

Item #1
Ralph J & Debbie M. Nahra
Modification of Conditions
Motor Vehicle Sales and Rental
Automotive Repair
1017 Aragona Boulevard
District 4
Bayside
April 12, 2017

REGULAR

Bob Thornton: The next items on the agenda are those items that we hear, and I would turn this over to the Secretary for this portion of the agenda.

Jan Rucinski: Thank you Chairman Thornton: Our first item to be heard today is an applicant from Ralph J. & Debbie M. Nahra. It is an application for a Modification of Conditions for Motor Vehicle Sales and Rentals and Automobile Repair Establishment on property located at 1017 Aragona Boulevard, District 4, Bayside. Is there a representative here? If you could please, state your name for the record and explain your application please?

Ralph Nahra: Yes. Mr. Chairman and Planning Commissioners, I'm Ralph Nahra, and I live at 3720 Redwood Farm Drive, Virginia Beach. We are the owners of this property for the last 36 years. It used to be a 7-eleven. They moved across the street and we have a vacant building. We have a tentative candidate that is going to put a used car dealership and he has two issues that he wishes the Commission to consider. One issue is the height of the lighting poles. Staff, I think is consistent on 14 feet, and he wants 20 feet. The second issue, the initial condition was that he could work on dealership cars, those cars that only he owns or sells. He is asking in addition to that, that he could work up to five non-dealership or customer cars and the application put a limit on five whether it is dealership or customer cars. And, I would like to ask with your permission Mr. Rick White, the tentative candidate who has been moved out of Witchduck Road, into temporary facilities by the City because of the widening of Witchduck Road, and he is has signed a lease tentative to the approval by the Commission and Council on this property. Mr. White, could you please?

Rick White: My name is Richard White and I live at 4617 Thoroughgood Drive, Virginia Beach. I thought at a January meeting that was with Planning Staff and relocation, staff and all of us, there were eight of us in the room that we had an understanding about that I needed to add five customer cars to it. I offered to put a restriction on the total number of cars for repairs including my own, and I was told that it wasn't necessary. I said ok, but I'm offering it if it would help. Well, instead somehow, all of a sudden it dropped down to five total cars. I don't want to be a repair shop but I got to take care of my customers and if I sell you a car and it is broke, I got to fix it. If a transporter comes in and drops off four or five of my cars from an auction, they are there on the lot for me to start getting ready. Technically you can't drop your car off to me to have me work on it. So, it was supposed to be a separate number. That was the goal. The shop is too small to ever turn into a repair shop. It is not going to turn into alike the NAPA car shop across the street with 30 repair cars out there all the time. It is not big enough. You couldn't pay the rent that we got to pay and be a repair shop. It is auto sales but you still have to take care of your customers. And on the other item are the poles. First of all, originally I was told that the 14 foot was required because there was a house next door. There is a house on one side of it. Now, that

Item #1

Ralph J & Debbie M. Nahra

Page 2

side is going to have six foot fence and also tall shrubbery. How about if I put a 14 foot pole on that side so that we won't have to worry about any overlay, and of course it is all going to have to be directed down anyway, which is a separate requirement no matter what height the poles are. And, they said I could keep the two existing poles, which are 20-feet, which are the same height, 7-eleven just moved across the street. They got over 22-foot poles over there. That is what everybody puts up. Unless you're a shopping center and then they put 30 footers. So, everything around me has got over 20-foot poles, and all I'm asking is the poles that are down on the corner where I got, technically I've got a pole down there but it is an old sign that has to come down. So, rather than Mickey Mouse it, and try to save the pole, so I can leave the light there, because I don't want to do that. I want to do it where it looks nice and is professional looking. I got to have poles down at that end and they are going to be at least 100 foot from the property line, at a minimum. The poles that I would add that would be 20-foot. Now I'm being told it is because of a condition in the ordinance that says all repair centers have to have 14 foot poles. There are only two things. Bulk storage and auto repair, in the entire city ordinance, two things.

Bob Thornton: We got a time limit on speakers if you can just give us a quick summary and we'll have some questions.

