, and focused away from all adjoining property. Any outdoor lighting fixtures shall not be erected any higher than fourteen (14) feet.
5. The hours of operation shall be limited to 8:00 a.m. to 10:00 p.m., Monday through Saturday.
6. No storage of inoperable motor vehicles shall be permitted and storage on the site shall be limited to the motor vehicles as a result of repossession. No trailers, storage containers, conex boxes, or mobile storage units shall be permitted on the site.
7. Any freestanding sign shall be monument style, not of electronic display (LED) type, and limited to eight (8) feet in height. A separate sign permit is required. The design shall be reviewed by the Planning Director for ultimate design and building material approval.
8. The parking lot shall be restriped within 90 days of City Council approval.

9. The existing solid fence along the right-of-way shall be painted a single earth-tone color.

A motion was made by Commissioner Oliver and seconded by Commissioner Rucinski to approve item 6.

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 9-0, the Commission approved item 6 for consent.

Mary Capone appeared before the Commission on behalf of the applicant.

Item #7
Fusion Cycles, Inc. d/b/a Fusion Cycles
Conditional Use Permit
6353 Indian River Road
District 1
Centerville
January 11, 2017

CONSENT

An application of Fusion Cycles, Inc. d/b/a Fusion Cycles for a Conditional Use Permit (Small Engine Repair) on property located at 6353 Indian River Road, District 1, Centerville. GPIN: 1456-24-5668-0000.

CONDITIONS

1. The hours of operation will be 9:00 a.m. - 7:00 p.m. Monday thru Friday, 10:00 a.m. - 4:00 p.m. on Saturday and closed on Sundays.
2. All storage of parts and repair work shall be conducted within the building. No outside repair or storage of parts, tools, or fuel shall be permitted.

A motion was made by Commissioner Oliver and seconded by Commissioner Rucinski to approve item 7.

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 9-0, the Commission approved item 7 for consent.

Scott Troiani appeared before the Commission on behalf of the applicant.

Item #8
The Bunny Hutch, Inc.
Conditional Use Permit
1165 Jensen Drive
District 6
Beach
January 13, 2017

CONSENT

An application of The Bunny Hutch, Inc. for a Conditional Use Permit (Wildlife Rehabilitation Facility) on property located at 1165 Jensen Drive, District 6, Beach. GPIN: 2417-43-4300-0000.

CONDITIONS

1. The applicant shall comply with all of the provisions of Section 242.4 of the City Zoning Ordinance pertaining to a Wildlife Rehabilitation Center.
2. Prior to the operation of the site as a Wildlife Rehabilitation Center, the applicant shall obtain and maintain a Category III Animal Wildlife Rehabilitator license from the Virginia Department of Game and Inland Fisheries.
3. No animals shall be released on the subject site or within the surrounding area.
4. Animal waste shall be removed daily in a lawful manner.
5. All animals shall be properly and humanely contained either in the building or within the fenced-in areas. Animals shall not be allowed to roam freely out of these structures at any time. If any animal does escape, the City of Virginia Beach Animal Control Department shall be notified immediately.

A motion was made by Commissioner Oliver and seconded by Commissioner Rucinski to approve item 8.

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 9-0, the Commission approved item 8 for consent.

The applicant Angela Maxwell appeared before the Commission.

Item #9
Virginia Dill & Steven M. Largent
Subdivision Variance
2644 Seaboard Road
District 7
Princess Anne
January 11, 2017

CONSENT

An application of Virginia Dill and Steven M. Largent for a Subdivision Variance (Section 4.4(b) of the Subdivision Regulations) on property located at 2644 Seaboard Road, District 7, Princess Anne. GPIN: 2404-70-0955-0000.

CONDITIONS

1. The applicant shall be required to submit a subdivision plat substantially in accordance with the submitted subdivision exhibit entitled, "PHYSICAL SURVEY OF PARCEL DESIGNATED AS N/F WELLS, AS SHOWN ON "BOUNDARY SURVEY" PROPERTY OF COREEN JOAN FIELD CONSISTING OF PARCEL "A" AND PART OF PARCEL "B", PLAT OF PROPERTY OF LEE EDWARD JOHNSON ESTATE FOR CORINE WELLS" dated JULY 30, 1998, and prepared by John Sirine & Associates, LTD, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
2. No building permit shall be issued for the site until the plat identified in Condition 1 has been approved by the Development Services Center.
3. Prior to obtaining a building permit, the site shall obtain approval from the Virginia Beach Health Department for private septic facilities.

A motion was made by Commissioner Oliver and seconded by Commissioner Rucinski to approve item 9.

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			
THORNTON	AYE			
WALL	AYE			
WEINER	AYE			

By a vote of 9-0, the Commission approved item 9 for consent.

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

Item #10
Rhett A. Rebold for Vibrant Brewing Company
Conditional Use Permit
4001 Shore Drive
District 4
Bayside
January 11, 2017

REGULAR

Bob Thornton: The Secretary will call the next item.

Jan Rucinski: Okay. Thank you. Item 10 is the last item on the agenda. It is an application of Rhett A. Rebold of Vibrant brewing Company for a Conditional Use Permit (Craft Brewery and Open Air Market) on property located at 4001 Shore Drive, District 4, Bayside. Is the representative for this application here?

Gray Bowditch: Good afternoon members of the Planning Commission. Thank you for having us.

Jan Rucinski: Can you move your microphone up a little bit? And state your name for the record.

