

Item #1  
Oanh Dang  
Modification of Conditions  
3420 Holland Road  
District 3  
Rose Hall  
March 8, 2017

**CONSENT**

An application of Oanh Dang for a Modification of Conditions on property located at 3420 Holland Road, District 3, Rose Hall. GPIN: 1486-82-3088-0000.

**CONDITIONS**

1. All conditions attached to the Conditional Use Permit granted by the City Council on March 3, 2015 shall be deleted and replaced with the condition below.
2. A Certificate of Occupancy shall be obtained prior to the operation of the Business and Vocational School on this site.

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

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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 9-0, the Commission approved item 1 for consent.

Item #2  
AT Associates, L.L.P.  
Conditional Use Permit  
2677 Virginia Beach Boulevard  
District 6  
Beach  
March 8, 2017

**CONSENT**

An application of AT Associates, L.L.P for a Conditional Use Permit (Bulk Storage Yard) on property located at 2677 Virginia Beach Boulevard, District 6, Beach. GPIN: 1497-55-2196-0000.

**CONDITIONS**

1. When the site is developed, it shall be in substantial conformance with the submitted site layout exhibit entitled, "BEACH FORD ADDITIONAL PARKING," prepared by Clark Nexsen, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
2. The site shall be used only for the storage of motor vehicles for sale. No vehicles in a state of obvious disrepair shall be stored on site. No other materials or items shall be stored onsite.
3. There shall be no decorative pennants, feather flags, streamers, air dancers, inflatables or other similar advertising items located on the site.
4. Any freestanding sign shall be monument style with a brick base, and shall be no taller than eight feet as measured from the ground to the top of the sign.
5. Prior to final site plan approval, a Landscape Plan shall be submitted during the site plan review process that reflects the location of the planting areas as depicted in the submitted site layout exhibit referenced in Condition 1 above.
6. Motor vehicles on display shall only be parked orderly within the display areas shown on the Site Layout Exhibit referenced in Condition 1 above and shall be limited to a total of 75 motor vehicles.
7. The spaces for display of motor vehicles shall be clearly marked as depicted on the submitted site layout.
8. All vehicles delivered to the site must be off-loaded either on the site or from the nearby motor vehicle sales site. The delivery vehicle shall not be permitted to back into the site from Virginia Beach Boulevard, nor shall it impede the normal flow of traffic on any public rights-of-way at any time.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item 2.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>

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<b>INMAN</b>	<b>AYE</b>	
<b>KWASNY</b>		<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>	
<b>REDMOND</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 9-0, the Commission approved item 2 for consent.

Grady Palmer appeared before the Commission on behalf of the applicant.

Item #3  
Jenna Zimmermann  
Conditional Use Permit  
2108 Alwood Court  
District 7  
Princess Anne  
March 8, 2017

**CONSENT**

An application of Jenna Zimmermann for a Conditional Use Permit (Home-Based Wildlife Rehabilitation Facility) on property located at 2108 Alwood Court, District 7, Princess Anne. GPIN: 2414-19-7151-0000.

**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.
4. The applicant shall maintain the existing landscaping and the six-foot high privacy fence and the four-foot high fence that encloses the backyard, such that all activity and all structures associated with the Home-Based Wildlife Rehabilitation are screened from view.
5. All pre-release cages depicted on the site layout shall be equipped with a double door system for the protection of the handler and the mammals prior to occupancy by any mammals.
6. All mammals kept onsite shall be properly vaccinated for rabies and proof of rabies immunization shall be kept onsite.

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

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>	<b>AYE</b>			
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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>			

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

The applicant appeared before the Commission.

Item #4  
LionHeart Alliance, L.L.C.  
Conditional Use Permit  
Home Occupation – Firearm Sales  
912 Daimler Drive  
District 7  
Princess Anne  
March 8, 2017

## **REGULAR**

I would like to take this time to thank the applicants who had a matter on the consent agenda for attending today. Those one or two that might be left. These items will be scheduled for hearing of the City Council agenda. Thank you. Now we will address the remaining matters on our agenda. I'll ask the Secretary to please call the first item.

Jan Rucinski: Okay. We have one item to be heard today. And that is LionHeart Alliance, L.L.C., which is an application for Conditional use Permit (Home Occupation – Firearm Sales) on property located at 912 Daimler Drive, District 7, Princess Anne. Is there a representative for that application here please?

Dan Cowan: There is.

Jan Rucinski: If you could state your name for the record and explain your application?

Dan Cowan: Thank you. I'm Daniel Cowan, homeowner and land owner as well. So, LionHeart Alliance, we are a government contractor that specializes in providing operational equipment and logistic solutions to primarily to federal law enforcement agencies. What we are trying to get with this Conditional Use Permit is our ATF Federal Firearms License, so that we can expand in breadth the products that we offer our customers, and move it into firearm sales, so, what we really need for this is for our government contracts, we typically drop-ship all the weapons system and bypass the ATF process. The paperwork is basically from the manufacturer to us, then from us to the Federal law enforcement agency that we are selling it to, so we typically drop-ship from the main manufacturer to the law enforcement agency. So, I know there is some opposition about firearms being held at our residence. I can completely understand that but it is kind of a "Catch 22" for us to get this ATF license to be able to continue on expanding the role of the law enforcement agency that we represent. So, do you guys have any specific questions or concerns with this that I can address?

Bob Thornton: We will hear from the opposition and then we'll invite you up for rebuttal.

Dan Cowan: Okay.

Bob Thornton: Then we might have some questions along the way so stand by.

Dan Cowan: Okay. Thank you.

Jan Rucinski: Okay. The first in opposition is Mollie DiMiceli. I apologize, if I said that incorrectly. If you will just please make sure you state your name for the record.

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Mollie DiMiceli: Sure. Thank you. It is Mollie DiMiceli. I come here today and I'm a neighbor. I am not good at public speaking. I apologize in advance. But I'm a neighbor. I'm a mother. I have three small children in the area, and having somebody deal firearms in the neighborhood concerns me, as his house where the location is smack dab sandwiched between my children's playground. There is a playground behind his house, and right in the front of his house. And, I guess my concern I have is that I have whole list of questions that I need to understand fully. The capacity of how he is going to be selling these drop shipping and how these firearms are going to be coming in the neighborhood and leaving the neighborhood? If anybody is be coming in? Traffic and ammo? How many guns are going to be there? Just a whole bunch of questions that probably maybe he could probably elaborate a little bit more on the process on what he is going to be doing with these firearms. Maybe it would answer my questions a little bit more.