Rick White: Okay. So the bottom line is the 14-foot thing is not done. You just approved one today. The one you just approved today for the oil change place, if you go by there in three months, they will have 20 foot poles outside. There is one on Indian River Road that was just approved. It just got built. On their website, they got 25 foot poles outside, and it is auto repair. And, there was nothing in his Conditional Use Permit to restrict him to 14 feet, so they put 25-footers up, yet mine is being used against me. I just don't get it. You approved one today.

Bob Thornton: Okay: Thank you. Are there any questions of the applicant? Mr. Ripley?

Ronald Ripley: Can we get the site plan up?

Rick White: The house.

Ed Weeden: You need to stand near the microphone. There is a pointer.

Rick White: Alright. I don't know about that. I'm old. What do I do?

Bob Thornton: Right there. There is red pointer you got to point to where you.

Jan Rucinski: Turn it the other way around.

Rick White: I'm pointing it at me. This is where the house sits right about here.

Ronald Ripley: I understand. My question is you access the building to the right? Is that where you're going to bring the cars in to repair? Will they go inside the building?

Rick White: All repairs have to be inside the building.

Ronald Ripley: Will the cars go through the building?

Item #1

Ralph J & Debbie M. Nahra

Page 3

Rick White: No. It is one door, in and out. There is going to be a 16-foot door right here, and you're going to go in the building and back out of the building here.

Ronald Ripley: So, where would you put the five cars that you referenced here?

Rick White: Well, some of the will be behind the fence and the others. There will be three parking places right here, and they could be over here. Mostly they will be behind the building or in the building because they will be getting work done. In other words, we are not a repair shop. You don't drop the car off with me. You call me, you want to get something done, you make an appointment for you and bring it by and then when it's done you come and get it. I don't store.

Ronald Ripley: So, how many cars could you get inside?

Rick White: There are four cars that would go in the building at one time, and be able to work on them. And behind the fence, there is room for another probably six to eight cars back there.

Ronald Ripley: What fence are you referring too?

Rick White: There is going to be a fence that comes right from here over to here, and of course, there is a fence down this whole side. There is going to be a fence from here to this building, so this whole area here will be blocked by a six-foot tall fence.

Ronald Ripley: Chain link fence?

Rick White: No, solid fence.

Ronald Ripley: Solid fencing. Good!

Rick White: And with shrubs all around it. The only place where there won't be shrubs is right there where the gate is going to be.

Ronald Ripley: Okay, Thank you.

Rick White: Even the dumpster is going to be behind that fence. So it is going to be out of view completely.

Ronald Ripley: Okay, thank you.

Bob Thornton: Are there any other questions? Jack?

Jack Wall: I don't care much about the existing pole.

Rick White: There are two poles right now. There is one pole right there and there is one pole right there, which is on the other side of the driveway that is right there that is being closed. This is the City's requiring us to get closed, and this one is being shrunk down for 40-feet to 30-feet at their request. All of this curb here is being moved back, and down this side is all being moved out, and then the exit from

Item #1

Ralph J & Debbie M. Nahra

Page 4

it is going to be back here onto Aragona, so there will be nothing around the intersection anymore.

Jack Wall: I don't know, and this question. I know there is obviously a difference 14 feet versus the 20 feet.

Rick White: You want your lights to shine down. Well, if you put a 14-foot pole you got to put a lot more poles out there to cover from here to cover 150 feet. And a lot more light fixtures to cover the same area. In the old days, you put up one big pole with a big tall light like 7-Elven and then blast it out into the parking lot. That is what all the neighbors are all mad about. This isn't going to be like this. So everything will be shooting down at the pavement. Where I'm talking about putting the poles is one about here and one in here, and then back at this entrance which there is no houses anywhere around that, and there is another commercial building behind us.

Jack Wall: So the reason is expense.