Gray Bowditch: Yes ma'am. Good afternoon, my name is Gray Bowditch. I'm a consultant for Rhett Rebold, currently a brewery owner in Newport News, Virginia. I have been helping him out during the process. Rhett is here with us today and he is going to add a couple of words shortly. I just wanted to introduce the project. I thank you for your time and consideration in reviewing our proposal. Just to give a little background. Rhett comes to us from Northern Virginia. He and his family have partially relocated to the Shore Drive area of Virginia Beach with great interest of opening up a craft brewery. Many of you are familiar with the craft brewery scene locally and across Hampton Roads. I in particular, have fairly enjoyed being a part of the industry for about three years. We opened our doors in June in Newport News, and have a great working relationship with Jeremy at Commonwealth, Kevin O'Connor, and many of the other breweries that have had many successes in Virginia Beach. With looking at this project and wanting to locate his facility on Shore Drive, he came across this space at 4001 Shore Drive, within the Navy corridor. That particular facility, as you guys know, was formerly a restaurant, which suffered some substantial fire damage, and has been out of operation for six plus years. Working with a commercial real estate team, we're kind of finalizing that deal. We think, as a team, that it would be a great asset, a great asset to the Corridor, and certainly, if you have looked at the drawings that we presented to Jimmy and his team, who has been a joy to work with, you can see that the space will get totally reconditioned. The façade will be improved. I'm working on some landscaping, that will fall in line with the Design Corridor Guidelines to improve that whole space entirely. That is a little bit about the space. You're familiar with the tasting aspect and also the brewing aspect. This facility today, and the use requested would be for the sole purpose of being brewery and tasting room. We would not be proposing to a brew pub, but merely a tasting facility. You will be able to taste and try the beer produced on site. That being said, in addition to that, there is discussion and interest to be able to have food trucks on the property. I understand from Jimmy we have about a dozen and a half different conditions. One of those particular conditions speaks directly to food trucks. It is certainly in Rhett's interest to have food trucks on the facility, to have them meet all the obligations of City Code, and the time be limited. Currently, the timing is mentioned within your condition at 10:00 pm. If I may ask, I think that condition is set forth for the purposes of noise, and to limit the disruption of potential generators and food trucks cause. It is certainly our goal to reduce that. I can speak from experience, and it is certainly a deterrent with our space in Newport News. Our patio is adjacent to the food truck parking area, which is the same interest and design as you will see from your drawings, as Rhett has suggested. So, it is our ongoing intent to keep a reduction of that noise. At this time, you guys have

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proposed, the Commission and Jimmy have proposed that food trucks being limited to 10:00 pm. We would ask that it be limited to 10:00 pm during the week because of the hours that we are allowed to stay open during the weekend, we ask that on Friday and Saturday nights that we are able to have a food truck on site until 11:00 p.m. I'll give that with a caveat that generators or noise producing devices on these food trucks is limited to 10:00 pm at night as to look out for our neighbors, the local businesses that are adjacent to us and people across the street. Any success of a brewery, in my experience, is to have a favoritism of your local neighbors, the favoritism of your restaurants. You certainly don't want to be a disruption. We want to be a great asset in that corridor, so I ask that not that condition be tweaked, but I ask that condition be tweaked for the purposes, I think your intention of noise disruption that it be limited to 10:00 pm on the weekends. You sort of seen the exterior design, the interior design as I said is a tasting room. There will be a viewing space through glass and through a petition wall, where our patrons will be able to see all the tanks, see the process. As I mentioned on the outside, there will be a patio space. There will be vases and planters and our petition wall on that patio space to be able to block it as prescribed by the zoning guidelines. As this time, Rhett Rebold would like to introduce himself just shortly. And we appreciate your assistance and hope for approval to allow us to move forward and get closer to construction. Thank you for your time.

Jan Rucinski: Thank you. Our next speaker is Rhett Rebold. If you will, state your name for the record?

Rhett Rebold: Yes, my name is Rhett Rebold. I'm currently living in Northern Virginia, and I'm working for Master Jewel Special Intelligence Agency. I've been home brewing for over 40 years and have had professional brewing courses, and have brewed professionally as a substitute brewer in Maui. Back in 1995, I was home brewer of the year for North America, and I won two categories nationally. I love this location. My family has already moved to Virginia Beach. We are in the North End, and the idea is for us to get this moving, and then for me to move down there, and do this full time. And, like I said, I like to help with the continuation of the improvement of this glory war. And comply with all the ordinances. Thank you.

Bob Thornton: Are there any questions of the speaker?

Karen Kwasny: Your representative mentioned that your food trucks were going to be adjacent to your outdoor patio so your objective would be to limit the noise reduction from those food trucks?

Rhett Rebold: Yes.

Karen Kwasny: I was wondering how would you do that if you're not having the generators in use at that particular time?

Rhett Rebold: I think the generators are the main source of noise. And, one of the ways to abate that is to actually go into like an RV hookup, actually go with a power and a water drop from the building that is part of my construction plan is to have those put in. At that point, you can turn the generator on. You're running quiet. There is no additional noise. So, that is the idea. I think the ordinance will allow me be open until, I think 10:30 pm during the week. We're asked to stop the food trucks at 10:00 pm, and we're open until midnight potentially by ordinance Friday's and Saturdays. And I was asking instead of 10:00 pm to be 11:00 pm but recognizing the noise, you're kind of shutting the generators, if there are generators. Hopefully they won't be running at all but if they are they will be cut off at 10:00 pm, if they are running silently I guess.