Bob Thornton: Why don't you ask the questions now and it will give him a chance to think about them and then when he comes back for rebuttal.

David Weiner: Can I say something real quick?

Bob Thornton: Sure. David.

David Weiner: Did you get a chance to read the write up from the City to actually what's in here, what his requirements are. What are the conditions he has to follow and things like that?

Mollie DiMiceli: I did only for the first 15 minutes while I was waiting here so I didn't fully in depth really it but I did go through it.

David Weiner: Did that answer any of your questions?

Mollie DiMiceli: Not too much. I understand a little bit more thank you, but I still don't understand it. The one thing that he said he was going to be doing is government contracting, and if he has government contracts, and he wants to expand his business, why can't there be a store front in a shopping mall where it is zoned for commercial, for business not in a residential neighborhood. If he is going to be earning money and getting government contracts and things and stuff like that, I would think he would want that security and be able to expand his business in that capacity is my first issue I suppose.

Bob Thornton: What's the next one?

Mollie DiMiceli: Okay.

Bob Thornton: You rattle them off and he'll write them down the answers for you.

Mollie DiMiceli: Absolutely. I'm concerned about the traffic coming into the neighborhood. My children, along with at least a dozen other children are on his street and he is in a cul-de-sac. They play in that cul-de-sac all the time. It is heavy traffic with children. So, I want to know how many trucks are going to be coming in. Is it going to be a daily shipment? Is it going to be Fedex, UPS, and bigger trucks coming in? Are they going to be leaving? How many a day is he going to be picking up? Will there be

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any customers coming to his premises, because I did read in there in the write up, I guess he could have up to five customers, I think a month. I did read that in the write up, while I was waiting. So, I want to see fit here is going to be customers coming to purchase guns? Will he have security? Meaning will there be cameras, extra lights, alarms, and things of that nature? Let's see. I'm concerned about negatively affecting the property value. I really would have a hard time believing that after reselling my house to a family of children and them wanting to buy my house simply because of the buyers coming in and out of the neighborhood. I think it would probably an easy target for thieves and it would set a bad precedence in the neighborhood having that many guns. I just want to know that the City Ordinance is. How a City Ordinance would allow retail like this in the neighborhood? I think that is it for my questions.

Bob Thornton: Okay. Are there questions?

Jeff Hodgson: I don't know if this will give you any comfort but I've been on this Commission for six years, I don't know how many over the six years that have come in front of us for a very similar type application and I don't know have we had any issues in the past?

Kevin Kemp: No we haven't, at least since I've been here with the City 5 ½ years.

Jeff Hodgson: I think most neighbors don't even know that type of business exist in the home, and I think in a lot of cases, firearms don't even make it to the residence. They are more of a transfer station to somewhere else. My hunch it is through paperwork, instead of it being shipped. In most cases, they are dropped off in a driveway to be stored in his house. I don't know if that gives any comfort but there are dozens of these across the City that most people don't even know are here. I don't know if that gives you any comfort at all.

Bob Thornton: Is that pretty much your list of questions?

Mollie DiMiceli: Yes.

Bob Thornton: Thank you Mrs. DiMiceli. Did I get that right? Stand by. We may have some questions for you.

Mollie DiMiceli: Well good. Thank you.

Bob Thornton: Thank you.

Jan Rucinski: Our next speaker in opposition is Don Thompson. If you can, please state your name for the record?

Don Thompson: Yes ma'am. My name is Donald Thompson and thank you ladies and gentlemen for allowing me to come in today. I do apologize for showing up in my pajamas. I kind of had to shoot over here over lunch. I will try to be brief. I would like to pose a couple of questions. I live in Pine Meadows also I'm a neighbor. I live three houses down. My address is 924 Daimler, and my concerns largely fall into two categories. The first being the safety of my children and I think, as a father of two daughters, I show the same concerns as Ms. DiMiceli regarding any added risk that is brought into our

neighborhood. I realize that in the application there are a bunch of proposals as well as conditions that are injected by the Planning Commission. In an attempt to mitigate that risk or minimize it, I think I would like to pose the argument that no matter how small the risk, I would view it as an unnecessary one. I would like to pose the question, which is probably the elephant in the room of why the applicant didn't choose to purchase a property that is zoned correctly for what is his attempt is? In other words, why purchase a residential property and then attempt to set it up as a business, potential a very controversial one as well. The other concern in the category that I have is again, as Ms. DiMiceli alluded to in her remarks is the impact on the housing market. I would like to ask the applicant if there is any historical data he could reference that would indicate that there is no adverse impact on the home values in the area. I would also like to pose the question does this zoning change if approved become a matter of a required disclosure for his property. In other words, something that potential buyers can see in the neighborhood for when they're looking, as an example, if I'm trying to sell my home later on down the line, if they will have access to that information because in my view that would adversely impact my ability to sell a house. And I believe that is all of my questions.

Bob Thornton: Thank you. Are there any questions of Mr. Thompson? David?

Dave Redmond: I would like the answer to that question. And staff knows the answer to that question about whether or not there would be any required disclosure on the residential property disclosure.

Kevin Kemp: I am not aware of any legal requirement for a realtor to disclose that, however, all of our use permits are public record, so if you search through our City map system, it will show all of these home base uses in the area. So, it is readily available for people.

Dave Redmond: I don't think anybody purchasing a home is going to go the City website and search all the Conditional Use Permit.

Kevin Kemp: I am not aware of any legal requirements of realtors but I also can't give a definitive answer on that but I would be happy to look in to that.

Jan Rucinski: I might be able to answer that question for you being a realtor. It is not part of disclosure packet that would we we're required to give.

David Redmond: Okay, she should know. I'm impressed that you did that little presentation off your little yellow sticky pad note there. I've never seen that before.

Don Thompson: Yea, Just a couple of quick notes I guess. Thank you sir.

Bob Thornton: Thank you.

Jan Rucinski: Okay. The next speaker in opposition is Michael Sachse.

Michal Sachse: You might just call me Curtis. I actually go by middle name.

Jan Rucinski: Okay. If you can, state your name for the record?