Rick White: It is very expensive to put additional concrete bases, run underground cable, more light fixtures. You just approved 7-Eleven across the street with 22 foot poles with no restriction. They could have put them 80 feet high they wanted to. They have no restrictions. And then 7-eleven poles are still on this lot. And what I'm telling you is those repair centers. I am one of only three that has put 14 foot in it. That I can find in the last six years. One of three, and there have been an awful lot of them and everyone has no restriction and I have yet to find anybody that put up a 14 foot. The ones that say 14 foot when I go by their lot, Hall Auto has 30 footers. Their Conditional Use says 14 foot on them. That was the wall that was given to me to start with was based on this Hall Auto, which is behind the Honda store basically. Like I say, the one with the five minute oil change on Indian River Road is brand new in 15 or 16 they go open, it was approved in late 2014, no restriction on it and they put 25 foot poles up but if you go by the ordinance it is the same ordinance 14 foot, so not only are they not putting it in the Conditional Use but they're not enforcing. Then some people say you don't need it in the Conditional Use because it is an ordinance, Well, if they are not enforcing the ordinance, then apparently it is needed now. But why only two items of auto service, which is a gas station has no restriction? Auto sales have no restriction, only auto repair on pole height and bulk storage. So if you're going to park tractor trailers, you will have 14 foot.

Bob Thornton: Here is another question for you?

Jan Rucinski: So how many of these 20 foot poles are you wanting?

Rick White: There will probably three or four. And like I say the closest one to the house, to the residential, which is supposedly the reason why that it got brought up to start with. The closest one to the house will be 100 feet away from it. 7-Eleven across the street has them 50-feet from the property line.

Jan Rucinski: Okay. So, you will need three or four 20 foot so if you have 14.

Rick White: You will be pushing roughly twice as many poles. Your car setting this side, and you got a pole light that is six to eight feet higher

Jan Rucinski: So, instead of needing four poles, you will need eight? Is that what you're saying?

Rick White: Right? And it will cost a minimal of \$15,000 more dollars to light the lot by the time you got four concrete bases.

Jan Rucinski: Thank you.

Bob Thornton: Are there any other question for the applicant? I've got a question for Kevin. When we heard this, this morning in our informal, you had indicated that there was maybe an ordinance that show that this was something we really couldn't not address and since then you have indicated that maybe there is a way assuming we would lean that way. Can you help us with that right now?

Kevin Kemp: Absolutely. Let me start by saying that the way the ordinance works, for example the auto repair that was approved earlier, if it is not expressively, if the height of the poles is not expressively conditioned, they are held to the standards that are in the automobile repair, which would be 14 feet. They are held to the standards in the ordinance. The question earlier was whether that can be deviated with the Use Permit. We have determined that light pole are a structure and that height can be deviated as per Section 221(j) with the Use permit but that would have to be conditioned specifically with that Use permitted. No height is specifically conditioned refers back to 14 feet.

Bob Thornton: Thank you. Are there any questions of Kevin? So, what you're saying is we could condition this Use Permit with a pole higher than 14 feet?

Kevin Kemp: That is correct.

Bob Thornton: Okay.

Dee Oliver: I have a question.

Bob Thornton: Okay. Dee?

Dee Oliver: The purpose of the ordinance is to protect the neighborhood.

Kevin Kemp: Correct. The applicant is correct that there are very few uses that do have that 14-foot requirements, bulk storage and auto repair being the two main ones. And that 14 foot requirement was put in to protect adjacent properties from light pollution particularly in uses where those lights might shine for security reasons.

Bob Thornton: Jan?

Jan Rucinski: But the main part here about the application is about automobile sales and rentals with just the little side business of repairs. Am I correct?

Kevin Kemp: That is correct. It is a Use Permit, as I understand it for both automobile sales and repair, but with automobile sales in our ordinance, there is no 14 foot height limit.

Item #1

Ralph J & Debbie M. Nahra

Page 6

Bob Thornton: Ron?

Ronald Ripley: I have a question of Staff also. Is there some reason why you didn't request the light pollution a study for that or the 14 feet be adequate would that satisfy typically the issues of light pollution?

Kevin Kemp: I actually don't know where the 14 feet came from but the first part of that, as it is told in the ordinance, is that light has to be directed on to that property. And it cannot spill onto adjacent properties. Then it adds a second sentence that limits the height to 14 feet.

Bob Thornton: Are there any other questions? Mike?

Mike Inman: It is a question of Staff. Is there a typical height that you would use for lighting on automobile sales and rentals application? What is the typical?