Karen Kwasny: So, you're asking basically to allow the food truck on the property until 12:00?

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Rhett Rebold: No, until 11:00 pm.

Karen Kwasny: Until 11:00. Okay.

Gray Bowditch: Just those weekends.

Rhett Rebold: Friday and Saturday. That was the request. I think, and I'm not familiar with the food trucks as my colleague is, some of them may not be primed for a RV hookup and in those cases, there would be generator noise, but I wouldn't allow them there after 10:00 pm. But I want to be a good neighbor. That is going to help the business obviously, and I want to mitigate some kind of noise complaints as best that I can.

Bob Thornton: Ron?

Ronald Ripley: Have you met with any of the neighbors?

Rhett Rebold: I just met with one actually. I met with the owner of Leaping Lizard across the street.

Ronald Ripley: I am talking about the residential behind. Have you had any conversations with them?

Rhett Rebold: We had a meeting, and I think Gray can speak to that. I didn't go to that meeting but we had a meeting with the Shore Drive Association.

Ronald Ripley: The Shore Drive Advisory Committee.

Rhett Rebold: Thank you. We talked about these matters and they were supportive. I think they wrote a letter of support.

Gray Bowditch: Yes sir. Sorry to interrupt. We met with the Bay Front Advisory Committee and there were about a dozen and half neighbors there. Some of them living across the street and areas behind the Leaping Lizard, and then several living behind the fence line to the neighborhood that is to the rear of the property. I fielded a number of questions at that presentation and when leaving that meeting, I think all the questions were answered. Many of them were excited that the blighted building would be improved. They are excited about some type of ability to walk to a brewery and as Rhett has suggested, it is certainly his goal and the team's goal to keep noise to a minimum to have a great working relationship with his neighbors.

Rhett Rebold: There is a fence and I don't know how deep the woods are, several trees deep, not huge behind the facility, so I think there is a little bit of noise abatement there plus all of the activity would be in the front of the building. There is very little on the side.

Ronald Ripley: Well, I mentioned this in the informal meeting, I don't know if any of you were in there but, this property came before us a number of years ago as a tavern/bar, and the neighborhood was out in force and it was withdrawn, if I am not mistaken, it failed to achieve its rezoning or its Conditional Use Permit. So, I personally am from that area, from that bayside area saw it and experienced it. The neighbors maybe are not in tune to what you are doing here. I support it. I think it is a good use but if you can control the noise that is fine. Generators are not a great deal of noise but it does annoy people when they are trying to sleep or whatever if you can do what you're talking about, if you could plug into

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an electrical line that would mitigate it? I don't think asking the truck to cut its generator off and sit around another hour. I don't think they would want to do that because.

Rhett Rebold: If they are plugged in.

Ronald Ripley: That is a different story. That is my concern. My concern, personally, is noise.

Gray Bowditch: We personally in Newport News have seen a lot of success with our two RV hookups. For one, we get residential as a neighbor, but we certainly have office space and restaurants. And our two RV hookup, actually our contractor we shared the same contractor as Jeremy with Commonwealth. We have the same exact RV hookup that he did install and I think he installed them for the same purpose of mediating the noise concern for his patio people and for the neighbors across the street, and behind his space, so, we have seen success with it. We have not had any complaints.

Ronald Ripley: If you could do that.

Gray Bowditch: Luckily the parking spaces that are allowed in the site plan are adjacent to the building, so the ease of being able to put some time of hookup right against the wall with electrical, I think from a construction standpoint, pretty minimal.

Ronald Ripley: Where are the trucks going to be? Outfront?

Rhett Rebold: Kind of on the side.

Bob Thornton: Shown on the site plan.

Rhett Rebold: It is the side that faces the buggy bath. There is actually a certain amount of noise at certain hours.

Ronald Ripley: That's closer to where the houses are.

Gray Bowditch: From a parking standpoint, and talking with Jimmy, we are certainly up to creativity today. In talking with Jimmy, there are not a whole lot of options besides parking in the middle median, and to have patrons walking through the parking lot to be able to encater to my food truck, I think may be poses a safety issue. Having them adjacent to the building like that...

Ronald Ripley: Just to let know we're not discriminating against you. We've had soccer fields in here where they wanted to put the lights on at night and neighbors have complained because there are generators. So, that is my question.

Gray Bowditch: I think from Rhett's standpoint, and from the team's standpoint, our intention would be to certainly to install RV hookups and to do our best to do to our best ability to either have generators off or have them covered with some type of sound damping device, but I would say of the food trucks that preferences, about 95 percent of them are able to have a plug in or whether it is a 220 plug or twist lot plug, that eliminates any need for a generator. For one, we enjoy and our patrons enjoy it but for three a food truck can use and abuse our power load versus their own, so, I think it would be an easy call for us to install those.

Ronald Ripley: I heard a couple of things from you but if you want to try to do it.

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Rhett Rebold: We'll do it.

Ronald Ripley: Okay.