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Michael Sachse: Can I use Curtis? Curtis Sachse. Good afternoon. Thank you guys for hearing me speak. I'm speaking in opposition to this Conditional Use Permit for a couple of reasons. I read a recent article in the past couple of years. The Pilot, I think quoted Ms. Wilson saying that apparently Planning Commission can't deny a permit unless it affects traffic or something like that in some way. And really if this permits allows him to sell firearms out of his home, and anyone goes to his home that wouldn't otherwise, it is an increase in traffic. It is more than zero. So, that's the opposition in that respect. Obviously, there is the safety aspect in terms of the manner for the type of good he would be selling. He is not an armory. He is not a police station. And his home won't be secure despite the safes in there. Our homes in our neighborhood actually were put up. They don't have sheeting on the walls. I could break into many of the houses with just a pocket knife. You could go right through the vinyl siding, and the sheet rock. It is not just as a secure of a facility as I want to have large volumes of weapons being transferred in the vicinity of the parks and all that. I actually wish Mr. Cowan the best of luck in his business endeavor. I would just really appreciate or would hope he would be able to start that business in a commercial district that is zoned more appropriately for its use. I don't believe that a residential neighborhood is the proper setting. I have a lot more on the safety aspect if you guys want to hear more but I think that pretty much covers it.

Bob Thornton: Are there any questions of Mr. Sachse? Thank you.

Michael Sachse: Okay. Thank you.

Jan Rucinski: And our last speaker is Katie Sachse.

Katie Sachse: Hi.

Jan Rucinski: State your name for the record.

Katie Sachse: My name is Katie Sachse. Thank you for hearing me today. I live in Pine Meadows and I'm concerned about the proposal to upgrade the Conditional Use Permit that may allow retail sales in our neighborhood. In general, Pine Meadows is a quiet neighborhood where families go for walks and children play in the parks. The property that is proposed for this Conditional Use Permit is around the corner from one, two actually, of our neighborhood parks. I'm concerned that commercial sales may increase traffic through our neighborhood and decrease safety for our children. Research reports were crime rates in residential zones that why chose to live there. If we allow permits for retails sales in the neighborhood, how many would ultimately be allowed. I just hope that many will carefully consider that not allowing this permit is in the best interest of our neighborhood. Thank you.

Bob Thornton: Are there any questions of Ms. Sachse? Thank you.

Katie Sachse: Thank you.

Jan Rucinski: There are no other speakers in opposition to this application.

Bob Thornton: Would the applicant like some time for rebuttal?

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Dan Cowan: Yes. I have written down couple of the main issues and concerns from my neighbors. The biggest one being a store front and commercial traffic coming through the neighborhood. As it states in the Conditional uses outlined by the City, there would be up to five people per month for retail and hand transactions. As Mr. Hodgson knows, ATF, you can do a lot of transfer paperwork without actually receiving the goods. Being a government contractor, 90% of what we would do would never come to our actual facility and would be shipped directly from the manufacturer to the agency we're working with on the contract. So, that mitigates some of the traffic issues that have been proposed of the five people that could possible come up to the building. Also, as well we would be up to five shipments as well for, if we get five customers obviously, however, many weapons they could buy, we would have that many shipments so it wouldn't increase traffic at all to our residence. Likewise, security was an issue. We would abide by all ATF FFL regulations, as well as any proposed City regulations for security of the weapons that are at our facility, and we do have a security system as well as safes. We would do anything else needed to be outlined for us. Another thing that was brought up was storefront or sales company. We're supposed to be out in front of our customers and we're not regionalized. We deal with the government in Washington, D.C. I'll be up there tomorrow. I'm traveling all the time so it is kind of pointless, as a small business to invest in a storefront, which our customers are not going to come from California to our storefront. So, it is kind of pointless for us to invest that capital into a storefront where we are not going to have customers come that way. So, I think that hits a lot of the points that were brought up by the other speakers. If you guys have any other specific questions, I'll be more than glad to answer those for you guys.

Bob Thornton: Thank you. Jan first.

Jan Rucinski: Okay. So, how many firearms will you be planning on storing at the property?

Dan Cowan: Storing? Per conditional uses, those would be for immediate purchase. So, if I receive a pistol, I would already have the customer lined up for that because I would buy it specifically for that person. And they would come, pick it up. We would do the transfer paperwork through the ATF and State Police, and they would leave with it right then. As I mentioned before, most of our government contracts are direct dropped shipped, so we do not store those weapons at our facility at all. They don't ever come to us. And we drop ship them direct to them to help streamline the procurement process for the law enforcement agencies we are dealing with.

Bob Thornton: Ron.

Ronald Ripley: Is this a full time job?

Dan Cowan: This is. I have been doing it for eight years for one of the largest defense contractors in the area. And then I broke off and my wife and I, we started up our own company because the law enforcement arena that we deal in is more suited for more customer service oriented businesses vice lowest price tag acceptable as what the larger contractor that we worked for.

Ronald Ripley: So have you been operating already?

Dan Cowan: Yes. We have been in business since March 2014 and we are just now going for our ATF FFL

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permit and Conditional Use Permit.

Ronald Ripley: So you have been operating out of the house?

Dan Cowan: We have.

Ronald Ripley: Okay. And you described the process somewhat and you mentioned that about 90% of them were directly dropped shipped.

Dan Cowan: Yes sir.

Ronald Ripley: So, some are shipped to your house?

Dan Cowan: Correct. The ones that we would do a direct hand to hand transfer for that would be custom ordered for an individual. Those would be the ones that would come to us. The government contracts though we would not take those at our house.

Ronald Ripley: So how does that procedure work? UPS or whoever brings though to you. How does that work? What does that look like?

Dan Cowan: For the hand to hand transfer?

Ronald Ripley: No. How does it look like when you receive these goods?

Dan Cowan: I would look the same as if you ordered Amazon Prime.

Ronald Ripley: My question is, are you home?

Dan Cowan: Yes sir.

Ronald: Is it left on your doorstep?

Dan Cowan: Firearms you have to sign for. They just don't leave them on your doorstep. Someone would have to be there to receive the goods.

Ronald Ripley: So if you're receiving 10% of the goods, 90% of your goods would be dropped shipped. Could you do a 100%?

Dan Cowan: Not for hand to hand transfers.

Ronald Ripley: Why couldn't you do that at a remote location? Because the Conditional Use Permit is not about the reasons why you're having it is because it is compatible with the neighborhood. You have neighbors sound like they are not real happy about this. That is what this is here. It is not about traffic. It could be an issue. It is not about one thing. It is about compatibility, so my question is could you do all direct ship versus receiving goods. Could you receive it at another location that would comfort them knowing that firearms are not coming into your house?

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Dan Cowan: No. According to the ATF FFL, it has to be received at the primary business location that federal firearms license is associated with, so; we wouldn't be able to receive them at an off-site location and then bring them to us.