Kevin Kemp: Our ordinance doesn't really address a typical height. If you go and drive down Virginia Beach Boulevard certainly, most every auto sales will exceed 14 feet, most are probably are in the 20-30 range.

Bob Thornton: I'm sorry Jan?

Jan Rucinski: Thanks for the light question. This is about the amount of vehicle question. Is there a reason that staff put that number at only 5, or was the intent that was five that worked part of being prepared for sale?

Carolyn Smith: We had initial reservations about an auto use on this site, particularly auto repairs, so when this first went through with the auto sales and with all the improvements that Mr. Nahra agreed to with this request, we were very comfortable with that. Now, he has a tenant that would like to do some minor auto repair beyond his typical customers, so when we met, it was my understanding that we agreed that he would be allowed to have five additional vehicles that were not necessarily vehicles that that he was preparing, and I understand there was some miscommunication about the results of that meeting. It was the over an abundance of vehicles on this site, perhaps and the ability to keep the site in an orderly fashion. That was our concern.

Jan Rucinski: So, to staff the five vehicles met those that are getting ready to be sold and those customers that might have to come back for maintenance or an issue for their vehicles that was already sold?

Carolyn Smith: That was our intent, however, that is not what the applicant felt he was agreeing too, so; I think that we could be flexible on that and that is why we wanted you all to hear it and weigh in as well.

Bob Thornton: Dee?

Dee Oliver: So, just to sort of and I am just going to throw this out there. So, if we go from five to and to

Item #1

Ralph J & Debbie M. Nahra

Page 7

keep the number down, to something that is more orderly on the piece of property, that is more acceptable is there a number that Staff would be preferred to work with?

Carolyn Smith: I think what would make us comfortable is having the number of parking spaces and then having him say how many he think he could fit either inside the building and behind that fence and that is I think is a reasonable number. Five was just something we sat around the table and I felt that we all agreed to but that was that picked out of the air, so; it is really a matter of making sure the site is orderly rather than the cars are waiting to have an oil change or for sale.

Dee Oliver: Right. Okay.

Donald Horsley: On the initial for the auto sales, how many vehicles was he allowed to have on site? I mean this is not a very large site. How many total vehicles are talking about on the site that are for sale and for repair?

Bob Thornton: I just counted 41 spaces on the site plan if my math is correct. That does sound right to you guys?

Ronald Ripley: There is 32 right here.

Bob Thornton: 20 and 6 and 12 and 3. There is none behind the building because the building goes right up against the property.

Carolyn Smith: We didn't restrict the number of vehicles, however, he has laid out the specific area that depicted how many vehicles we believe could be placed on the site in an orderly fashion, and that number is....

Ron Ripley: 32.

Jan Rucinski: You said 32?

Rick White: 35 parking places, counting the ones in front of the building.

Bob Thornton: Yeah, that's right, six in front of the building.

Rick White: So, there are 41 counting the front of the building.

Jan Rucinski: Are those for customer parking or those for vehicles sales also?

Rick White: A combination.

Donald Horsley: Can I finish the number I'm trying to work with? Can I get Mr. White back up here a second?

Rick White: Right now

Item #1

Ralph J & Debbie M. Nahra

Page 8

Donald Horsley: let me ask you a question. How many vehicles do you have on your property for sale?

Rick White: Normally, I have only about 15 or 18 cars.

Donald Horsley: Okay. You want to be allowed to have 10 vehicles, yours and other people of your former customer vehicles that you can work on, a maximum of 10 more?

Rick White: Right.

Donald Horsley: So, you're talking a maximum of 25?

Rick White: Well, sir, we have 32 parking places, 35 for sale spots marked out. We got six customer parking places in front of the building, so there is 41 spots. And then we got the building and behind the fence, so I mean, realistically, you can put 50 cars and not cover all the spots. I've never going to have that. If you want to put a number on it for 10 for repairs, including customer cars, that is fine with me. They will never be any more than that that. I'm not a repair shop, but I do take care of my customers.

Donald Horsley: But that would make it a maximum of 50 cars on that lot? Carolyn, can 50 cars be arranged on that property alright?

Carolyn Smith: Yes, we believe that's sufficient.