David Redmond: Just following up on what Ron said. It seems to be. It almost seems. I don't know why you're quivering about this hour thing. 10 versus 11 for a food truck, I don't know if that is such a big deal. It might be if you're sleeping. So his concern, is my concern. So, my view is that to approve is sort of fitting, and between systems that do that and it is quiet, that strikes me as a Modification of Conditions at some future date to raise those hours should pretty easily be done. Do it that way, then I don't know if there is any better way that Staff might suggest you do that, but I'm like Mr. Ripley. I am concerned about the noise. I don't know that it is all that necessary to have a truck serving food at whatever 10:45 pm at night for the business to be entirely viable above the application, but I am more comfortable with 10:00. If you can do it, and it is virtually noiseless, and you can eliminate that noise that the generator might do, if you came back through their process with a simple modification of conditions, I would probably be leading the charge. I'm with him. I think that is kind of something you got it down. We just don't want people to be held up in the middle of the night. Some people go to bed at 10:00 pm. I'm as old as the hills, I feel that way anyway. I go to bed before 10:00 pm a lot of time if something is keeping me up, and if I can't do anything about it, I'll be upset, and I think those neighbors would be upset too. So I think, and I don't know that would occur, but we are trying to safeguard against that would be one way where everybody wins.

Rhett Rebold: So, we'll install that RV hookups, and try to mitigate any generator noise, hopefully get ones that have no generators or you don't need to have the generators on, but then if this helps, we'll cut it off at 10:00 pm.

David Redmond: I would be more comfortable cutting it off at 10:00 if you can demonstrate that you were able to that, then I think it should be pretty easy and you might be able to pull it off before City Council, quite frankly. If you can demonstrate that it can be done, make that as a condition of the application if that is the kind of set up you can arrange, my guess is that would probably solve the problem or you finish with this process. The suggestion of it however, I don't think it is enough.

Rhett Rebold: With supplemental power, and with as you said RV hookups, if we can commit to those today, would that suffice for... in talking with other breweries across Hampton Roads, one that are busier that do or demand food trucks, they've seen a lot of success in being able to supply that power to eliminate noise. Would this satisfy yourself, as a neighbor?

David Redmond: No. I think that is probably something where you can work with the Staff and they can make that a lot more, a lot clearer than we can make that up on a fly today. Sure, we can sit down and write the condition that would address that. I rather think it through in more than five seconds and get that right. There is plenty of time between now and when you go to city Council to do that. My recommendation would be that we move forward with this the way it is, and that can be addressed, and City Council. I think, can look at it. But to me that would have to be something that would have to be a condition in order to get everybody left.

Bob Thornton: We also have someone to speak in opposition, so let us hear that and then you can come back for your rebuttal.

Rhett Rebold: Thank you.

Gray Bowditch: Thank you.

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Jan Rucinski: We have speaker Bill Prince. Sir, if you can state your name for the record when you get to the mic?

Bill Prince: My name is Bill Prince. I live at 4400 Shore Drive, 4402 Shore Drive and 4408 Shore Drive. I live actually on 4402 Shore Drive, which is directly across from the brewery. I don't object to the plan. I don't object. I welcome it. I will probably be a customer. I am not doing anything. That is not my intent here today. My intent today is to address the noise. As having living on a lake, just a couple of days ago when Baylake Pines went out of power, you could hear generators all across the way. And, that is a problem, and I don't think the people that live in Bayville Park are just wise to what is coming down the pike, as far as the noise level. I don't want to do anything to slow their progress and their project. I wish them well, but I think that they were probably were remised and not considering this noise concern. They have multiple opportunities to come and seek me out as a business owner. And they did and that is fine. I'm not faulting them for that, but I don't want to be feeling guilty for delaying their project, and if they had not done the due diligence with the project. But you all have done a great job talking about this issue, but it isn't a minor thing just to say that the generator will go off at 10:00 pm because that leaves nine other hours during where we all listening to the generator, and that is not a pleasant sound. So, I have no objection to the length of time or anything. I think they are simple fixes, reasonable simple fixes to noise abatement on the food truck, and I think in the history of breweries in our area, it is probably these are things that are starting to show. The user issues because we know a couple of the local breweries around that have been a problem with the residents. So, anyway, I also own the Leaping Lizard Café, and this is not about competition. I'm all for them coming. So, anyway, thank you.

Bob Thornton: Are there any questions for this speaker?

Ronald Ripley: I have a question. You got the best restaurant in town.

Bill Prince: Thank you.

Karen Kwasny: I think you made a really good point and I have not thought about, which was the fact that we are not really talking about from 10:00 to 12:00, we're talking about noise generated throughout the period of the business being open. Correct. It is really a matter of that. It is a matter of a particular time frame there is going to be a significant amount of noise, if the food trucks are all generator powered.

Bill Prince: Which they probably will, and of course...

Karen Kwasny: Except for the fact that you can apparently get non-generator food trucks if they hookup to the power supplied by the building itself. Right?

Bill Prince: Yes. I would suggest.

Karen Kwasny: That is my question.

Bill Prince: I guess one of the reasons why I am standing here in front of you is that I just gone through a year and half with the Bishard Development next door. And, I realize very well that a hand shake does not mean anything, so I want to find something that is on the record that this is an issue.

Dee Oliver: You make a good point.

Bill Prince: Anyway. Thank you.

Bob Thornton: Thank you. Thank you for coming before us.

Jan Rucinski: There are no other speakers on this matter.

Barry Frankenfield: I want to make a reasonable comment here. Staff will not change the conditions between the time of your approval and Council. So if you want to have the conditions changed and have that go to Council, then we need to do it today. Whatever you approve today, is what we are going to recommend. We're not going to negotiate with the applicant and change them between now and Council. I may have misunderstood what you were saying.