Ronald Ripley: I'll just say this, and maybe I should save this for discussion amongst the Commissioners, but normally, these are part time jobs that we see coming in and yours is full time.

Dan Cowan: Yes sir.

Ronald Ripley: That is different in my opinion. Maybe a commercial location might be more appropriate in this case.

Dan Cowan: Absolutely. I agree with your opinion and as I stated before, we're not a regionalized. We are not a firearms gun shop at your local Super K-mart store that is all they do. We are out selling operational equipment to our government customers, and they are spread all across the United States. So, again, as a small business, it doesn't behoove us to go out and spend \$1,000 or \$1,500 a month on a commercial space, where our customers do not come to us. We go to them. So, it would kind of be setting us back.

Ronald Ripley: Thank you.

Dan Cowan: You're welcome.

Bob Thornton: Dave?

David Weiner: What would be the percentage for the firearm sales? When you say tactical equipment, what do you mean by tactical equipment?

Dan Cowan: Body armor, holsters, any kind of duty equipment.

David Weiner: What would be the percentage firearm sales?

Dan Cowan: Roughly 15 percent.

David Weiner: Okay.

Bob Thornton: Jack?

Jack Wall: So how are you doing with the other items that LionHeart deals with this other type of tactical equipment?

Dan Cowan: We have an off-site UPS box that we ship everything too, so; it doesn't bring extra traffic into our house. So, but, again, you can't do that with firearms.

Bob Thornton: Dee?

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Dee Oliver: So, I'm not quite sure and I'm trying to understand it. When you sell a firearm to a person, how often, and I know we're talking percentage, say in the last six months, how often have you actually had one to one sale of a face to face sale.

Dan Cowan: Zero, because I don't have a Federal Firearms License.

Dee Oliver: Okay. There you go. That's the answer then isn't it.

Dan Cowan: But for instance...

Dee Oliver: Let me rephrase it. How often are you expected to do even though we're looking at 10%? What is 10% in numbers? I know it is a strange question but what would that allow for? Two guns?

Dan Cowan: Well, per the Conditional Use there is no advertising. It is all referral based. Most of the people that I would be selling to are, I've actually had some of the neighbors come to me and say, if you get this permit, can I buy from you? And, so; obviously those people are not here. But, most of the other ones are going to be to Federal law enforcement agencies. They are actually in user customers. I've have some Deputy U.S. Marshals that are looking to buy personal weapons. They want to go through me because we have a relationship with Bob's Gun Shop. And, so; those would still be very minimal. It says up to five people a month. We could potentially do transactions for it would probably be less than one. It is going to be hand to hand transactions.

Dee Oliver: Thank you.

Bob Thornton: My question is if you're selling large amounts of items to these agencies, and you need a Federal Firearms License to do that, and who are the people, and you may have answered it, that are buying, and I'll say the one off and somebody comes to you as a neighbor and says "can you get me a Glock"? Can you get me one of these? You do that because you can.

Dan Cowan: Yes sir.

Bob Thornton: Okay, but if you didn't do that, if you didn't sell any one off hand guns or any kind of weapons out of your house, it doesn't sound like it amounts to that much of your total business revenue.

Dan Cowan: No sir. The one off hand to hand transfers would be very minimal as I mentioned that is all referral based because we're not advertising. Come to my house, I could sell you a gun. It is like I said originally, it is a catch 22 and we need the Federal Firearms License to do our government contract and that specific category of weapons. Anything else out of that, you don't need a Federal Firearms License. That is why we've been able to grow like we have, selling all kinds of different operational equipment but we looking to expand the breadth of products that we can offer our customers to give them a total solution. If they want to fit all their guys had to deal with new equipment as well as buy weapons too. It is easier for them to procure it all from one source versus wasting their time going to a number of different sources. So, we provide them the whole one stop shop solution that they need to fill their requirements.

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Bob Thornton: If you could not sell one of those hand guns or weapons out of your house, it really wouldn't crater your overall business model?

Dan Cowan: Realistically, no, it would not. But, to go through the process of maintaining the FFL after meeting those standards as well as the proposed conditions from the City, then it would be nice to have that ability to sell to family members that are on Chesapeake Police Department or local Federal law enforcement officer that I'm friends with as well that personally want to buy firearms for themselves.

Bob Thornton: Jan?

Jan Rucinski: Is there any screening process so if somebody hears from Uncle Bob that they could get a hold of you to buy firearm, is there any screening process or any qualifications that your public would have to comply with in order for you to be able to sell them a firearm?

Dan Cowan: Absolutely. You still have to go through the process of getting the individual through the ATF as well as the State Police to get them approved to buy a firearm. But, for them to randomly find my phone number or get a hold of me somehow, then it would most likely be a referral based. We're not publicizing that for firearms dealer, same is to the government. We're not commercially publicizing that in any newspaper or any kind of advertisements.

Jan Rucinski: One of the other speakers in opposition had a question about the security of your home. What kind of additional security would you be having as a result of this?

Dan Cowan: We already have safes already for both long guns as well as small hand arms. So, we already have that in place, as well as, a security system that is monitored. And then per one of the conditions we have to meet with the Virginia Beach Police department, the Crime Prevention Unit and they will assess the situation and give us any guidance that could help mitigate any risks that could come up with this Conditional Use Permit, and the Federal Firearms License.

Bob Thornton: Jeff?

Jeff Hodgson: I have a question for staff. On some of the others over the years that we've approved, what was the number of trips that they were allotted? Any idea? Did we limit how many trips? Sorry to put you on the spot on this.

Kevin Kemp: We've never limited the number of trips before, at least to my knowledge, but it is typically in that less than four or five a month range, when it has been brought up. None of the ones we've approved had high volume traffic.

Jeff Hodgson: Okay.

Bob Thornton: Any additional questions? Thank you.

Dan Cowan: Thank you.

Bob Thornton: With that, I would like to close the public hearing, and we can open it up for discussion

amongst the Commissioners. Dave Redmond?

Dave Redmond: Ms. Wilson, would you do us a favor because I always forget in my mind does what the State mandates are in this regard.

Kay Wilson: Under the Virginia Code 152.915 that the locality may not regulate the sales or the transfer or anything about firearms. It is not in the State or the localities purview to regulate firearms. This is not about firearms. What they are getting a Conditional Use Permit for a home occupation is for retail sales. And they have to come here to get that Conditional Use Permit because in order to get a FFL, they have to have a business premises. That business premises has to be open to the public. It doesn't mean you're going to have a showcase of guns in his living room. It means they have to have the ability to go in, and so; if you're going to sell guns from your house, you have to get this Conditional Use Permit because of the Federal Firearms requirement.