Donald Horsley: Well, that takes care of the parking part, I assume. As far as the lighting, I think the lighting issue, the taller your lights are for the sale, and it looks like we need to light these vehicles up, so I think I need to go to 20-foot poles for the lighting of the vehicles for the sale. The 14-foot for repair has got to be for security reasons basically, I think we said bulk storage and car repairs to 14 or 14.5. Whatever the figure was, and I think that is the reason that is basically for security lighting but we are trying to illuminate the cars so they can be seen so I think the 20 foot is realistic figure that would allow this gentleman. Can we come to an agreement of the total number of vehicles that can be put on that property? That is what I am wondering about whether they are customers or they are for sale or whether they are to be worked on. If we can come up with that I think we can anticipate the rest.

Bob Thornton: Ron?

Ronald Ripley: Can I ask the applicant to come up again? Carolyn Smith mentioned that if you can come up with a number inside the building and inside the little fenced in area. Do you have a number?

Rick White: I would say 4 in the building and probably 6 inside the fence comfortably.

Ronald Ripley: You think you can get six in there with the dumpster?

Rick White: Yeah. Our dumpster is a two-yard roller. It is twice the size right here.

Mike Inman: Isn't that where the access door is over there behind it?

Item #1

Ralph J & Debbie M. Nahra

Page 9

Rick White: Yeah, that is where we will be going in and out of the building. Correct.

Mike Inman: Wouldn't that limit your parking back there?

Rick White: it is not going to be a parking lot but that is where you put them back there to get out. If it was a car that didn't look good for instance, I mean, I don't buy cars that go to body shops and stuff. I don't buy totals, but if a customer brings a car and it doesn't look good, I'm going to put it behind the fence. But we will have plenty. I am not select. I don't put 50 cars in a 30 car lot.

Bob Thornton: I got a question. On your site plan without having any spaces behind the fence, the 41 parking spots, item 3 in the Conditions says the repair portion shall be limited to the purpose of performing with no more than five vehicles. From a practical standpoint, on any given day, nobody is going to drive by there and no whether they are for sale or repair and there will be 41 of them on the lot. I don't even know why we're worried about this. At the end of the day there is nothing that says you can't park cars behind your fence and there is nothing that says you can't put cars in the garage at night. And the site plan shows 41 parking spaces. So, it seems to me that you have what you need. You got.

Rick White: I just don't want to operate outside the rules.

Bob Thornton: Okay.

Rick White: I realize I could have operated this way but I don't want to. I want it be legal.

Bob Thornton: From a physical standpoint, you probably can't get any more on there than this drawing shows. From a practical standpoint, we're not going to go out there and decide whether they are for sale or for repair. Am I right Kevin? The site plan shows. Is the site plan proffered? May I ask that?

Kevin Kemp: It is conditioned.

Bob Thornton: Okay.

Kevin Kemp: With the approval.

Bob Thornton: You have 41 parking spaces on your site plan and what you do with them whether they are for sale or for repair, I don't think you're going to have people out there asking you on a daily basis which one is this for and which one is this for.

Rick White: I agree with you. I just don't want to be a condition.

Bob Thornton: Can you live with condition 3. That is basically what we are asking.

Rick White: What is three?

Bob Thornton: No more than five vehicles in the process of being repaired.

Item #1

Ralph J & Debbie M. Nahra

Page 10

Rick White: That is the one that I need.

Bob Thornton: Even with 41 parking spaces on there?

Rick White: I realize that I can hold when someone comes up tell them if you did come up and the City comes up and they tell me but I am not going to lie to you. So, if we have 10 cars, then I don't have to worry about it.

Bob Thornton: 10 out of the 41?

Rick White: Right.

Bob Thornton: Okay. You're not putting any more cars on the lot.

Rick White: No, no.

Bob Thornton: You're just going to have designated spaces to repair cars versus the sales.

Rick White: Most of the time I have a couple of customer's cars and a couple of mine. It is just sometimes. I don't like somebody coming out and I don't have any trouble with the City. I don't want any trouble now.

Bob Thornton: Good plan. Dee.

Dee Oliver: I'm going to go back to the lights for a minute, and it is an ordinance and I understand you want the higher poles. I do want to take into consideration your neighbors. And I know you want the taller ones. I would be more comfortable, more in favor of this application if you would be willing to stick with the ordinance on the side. You don't have any parking.