David Redmond: You did. I was not suggesting that you change anything.

Barry Frankenfield: Okay.

David Redmond: I am suggesting that the condition itself might be best written not on a fly as we sit here, but over the course of a couple days thinking about. I don't know a thing about how to hook a food truck up to a building. So, writing a condition about that strikes me a little bit about making some assumptions, so that it seems to me that this can go to City Council exactly as it is written today so can an option to add a new condition or substitute a condition that is going to be a little bit more sensible than were going to do an amend right now and just talk about it. All I'm saying is that they need to put a little bit more thought into this condition, and that can be substituted later on. I am not suggesting that we take our work and change it. I am suggesting that City Council can do that. I just want the condition to be right.

Carolyn Smith: You got it.

Barry Frankenfield: Okay.

Bob Thornton: Jimmy, do you have something? You look like you want to speak?

Jimmy McNamara: Sure.

Bob Thornton: Sure.

Jimmy McNamara: So, it appears that the main issue here is noises that are brought forward from the generators, and the hours that the generators would be operating. So, looking at condition 14, which reads "food trucks shall be prohibited to operate on the site between the hours of 10:00 pm and 8:00 am. Perhaps substituting food trucks and changing that to generators shall be prohibited to operate on the site between the hours of 10:00 pm and 8:00 am. It may address the noise issues that are have been brought to thought. Or we can eliminate generators entirely.

Bob Thornton: What we need to do next is let the applicant have a rebuttal and we will close the hearing and discuss it amongst ourselves. So, applicant would you care to rebut and possible maybe even agree to some of the things we're talking about? You got three minutes to rebut so watch those lights.

Gray Dowditch: Yes sir. I will be quick. Our goal today is certainly to move forward with your approval. I think, as Commissioner Redmond and others have suggested, our goal today is too certainly to noise abate. As the conditions are currently written, if you're okay, there has been some discussion of extending those hours but as he suggested, let's sort of see how we do. Leave as it stands. Not to extend those hours at all and see sort of see how we do as a business. And then in six months or a year, if it is really needed, and guys come by and we have favorable review from the community that we come back to that but not to confuse things, not to sit here and try to improve great penmanship over three or four words, that we leave it how it stands. I can speak for Rhett and say that a part of this process, an approval of this approval allows for a potential construction date to be sooner than later and for him and his team to go to brew and open for you and the members of the community to serve beer this summer. So, we would very much hope that if it works as it stands for your team, that we would hopefully love your approval.

Bob Thornton: Any questions on the speakers?

Dee Oliver: I have a question.

Gray Dowditch: Yes ma'am.

Dee Oliver: Food trucks? And you talked about them hooking up to the building. What is the percentage of the food trucks out there that the breweries all use that are capable of doing that, ones that are already retrofitted to plug in?

Gray Dowditch: In my experience, I have not really seen very many food trucks with a built-in generator. They are all taking a cable or connection, a three wire to one wire to hook up to a generator whether it is on a roof, whether it is on a front, like a tow-hitch. There is usually always some type of separation, and I can only speak on our short experience, but many of times, it is just a quick 220 plug. It is not even a twist lock. It is not even something that fancy. So, if you just have a four-prong electrical outlet outside the building that at times is satisfactory for their needs.

Dee Oliver: So you would say 95 percent of them have the capability of being able to hook in?

Gray Dowditch: Yes ma'am, because I've been to our tasting room and fortunate at that. We've spent a lot of money in our patio. We've got two fire pits, and our patrons site right beside our food trucks. It is absolutely in or interest is under our facility to have that noise that close to them, let alone for adjacent businesses, homeowners, and passer-byers.

Bob Thornton: Ron?

Ronald Ripley: Would you object then. We talked about the RV hookup for lack of a better word for me. Would you object if we had all stuff hooked to the RV typed up so we don't have any generators running?

Gray Dowditch: I don't know the answer.

Ronald Ripley: You're designing a building right now and it might be accommodated at this point, I would think. So I'm asking you can you do that.

Gray Dowditch: Well, Commissioner Ripley, I would suggest that if you like that language, I would suggest that the language that Jimmy has written, and then a simple and the availability of RV and sufficient power for every food truck that comes. I can't speak on every food truck out there.

Ronald Ripley: It is your business. You can control that.

Gray Dowditch: We can certainly control that but I would suggest that sufficient power is supplied and if you can use the word "RV hookup" because that is sort of what everyone is sort of using in the industry being provided off the trucks with the goal of limiting noise.

Rhett Rebold: If we put in our clause that no generators after 8:00 pm. Because I am wondering how much that is going to limit. That is all that I am wondering.

Ronald Ripley: But you heard Mr. Prince say that if you are injecting the generator into the neighborhood and it is going to be running, and it is loud. You have the road noise going by there, so on and so forth but, I think you would have a much better situation if you did what we are talking about here. In fact, when we get to recommendations, I'll recommend something like that.

Karen Kwasny: I just have one question. When Dee asked the question and your answer was that 95 percent of food trucks allowed for that hook up. Correct? I am just wondering as Ron is, which is more desirable to limit your hours according to the conditions already applied or with the change that Jimmy has mentioned or to allow you 95percent of the choice of the market and freedom to have food trucks as a much more, maximizing your time frame. So it seems to me, personally, that would be more desirable to limit my food trucks to those have the hook up availability to the building are generator powered and therefore, I can use 95 percent of the market choice in that regard.