Dave Redmond: Thank you. For the life of me, I can't see a single characteristic of this application that differs in any material way from every single other similar application in my ten years in doing this including people who have legitimate fears and concerns. Every single one of which we've approved in my memory and not a single one of which, of my knowledge or Staff's knowledge. I think we heard this morning, has ever come to some sort of bad result in the end or some sort of problem. This is as far as I can tell, precisely like one of these difficult applications because even though Ms. Wilson says it is not about firearms, it is about firearms, and there are people who are concerned. If they were selling pool equipment and this was for the retail sale of pool equipment, hoses and vacuums and chlorine and shock and stuff like that, nobody would care. Nonetheless, I would like to see somebody explain how this is all different from every single other application you've ever seen? It has been probably in my memory, I recall, probably something like a dozen. I know Ron is going to take a swing.

Ronald Ripley: The only one, I can recall, and I believe it was for our recommendation was for denial was attorney Steven Tesky came here and represented the neighbors against the application. The application for similar reason that the neighbors had, were concerns about compatibility. They were concerned about the safety. They were concerned about things dealing with their neighborhood and they got every right in the world to be concerned about that. I would be. If I had that element near me, I might be careful of that as well. I think we, did but then again, maybe I voted against it and I voted for denial and maybe it passed. I can't remember exactly what happened but I remember. I believe it was denial. That was the difference. The others have been. We've really never had people come in and the neighbors come in and object to any kind large way. This is a little different. This is a full time business he here he's got, where everybody else was part time.

Bob Thornton: David first and then I'll get you jack.

David Weiner: I just want point out what Ron just said. This is a first time business. This is the first time in the four years I've been here that we've seen a full time business come in, but one thing that did make me a feel a little bit better going 15% of that the full time business was firearm sales. Now, I don't think a large part of his business is going to be firearm sales. I think it is more to going to be doing other things with its contractor. Dave is right. It is no different than any of the others one coming through really.

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Bob Thornton: Yes ma'am.

Jan Rucinski: This might be a little out of order but I'm just concerned I want to make sure the question that the public had that they got all answered. Can we ask them if there were any questions that they asked that we did not get answered from them?

Bob Thornton: I would say let's finish our discussion because some of those might get answered along the way. Does anyone else have a question? Jack?

Jack Wall: Yeah, to me, it just seems like this is a bigger operation than the ones we have reviewed in the past. Maybe it doesn't seem that way but you have the tactical operation. Then there is the drop feature. He has the UPS box for some of the other items, but this just seems this is a little bit different. It is a bigger operation. The homeowners have concerns and it is not about the firearms it is about the traffic. Yes, it is going to be minimal but still pointing out of the cul-de-sac, the playground. It seems to be a little bit different than the ones we've taken a look at in the past.

Bob Thornton: My position is. I'm sorry, go ahead mike.

Mike Inman: I would like to know if the applicant has a license for a home occupation separate and apart from this. Are they operating? Do they need to have home occupation?

Kevin Kemp: Mr. Inman, they can get a business license for occupation for their home without coming to you if they meet certain conditions. So, if they are just running an office out of their home and all the tactical equipment is being dropped shipped, there is no retail component, they can get a business license without need a Use Permit.

Mike Inman: My question is do they have one? I'm not asking you. You may not know but it seems to me that all this tactical equipment does that go on in the house? I'm sorry. I may have missed that.

Bob Thornton: We can ask the applicant. Do you have a current business license from the City of Virginia Beach?

Dan Cowan: We do sir.

Bob Thornton: Okay. Thank you. David.

Dave Redmond; I think it is clear in both in the package and staff's presentation this morning, and here today, a vast majority of what he does is internet an drop ship. It doesn't occur within the home. And we're talking numbers that are no greater for the matter or any different than the other applications. One, two, three a month of something of which is going to have no effect whatsoever, no concern able effect on traffic whatsoever. If you stand on the corner in that neighborhood, three more cars coming o this location a month or five coming to this location, so again, I just know what I read and staff has told us in the presentation and with the applicant and staff, I don't know how that is an different.

Bob Thornton: Mike?

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Mike Inman: I think the focus here should be on the firearms sales.

Jan Rucinski: We can't.

Mike Inman: It sounds like it is a part time thing because a very small percentage of his business so I don't see any way to distinguish it from other applications that we've had frankly. I agree with Dave and Dave on that point.

Bob Thornton: My thoughts are that he is here for Conditional Use Permit approval in order to get his Federal Firearms License. I agree with my colleagues. We've approved enough of these that ought to not cause us any real concern. The neighborhoods concern causes me concern. And, I would be willing to support this if the applicant would not receive any shipments there. Would not store any firearms there, would basically continue on as he is doing now. It sound like you answered my question. Selling a gun or two here or there is not a big part of your business. You need a Federal Firearms License in order to continue in business, and doing what you are doing and I don't think any of us want to deny you of that. No matter what, when people come in to the neighborhood to buy a guns, there is more traffic and there is a security issue. So, I would like to find out if you would consider or maybe this Board would, we could approve this without allowing you any firearms in your home? Can you answer that question?

Kay Wilson: In order to get a Federal Firearms License, Mr. Cowan needs to have a Conditional Use Permit for retail sales out of his home. He is not going to get a FFL without it. So, if you want him not to have firearms in his home, he is not going to get a FFL.

Bob Thornton: Other comments? Other questions?

Jeff Hodgson: I kind of have to weigh in with what I heard down on this end. I've almost can see I've seen about 10 or 12 of these in the last six years, and I've never heard anything again, once they left here, heard any issues on any of them. It is limited to five transactions a month, which is basically one a week. Traffic from that, I think, one visit a week is not going to make a difference. So, I don't understand, like Dave was saying, how we can look at his different. I understand he has a full time business but this part with these five transactions doesn't make up his whole business. That is being done regardless. I have to agree with.

Mike Inman: Where is that in the conditions?

Jeff Hodgson: the number of transactions?

Jimmy McNamara: I believe that is in the background, the summary of the Staff Report. It is not a condition. It is anticipated that he will have no more than five.

Jeff Hodgson: So that it can be added as a condition?

Kay Wilson: I don't believe that can be added. It has to be open to the general public.