Rhett Rebold: I would say yes.

Karen Kwasny: That would seem like a more desirable option. You're cutting the noise down for the whole community and it is never questioned again. Can he do that?

Bob Thornton: Here is what we need to do procedurally. We need to thank you all. Take your seat, close the public hearing, and let us debate and if we need to get you back up here, we'll call you.

Rhett Rebold: Okay, Thanks.

Gray Dowditch: Okay. Thanks.

Bob Thornton: At that, I would like to close the public hearing and open it up amongst for discussion and possibly a motion. Dave?

David Redmond: I want to slow down about this generator. There is nothing illegal or improper about a generator. Mr. Prince can run a generator this afternoon if he so chooses, as again, the car wash next door. We ended this morning about a debate about what time it is because they would be running generators and it seems to be drifting into well, if it is a non-generator thing, get back the application, which was a question of how late at night can you have food trucks. That was 10:00 pm because people want to go to bed. As I said, Mr. Prince's power goes out while he is serving brunch, has the option of firing up the generator or he continues business without. But so generators are going to run all over the City, as we speak. So, I don't want to get too far down the road assuming now that whenever we have an application like this that and we've haven't done this in the past, and they're running today over Commonwealth and other people. So, I don't want to set some precedence and egoistically change what we're doing. I don't know if the food trucks that they are hoping to attract can be run the power from the building or not. I don't know if they know the building itself can do a power or do it an

appropriate way. I am no electrical engineer. I think we kind of began with 10:00 versus midnight. I would like to stick with 10:00 pm versus midnight. I'm a little uncomfortable that we're review right the entire application at lease in regards to these food trucks staying when it was a question of hours and generators. So, I would be more comfortable frankly, writing this. I think everybody ought to take a breath. The applicant mentioned, as I suggested earlier, and to try and write the condition, with regard to times and the noise a little bit more carefully than just kind of making it up on a fly. As I said, let them present something to Council. The way you have written this condition as it speaks, right now, works for me. We added a condition no more than two food trucks shall be permitted to operate on the site at any given times, because the site plan you guys have indicated two parking spaces. I'm comfortable with that. If they come up with something better and present it to Council and want to go to 11:00 pm, I'm okay if that is what Council wants to do. My preference is not to get too far in deciding what kind of power is going to power the food trucks. It just seems more simple then that.

Jan Rucinski: In the rebuttal the applicant did state that they were agreeable to leaving as it was written, and then if they got to come back and in six months to a year to because they realize they're not needing generators or there is another power source available and that time might be extended after they have proven themselves to be a good neighbor that they are willing to do that; So, I am sort of in agreement to leave it as it is written with the change of no more than two food trucks.

David Redmond: Did anyone ask you gentlemen if you have seen this extra condition on this condition ask that we added and that is acceptable to you.

Gray Dowditch: That is acceptable to us. Jimmy presented to us.

David Redmond: Okay. Thank you.

Bob Thornton: Is there anybody else? Ron?

Ronald Ripley: I think we should add just language that says all food trucks shall be operated with RV hookups. Simple. That eliminates the noise. You can keep the 10:00 pm. I think at that point, if you cut out the noise you cut out the reality of obnoxious sound in the neighborhood and people are still there, so; they are still there. But I'm oaky with 10:00 pm but if you just add all food trucks shall be powered with RV electrical hookups.

Dave Weiner: I'm with Mr. Redmond on this one. I can't see to hold them back and tell them that they can't have generators. We haven't done that yet considering Virginia Beach, and we have a lot of breweries, not just breweries, but other places that have food trucks. You go down to 9th Street I the summer time where all the food trucks are down there, they are on generators. And you have a busy Shore Drive, how much are you going to hear across the street from all the cars going by. I still have a problem telling them they can't have generators because there is nothing, like Mr. Redmond says, there is nothing in the ordinance that says that anybody can have a generator. This gentleman here can go and operate his restaurant this afternoon on generator if he wants too but that is just the way it is in Virginia Beach. Now if we can do something in the future, and to do something in the ordinance, that says, hey look, everything all new for whoever wants to have food trucks in the future, no generators that is a different story. I just feel like it is not fair for these gentlemen to tell them that this now that they can't have generators. So, I am willing to support it the way ti is now.

Bob Thornton: Jack?

Jack Wall: I concur with Dave. I don't think we should at this time limit on how they are going to power

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their food trucks. They kind of alluded to it that they would be the biggest advocate for minimizing noise because it is going to possibly affect them and affect their patrons.

David Redmond: And just to come up with something better by the time you go to city Council, and want to volunteer what Mr. Ripley suggest, I'm okay with that too. I think we are good to go from where we are today.

Bob Thornton: Who else had their hand up? Karen, did you want to say anything?

Karen Kwasny: No.

Bob Thornton: Ron?

Ronald Ripley: Well I 'm just saying that if you had a food truck back up to your backyard and if that is where they are going to put it, it is going to be right to somebody's back yard. And you're running that at night. It is going to make some noise, if that is okay with you? I think you ought to add this and that would make it very simple. I think they are agreeable to this. I think they want to be good corporate citizens. Hopefully, you feel this is a good discussion we're having because we do welcome you to the City. We're very pleased that you're coming in but on the other hand, we're just trying to mitigate that into our role. But I really think adding this would be a wise thing to do.

Karen Kwasny: Chairman Thornton?

Bob Thornton: Yes.

Karen Kwasny: I will concur with Ron on this. I do see your point David and Dave that anyone could hook up to a generator and we need to minimize how interpleads we get on this, and those are all good points to me. In terms on consistency, how we would apply this to others that questioned. But I think here we have someone who is amenable to this idea of limiting themselves to the power generated by the building for the RV and they have a lot of options in that regarding limiting the hours and protecting the whole of the day from the noise of the trucks is the get way for us to allow for this to be a friendly business in the neighborhood.

David Redmond: Can I ask this gentleman to come back up here for a second?

Bob Thornton: Sure:

David Redmond: I just wanted to ask you since we're all kind of talking about what you can and can't do. Would you be amenable to what Mr. Ripley suggested or would you prefer to move forward with the application as the way it is? Karen just said you're okay with this, and if we go ahead and do what Mr. Ripley says, I just want to know if you're okay with it.

Gray Dowditch: I think it would be our shared goal that the language sits as it is currently written. To better understand the mechanics or make guarantees of the electrical mechanics of the food trucks, or a hold ourselves to a different standard, as to pretty much every brewery in Hampton Roads as to levels of wattage and electrical connection. As it was mentioned, it was our complete goal to have a very good relationship with the neighbors, to limit noise to the neighbors, to corporate businesses and to certainly our patrons that would typically be sitting next door. I would have to be hesitant on any language as to all or guarantees of everyone hooking up in hopes that by the goal of Jimmy's language that limits food trucks entirely on site to as to achieve the goal of noise and what not.

Rhett Rebold: I feel a little flatfooted as far as. I like to pulse all of the food trucks in the Hampton Roads area and see what percentage actually. Is this a show stopper for some of the best ones, just one with older equipment. I don't know. That is my attention to be a good neighbor to be a quiet neighbor and have a pleasant place for my patrons. So the bias is definitely for plugging in and having no generator. But to say I will never have a generator there does seem a little bit discriminatory. I could have chillers. I could lose power and have chillers and not have a generator or all the beer goes bad. That would be an exception.

Dee Oliver: Your patio is situated right next to your food truck on the site plan. Is that correct?

Rhett Rebold: Right next to it.

Dee Oliver: Right next to it, within a few feet. So, your goal really is to plug in. Even at the end of the day, if the application stands as is, your goal is too potentially to plug in to minimize the generator noise because your patio is there.

Rhett Rebold: Right.

Gray Dowditch: Certainly our first goal is not to let our patrons off the patio or away from the entrance to the space or even if a generator is creating such a level of noise that gets across the street or through the trees in the rear of our space, it definitely affects the interior seating and enjoyment as well, so; I think, like you said, the goal is to mediate any noise.

Dee Oliver: Right.

Bob Thornton: Is there any other questions? Don?

Don Horsley: Your food trucks that you use at the one you're operating in Newport News?

Gray Dowditch: Yes sir.

Don Horsley: Are they the same ones all the time or do you use different ones?

Gray Dowditch: We do different ones. It is our goal. We pretty much have a food truck on site Wednesday through Sunday. If we have a big event, we have two usually it is one. I can name on one hand where we had two on site in six months. That being said, it is our goal to offer a different taste almost every day of the week, so we don't do the same thing on Tuesday. We don't do the same thing on Fridays. Our goal is for our patrons to go and come in and have a first point and maybe have a quick morsel, have a second pint from a tasting flight rack to a pint but fill easy enough to have a quick mac & cheese or a quick meatball or something that gets us there. And certainly with our early success, it has been a lot of our restaurants and distribution networks. Eliminating the food trucks or keeping the food truck sort at a minimum or a food minimum, to like the Jones point in the back, we've got five restaurants that are immediate neighbors, and the all cater food in and adjacent food trucks. They all pour beer on draft, so it is like number one to make those relationships work.

Rhett Rebold: That goes for my brewery as well. And just wanted to maximize, if I could the food choice?

Don Horsley: Right. One food truck says I can be there every day. And I'll hook up to your building. You don't want that.

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Bob Thornton: Thank you. Are there any other questions? Thank you. Dave!

Dave Redmond: Mr. Chairman, I move approval of the application with the addition of a new condition 17 that means that no more than two food trucks shall be permitted to operate on the site at any given time.

Bob Thornton: Is there a second?

Dave Weiner: Second.

Bob Thornton: Dave and Dave. Ron?

Ronald Ripley: Comment?

Ed Weeden: Who seconded it?

Ronald Ripley: I could propose a substitute resolution but I don't know if I can do that. But I do think they are making a mistake here because I think, and I've seen many hearings where there is not increment in there in front of us and the house gets packed during Council, and I think it would be helpful to mitigate that noise going forth. And also the brewery that we approved, that similar create a place we approved on Pleasure House Road, I don't anybody has been by there and beer is spilling all out into the street into the neighborhood and they really got a good business and I'm really glad to see it but it is a lot larger than you anticipated. I can tell you. I hope this property will be successful. I want it to be successful but I think we need to think in terms of how we mitigate between the neighborhood and the business.

David Redmond: Mr. Chairman?

Bob Thornton: Sir.

David Redmond: I'm not adverse to withdrawing my motion and letting these guys in and I don't know if they want a deferral. It seems to me this idea of can you hook up or not hook up kind of came up on the fly. And I am not just a big fan of making up a requirement on the fly, and I don't know if they can. I don't think the building can accommodate it cost wise or whatever, and the application that we have today is consistent with other applications.