Jeff Hodgson: But it could be limited to the number of transaction you're willing to do.

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Kay Wilson: Which is what we've done. We've limited to the number of transaction he will do by putting it in the staff report.

Jeff Hodgson: But it is not a condition.

Bob Thornton: Any more comments? Is there any more discussion?

Jan Rucinski: I am curious to know if we answered the questions for all those people that have come in opposition if there was question that did not get answered?

Donald Thompson; I have one lingering question.

Ed Weeden: State your name for the record.

Donald Thompson: I'm sorry, my name is Donald Thompson. One question that I asked that I don't believe was addressed was that of the impact to the home values. I don't think we've talked a lot about the security issue and how that has been mitigated. There seems to be great moving uncertainty on how this would potentially adversely impact the value of homes. I don't know even if this is something we can even address right now without support evidence. I think that was the only thing of mine. If I could, I would like to note there is language in the conditions that is binding on the sales. My concern is that this opens up the door to much greater than five transactions per month. If we don't put anything in there that legally binds or restricts the number than really there is no point being in the conditions at all, if this is just an estimate, in my opinion. Thank you.

Bob Thornton: Kay, Would the applicant agree to that? Would that impact negatively impact his receiving his license that he has with us not the government?

Kay Wilson: Well, actually it could impact whether or not he could get a FFL if you limit how many sales he could have. It is not considered open to the general public. If you want to do that, we will go ahead to do that. You have a right to do that. We would check with the ATF and see what their position is on that, and they will have the information for Council.

Dave Redmond: That would be a very sharp departure from every other one of these applications. That would be new ground for sure.

Bob Thornton: Dave, I hear what you're saying and I hear what Jeff is saying. This is one of the few times, and I've been here for as long as Jeff has. We have not had any, not much neighborhood discussion about this. So this is the first time that we've had several people talk, not just one but it appears to be four families or three families, so, we have to look at this. I'm leaning little different way. This is also an individual who says this is his primary business. This is not a hand gun here and a hand gun there. He is selling, sounds like, large volume of equipment to the Federal government, and Federal agencies. So, there are some differences. It is a little different. So that is why we're dealing with it a little differently. Does anybody want to make a motion? Ask any more questions. I think in terms of your question Mr. Thompson, we don't believe there is any reason for you all to worry that this is going to be posted on a website that you got a gun dealer in your neighborhood. I mean there are other things that go on the website. You can check if it erratically affects the value of your neighborhood, if

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you know what I'm talking about. But not somebody selling stuff like this FFL dealers in your neighborhood, so; I think that is the best answer we can give you today.

Jan Rucinsk: I am not sure it would affect it any more than any other home sales going on the business or daycares in the neighborhood. I'm not sure that it would make that great of an impact.

David Weiner: Bob?

Bob Thornton: David

David Weiner: Could we ask the application to defer until we get this information back and when we get this information back and they can get with staff and then they can bring it back again in 60-90 days?

Kay Wilson: That would be fine.

Carolyn Smith: Can you clarify what information you're receiving?

David Weiner: Kay was saying.

Kay Wilson: Whether or not a restriction on the number of gun sales would that affect his ability to get a Federal Firearms License?

Mike Inman: Would it make a difference if the application proffered versus us imposing conditions?

Ronal Ripley: We could recommend it.

Dan Cowan: If is 100% necessary then I would like to oblige by that.

David Weiner: I think it would benefit you if we did it and we vote now and we don't recommend approval, it hurts you probably in the long run.

Bob Thornton: What we are asking you is if you would along that if we make a recommendation to Council to approve this with a condition, and you limit your sales to five a month, and you don't disagree with that, that would carry on, and it doesn't matter whether you disagree or not, that may be what we do today but we will defer to you and Ms. Wilson and the staff that for somehow that torpedoes your FFL, we don't want to do that either. That is where we are heading. We just wanted to see if you understood.

Dan Cowan: I completely understand that aspect the limiting of hand to hand transfers. I believe that it will still be deemed opened to the public because it is not limiting customers coming to my house because it still give us transaction ability so, I don't have any problem with moving forward with it.

Bob Thornton: Does somebody want to make a motion? Jeff?

Jeff Hodgson: I make a motion to approve the application adding the condition that it be limited to five transactions

Kay Wilson: Hand to hand transactions.

Jeff Hodgson: Hand to hand transaction per month.

Bob Thornton: And that would be an additional condition to the list that is already here.

Jeff Hodgson: Correct.

Bob Thornton: It would be number nine.

Mike Iman: I'll second it.

Bob Thornton: A motion made by Jeff and second by Mike Inman. And the staff you got that all squared away? Okay, we're ready to vote.

	<b>AYE 6</b>	<b>NAY 3</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>RIPLEY</b>		<b>NAY</b>		
<b>RUCINSKI</b>		<b>NAY</b>		
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>		<b>NAY</b>		
<b>WEINER</b>	<b>AYE</b>			

By a vote of 6-3, the application has been approved with the additional condition of limiting of five hand to hand transactions per month.

Bob Thornton: Thank you all for coming for the neighborhood. We appreciate the input. It is very helpful to us to be able to make decisions and work through these items. We thank you for being here. Is there any more business for today? Hearing none, we will adjourn the meeting.

Item #5  
Belin Mutual Finance, L.L.C.  
Conditional Rezoning  
Conditional Use Permit  
3156 Holland Road  
District 3  
Rose Hall  
March 8, 2017

## **CONSENT**

An application of Belin Mutual Finance, L.L.C. for a Conditional Rezoning (AG-2 Agricultural to Conditional I-1 Light Industrial) and a Conditional Use Permit (Automobile Repair Garage and Bulk Storage) on property located at 3156 Holland Road, District 3, Rose Hall. GPIN: 1495-16-6099-0000.

## **PROFFERS**

### **Proffer 1:**

When developed, the Property shall be developed in substantial conformity with the conceptual site plan entitled "CONCEPTUAL SITE LAYOUT PLAN OF 3156 HOLLAND ROAD, VIRGINIA BEACH, VIRGINIA", dated October 24, 2016, and prepared by MSA, P.C. (the "Concept Plan"), a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

### **Proffer 2:**

The architectural style and quality of materials used for the proposed structure to be constructed on the Property, when constructed, will be in substantial conformity with the exhibit prepared by Powerbilt Steel Buildings, Inc., a copy of which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning.

### **Proffer 3:**

The following uses will be prohibited on the Property: newspaper printing and publishing; job and commercial printing; repair sales for radio and television; small wireless facilities; bars or nightclubs; borrow pit; and fiber optics transmission facilities.

### **Proffer 4:**

Further conditions lawfully imposed by applicable development ordinances may be required by the Grantee during detailed site plan and/or subdivision review and administration of applicable City Codes by all cognizant City agencies and departments to meet all applicable City Code requirements.

## **CONDITIONS**

1. The Bulk Storage Yard shall be accessed from the one entrance depicted on the Concept Plan referenced in Proffer 1 above.
2. The overhead bay doors shall remain closed except for necessary ingress/egress of vehicles into or out of the facility.

3. The site shall be limited to a total of two (2) wall mounted signs, which shall total no more than 90 square feet.
4. Any freestanding sign shall be monument style with a brick base, and shall be no taller than eight feet as measured from the ground to the top of the sign and shall not exceed more than 32 square feet in area per face. There shall be no "box sign," but rather it shall be either externally lit or constructed with 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.
5. 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.
6. The Bulk Storage Yard shall be screened at all times by a six-foot solid fence and either the existing mature vegetation, or Category VI landscaping. If at any time the existing vegetation is removed, diseased, or dead, it shall be replaced with Category VI landscaping.
7. Vehicles that are in a state of obvious disrepair shall be stored on a temporary basis of no more than 90 days per vehicle, within the depicted Bulk Storage Yard. No such vehicle shall be permitted to be stored elsewhere on the site.
8. Prior to final site plan approval, a Landscape Plan shall be submitted during the site plan review process that reflects the plant material and placement depicted on the submitted Conceptual Layout Plan referenced in Proffer 1 above. Said plan shall be submitted for review and approval by the Development Services Center Landscape Architect.
9. All vehicles delivered to the site must be off-loaded on the site. The delivery vehicle shall not be permitted to back into the site from Holland Road, nor shall it impede the normal flow of traffic on Holland Road at any time.
10. There shall be no decorative pennants, feather flags, streamers, air dancers, inflatables or other similar advertising items located on the site.
11. A Photometric Plan shall be submitted during the site plan review process to ensure that all lighting on the site be shielded and directed downward to limit the amount of overspill outside the property's boundary.
12. All vehicle repair shall take place inside the building.
13. There shall be no storage containers outside the building or in parking spaces.

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

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			

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Belin Mutual Finance, L.L.C  
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<b>KWASNY</b>		<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>	
<b>REDMOND</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 9-0, the Commission approved item 5 for consent.

Billy Garrington appeared before the Commission on behalf of the applicant.

Item #6  
Bryant Winborne  
Subdivision Variance  
2832 West Gibbs Road  
District 7  
Princess Anne  
March 8, 2017

**CONSENT**

An application of Bryant Winborne for a Subdivision Variance (Section 4.4(b) of the Subdivision Regulations) on property located at 2832 West Gibbs Road, District 7, Princess Anne. GPIN: 1397-25-2581-0000.

**CONDITIONS**

1. The site shall be substantially as shown on the submitted survey entitled "SUBDIVISION OF PROPERTY Parcel B-3 James A. Fleming's Farm," dated January 18, 2017 and prepared by Bonifant Land Surveys, Inc. Said plan has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
2. When the property is redeveloped, the residential dwelling constructed shall be in substantial conformance to the architectural features, and appearance depicted on the submitted elevations entitled "Residence for: TAB & LEIGH WINBORNE at 2832 WEST GIBBS ROAD, VIRGINIA BEACH, VA 23457," prepared by Victoria Gail Designs and dated April 25, 2016. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning.
3. Prior to the construction of any new dwellings on the site, Health Department approval of the proposed water and/or septic system shall be required.

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

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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>			

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

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

Item #7  
Ellen Abney  
Conditional Use Permit  
428 Becton Place  
District 5  
Lynnhaven  
March 8, 2017

**CONSENT**

An application of Ellen Abney for a Conditional Use Permit (Home-Based Wildlife Rehabilitation Facility) on property located at 428 Becton Place, District 5, Lynnhaven. GPIN: 1487-86-7611-0000.

**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.
4. The applicant shall maintain the existing six-foot high privacy fence that encloses the backyard, such that all activity and all structures associated with the Home-Based Wildlife Rehabilitation Facility are screened from view.
5. The pre-release cage depicted on the site layout shall be equipped with a double door system for the protection of the handler and the mammals prior to occupancy by any mammals.
6. All mammals kept onsite shall be properly vaccinated for rabies and proof of rabies immunization shall be kept onsite.

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

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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>			

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

The applicant appeared before the Commission.

Item #8

An Ordinance to amend Section 905 of the City Zoning Ordinance pertaining to sign regulations in the B-4K Kempsville Area Mixed Use District.

March 12, 2017

**CONSENT**

An Ordinance to amend Section 905 of the City Zoning Ordinance pertaining to sign regulations in the B-4K Kempsville Area Mixed Use District.

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

	<b>AYE 8</b>	<b>NAY 0</b>	<b>ABS 1</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</b>	<b>AYE</b>			
<b>RIPLEY</b>			<b>ABS</b>	
<b>RUCINSKI</b>	<b>AYE</b>			
<b>THORNTON</b>	<b>AYE</b>			
<b>WALL</b>	<b>AYE</b>			
<b>WEINER</b>	<b>AYE</b>			

By a vote of 8-0, with the abstention so noted, the Commission approved item 8 for consent.

Kevin Kemp appeared before the Commission.

Item #9

An Ordinance to amend Section 1110 of the City Zoning Ordinance pertaining to Home-based Wildlife Rehabilitation Facilities as a Conditional Use in the PD-H1 Planned Unit Development District.

March 12, 2017

**CONSENT**

An Ordinance to amend Section 1110 of the City Zoning Ordinance pertaining to Home-based Wildlife Rehabilitation Facilities as a Conditional Use in the PD-H1 Planned Unit Development District.

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

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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 9-0, the Commission approved item 9 for consent.

Kevin Kemp appeared before the Commission.

Item #10

2016 Comprehensive Plan Amendment – Amending the Policy Document to Reference and Identify Seapines Station and to Amend the Reference Handbook to Add the Voluntary Design Guidelines for Seapines Station in Reference to Design Components

March 8, 2017

**CONSENT**

2016 Comprehensive Plan Amendment – Amending the Policy Document to Reference and Identify Seapines Station and to Amend the Reference Handbook to Add the Voluntary Design Guidelines for Seapines Station in Reference to Design Components.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item 10.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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 9-0, the Commission approved item 10 for consent.