Ronald Ripley: They brought it up Dave.

David Redmond: I know that. I just don't know if they should have. I don't know if they can assure their building can accommodate that. I don't know. That is exactly my point. When we came in there was discussions this afternoon how to provide onsite power to something and this morning it was a discussion about 10:00 pm or midnight. It seems to be a little bit rash to kind of get into that discussion. I don't know what the building can accommodate. Can it be done from a cost perspective? I don't know if it can. I really don't know a whole lot about how to accommodate that so, if they want to investigate that further and do a plan I would hate to apply to apply a standard to somebody when we haven't applied to someone else. That we think about this morning.

Ronald Ripley: What would you be willing to say to the best of their ability that all food trucks shall operate with RV hookups?

David Redmond: That is what I suggested 20 minutes ago in trying to work out some sort of power hookup.

Ronald Ripley: To the best of their ability.

David Redmond: Sure.

Bob Thornton: Well the other option is that you could make an alternate motion. We could make an alternate motion.

Ronald Ripley: Then I will make a substitute motion and the substitute motion is to approve with the language that all food trucks to the best of their ability shall be operating with RV hookups.

Bob Thornton: I need to ask Kay a question.

Kay Wilson: Yes sir.

Bob Thornton: We have a motion on the table with a second with an alternate substitute and a second.

Kay Wilson: The substitute motion is voted on first. If it passes, that is it. If it doesn't pass, then you move to the primary motion.

Bob Thornton: Okay. Fine.

David Redmond; I'm amenable to that. Is that a condition to the best of their ability?

Ronald Ripley: I think we have a man that seems very reasonable to me

Bob Thornton: So your motion is not to make it such that they can't have a generator on site? Your motion is that they do their best efforts to keep the noise.

Ronald Ripley: I satisfied.

David Redmond: It certainly satisfies me. I would love if they didn't have to have generators on the site and all of this could be done essentially noiseless.

Don Horsley: The one thing we're getting confused about, this is under normal hours. If it is an emergency situation and power goes out for whatever reason you can have a generator. Everybody can have a generator. That is the reason why this man has one in his neighborhood. The snow storm took the power out so he had a generator. So I think even, you would want to put a generator in your facility. You don't want to take a chance on having that beer going bad, so you're going to have an emergency generator. I think what Ron is talking about is under the normal hours, not every day grind the neighborhood will hear these generators running on a daily basis.

Karen Kwasny: He is only talking about the food trucks too. He is not talking about the emergency generator.

Don Horsley: But in an emergency, the power goes out or something or he can't get one with an RV

hookup and he brought one in for a day with a generator, so be it. I don't think that would be a problem.

David Redmond: So, we're talking about condition 14 or 15, it says the operation of the food truck shall not disturb the tranquility of residential areas or other areas in close proximity or otherwise interfere with reasonable use of adjoining neighboring property by reasonably excessive noise, traffic or overflow parking. That is the condition now. How would like to?

Ronald Ripley: Put it all on 15. I said all food trucks to the best of their ability shall be operated with RV electrical hookups.

David Redmond; Yes, I can support that.

Bob Thornton: Do we have a second. Karen, do you have something you would like to add?

Karen Kwasny: No.

Bob Thornton: Are you sure? I am not an expert in food trucks but I do have a generator at home and I do know that AKW to a 10kw generator are very noisy. I think these food trucks, for what it is worth have the little tiny Honda generators that are not much bigger than a suitcase. They go inside the food trucks. It is not like having a 10kw generator hanging off the food truck because they are very noisy. IF anybody's got them, know they are noisy. Part of the argument is the food trucks themselves don't carry these gigantic noisy generator otherwise nobody would go and buy food trucks. I don't think it is a bigger problem like we think it is but I like this solution you've come up with. So, you got the motion, the substitute, the two seconds?

Ed Weeden: Ron made the motion?

Bob Thornton: To add to paragraph 15.

David Redmond: I'm just happy with withdrawing.

Ed Weeden: Who seconded it?

Bob Thornton: Jan. Does the staff have any questions of us before we hit the buttons?

Kevin Kemp: I think with that condition, if they ever started to complain it would allow the Zoning Office to look at it and work with the applicant saying, we've been getting complaints. Is there a way to mitigate this noise better?

	AYE 10	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN				ABSENT
KWASNY	AYE			
OLIVER	AYE			
REDMOND	AYE			
RIPLEY	AYE			
RUCINSKI	AYE			

THORNTON	AYE
WALL	AYE
WEINER	AYE

Ed Weeden: By a vote of 9-0, the Commission has approved the application of Rhett Rebold with the addition condition 15 all food trucks will now operate with RV ancillary power.

Bob Thoron: And 17.

Ed Weeden: Nor more than two food trucks shall be permitted to operation on the site at any given time.

Dave Weiner: I just want to say something. We had a great discussion today. This is very interesting. I have not come across this yet since we've doing this for three or four years now, all of these food trucks and breweries, I would ask staff in the future if we could just get a little bit more involved maybe I don't know how you can do that. We can regulate this more in the future. I'll be happy to regulate it.

Carolyn Smith: Condition 15 is a result of some issues that have come up in the last year.

Bob Thornton: Well thank everybody for their participation. Is there any further business? Hearing none, I adjourn the meeting.