Jonathan Sanders appeared before the Commission.

Item #11

City of Virginia Beach

An Ordinance to Establish a Historic and Cultural District in Accordance with Article 13 of the City Zoning Ordinance to Include the deWitt Cottage and to Amend the Official Zoning Map of the City of Virginia Beach

March 8, 2017

**DEFERRED**

An Ordinance to Establish a Historic and Cultural District in Accordance with Article 13 of the City Zoning Ordinance to Include the deWitt Cottage and to Amend the Official Zoning Map of the City of Virginia Beach.

A motion was made by Commissioner Oliver and seconded by Commissioner Rucinski to defer item 11.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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 9-0, the Commission deferred item 11.

Item #12

An Ordinance to Establish a Historic and Cultural District in Accordance with Article 13 of the City Zoning Ordinance to Include the Seatack Life Saving Station and Virginia Beach Coast Guard Station and to Amend the Official Zoning Map of the City of Virginia Beach  
March 8, 2017

**CONSENT**

An Ordinance to Establish a Historic and Cultural District in Accordance with Article 13 of the City Zoning Ordinance to Include the Seatack Life Saving Station and Virginia Beach Coast Guard Station and to Amend the Official Zoning Map of the City of Virginia Beach.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item 12.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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 9-0, the Commission approved item 12 for consent.

Mark Reed appeared before the Commission.

Item #13

An Ordinance to Establish a Historic and Cultural District in Accordance with Article 13 of the City Zoning Ordinance to Include the C & P Telephone Building and to Amend the Official Zoning Map of the City of Virginia Beach

March 8, 2017

**CONSENT**

An Ordinance to Establish a Historic and Cultural District in Accordance with Article 13 of the City Zoning Ordinance to Include the C & P Telephone Building and to Amend the Official Zoning Map of the City of Virginia Beach.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item 13.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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 9-0, the Commission approved item 13 for consent.

Item #14  
Beach Borough Development  
Alternative Compliance  
421 21<sup>st</sup> Street  
District 6  
Beach  
March 8, 2017

## **CONSENT**

An application of Beach Borough Development for Alternative Compliance on property located at 421 21<sup>st</sup> Street, District 6, Beach. GPIN: 2427-08-2374-0000.

## **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 on the exhibit titled, "PLANTING LAYOUT" dated 04/06/2015, 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 Virginia Residential Code, the dwellings on the site shall be substantially as shown on the drawings titled "DUPLEX\_15, Sheet A5," dated 8/8/2016, as drawn by Jon Bengston, and "415 & 417 21st Street Plans and Details, Sheet A2" dated 10/11/2016, as drawn by Progressive Design. Said drawings have been exhibited to the City Council and are on file in the Department of Planning.
3. Cementitious fiber siding and shake or other similar quality material shall be used on the exterior of the units. Said material shall be less susceptible to warping, sagging, and cracking than .49mm thick vinyl siding, and comply with the Oceanfront Resort District Design Guidelines.
4. 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," dated 04/06/2015, as prepared by WPL. Said drawing has been exhibited to the City Council and is on file in the Department of Planning.
5. A subdivision plat shall be submitted to the Planning Department / Development Services Center as part of site plan review. Said plat shall show the dedication of 2 feet along the southern lot line to the City of Virginia Beach.
6. The applicant shall make all proposed right-of-way improvements as required for 21st Street and 21st 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.
7. The patios of the row house units and the driveway of the rear unit shall be constructed of permeable pavers.

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. All landscaping must be maintained in good health. Any landscaping that fails to grow or is determined to be in poor health shall be replaced with a type and quantity of plantings that is similar to and meets the same intent as the plants shown in the Planting Layout referenced in Condition #1.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item 14.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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 9-0, the Commission approved item 14 for consent.

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

Item #D1  
21<sup>st</sup> Development, L.L.C.  
Alternative Compliance  
415 & 417 21<sup>st</sup> Street  
District 6  
Beach  
March 8, 2017

## **CONSENT**

An application of 21<sup>st</sup> Development, L.L.C. for Alternative Compliance on property located at 415 & 417 21<sup>st</sup> Street, District 6, Beach. GPIN: 2427-08-3336-0000.

## **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 on the exhibit titled, "PLANTING LAYOUT," 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 Virginia Residential Code, the dwellings on the site shall be substantially as shown on the two drawings titled "415 & 417 21st Street Plans and Details, Sheet A2" dated 10/11/2016, as drawn by Progressive Design. Said drawings have been exhibited to the City Council and are on file in the Department of Planning.
3. Cementitious fiber siding and shake or other similar quality material shall be used on the exterior of the units. Said material shall be less susceptible to warping, sagging, and cracking than .49mm thick vinyl siding, and comply with the Oceanfront Resort District Design Guidelines.
4. 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.
5. A subdivision plat shall be submitted to the Planning Department / Development Services Center as part of site plan review. Said plat shall show the dedication of 2 feet along the southern lot line to the City of Virginia Beach.
6. The applicant shall make all proposed right-of-way improvements as required for 21st Street and 21st 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.
7. 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. All landscaping must be

maintained in good health. Any landscaping that fails to grow or is determined to be in poor health shall be replaced with a type and quantity of plantings that is similar to and meets the same intent as the plants shown in the Planting Layout referenced in Condition #1.

A motion was made by Commissioner Oliver and seconded by Commissioner Ripley to approve item D1.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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 9-0, the Commission approved item D1 for consent.

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

Item #D2  
Muhammad Rabbani  
Conditional Use Permit  
801 S. Lynnhaven Road  
District 3  
Rose Hall  
March 8, 2017

**DEFERRED**

An application of Muhammad Rabbani for a Conditional Use Permit (Motor Vehicle Sales) on property located at 801 S. Lynnhaven Road, District 3, Rose Hall. GPIN: 1496-24-9644-0000.

A motion was made by Commissioner Oliver and seconded by Commissioner Rucinski to defer item D2.

	<b>AYE 9</b>	<b>NAY 0</b>	<b>ABS 0</b>	<b>ABSENT 2</b>
<b>HODGSON</b>	<b>AYE</b>			
<b>HORSLEY</b>				<b>ABSENT</b>
<b>INMAN</b>	<b>AYE</b>			
<b>KWASNY</b>				<b>ABSENT</b>
<b>OLIVER</b>	<b>AYE</b>			
<b>REDMOND</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 9-0, the Commission deferred item D2.