Rick White: Yes. Yes. That is why what I've agreed to from the beginning.

Dee Oliver: Yeah.

Dee Oliver: I don't think that is right.

Rick White: I don't have any problem with that.

Dee Oliver: Okay.

Bob Thornton: Are there any other questions of the applicant. Dave?

David Weiner: How many employees are you going to have?

Rick White: Three or four max. And normally to be honest with you, 90 percent of the time there is two of us. We're not a big place.

Item #1

Ralph J & Debbie M. Nahra

Page 11

Bob Thornton: Thank you. Chris, would you mind coming up and giving us just about a two minute overview of the City's involvement in this process. I know you've been patient to be here, and I thought I would give you a word.

Chris Cahoon: Members of the Commission, good afternoon. I'm Chris Cahoon. I'm with the City's Public Works Real Estate office. I have been working with Mr. White and his business. He was previously located over in the Witchduck Road area. We had a road project at Witchduck Road Phase II that affected his business and he was required to relocate. At the time he had to relocate, there were no vacant facilities available that had CUPs enforced that allowed auto repair as well as auto sales. So, in an effort to try to keep him in business, we have temporarily relocated him to a property that we own on First Colonial Road, while he has been going through this process with the Conditional Use Permit. Now the property that he is in, as I said, is temporary but we're getting ready to have another project come up the First Colonial Road/Virginia Beach Boulevard project and the property he's in will be effected which means he will have to move again. So, we have been, like I said, working with him, to try and get this particular site taken care of and we can get him moved into that for a permanent basis.

Bob Thornton: Thank you. I thought it was good to texturize this. Are there any other questions? We don't have any more questions. So, I would like to close the public hearing, and we can discuss amongst ourselves and get a motion. You will speak?

Karen Kwasny: Yes. Does he have to say my name?

Bob Thornton: Her name is Karen. Is that it?

Karen Kwasny: So, what we come to is that he is going to have 10 repair or warranty vehicles on site inclusive of the 41 parking spaces correct? Two, I believe you said, 20 foot lights or three?

Rick White: I am not certain about that.

Karen Kwasny: While he is checking on the number, he is going to have 20 foot lights in some locations and a 14-foot one on a residential portion of the property.

Mike Inman: Is it going to be at least one on the west side on the residential?

Rick White: I believe so, but if there is more than one, they will both be 14-feet.

Karen Kwasny: They will be 14-feet. Okay. I just want to make sure. I kind of encapsulated it in my mind.

Bob Thornton: Other comments?

Donald Horsley: I just want to make sure the total number of cars on the property is 41.

Rick White: Yes.

Donald Ripley: Because it was 50 a while ago.

Item #1

Ralph J & Debbie M. Nahra

Page 12

Rick White: It is 41 parking places in front of the fence. It is not counting the building.

Donald Horsley: Still, we got to come to a total number of vehicles on the site is 41. I think that is what we've come to a conclusion up here. Isn't that right?

Rick White: Carolyn had said 50 earlier. It was okay when you asked.

Donald Horsley: That is what I thought. But when we got into the conversation she was talking about 41.

Karen Kwasny: There is 41 spaces.

Donald Horsley: There is 41 spaces.

Kay Wilson: Mr. White, if you're going to talk, you need to come to the microphone.

Donald Horsley: What I am seeing now. I think 10 cars are too many because of the space of the building and the space that he's got in the back. And Ron has done a little calculation up here. I think we can go with eight cars instead of the five and stick with the 41 spaces out front for his sales, so it will be a total of 49 spaces.

Ronald Ripley: We don't want to see it turn out to be nothing but cars out there. Again, I know you're saying that that model is not going to be repairs but a mechanic across the order and he has all the business that he could shake stick at. He is full up with cars all the time. I live right in the area and I ride by that property every day to and from work. And, I want you to do well. I want you to have a model that works for you but we also want it to look good too. That is really important. We just don't want every square inch of the property taken up with cars and you could stack them in there at night and then move them around and it could messy. I just want it to be orderly.

Karen Kwasny: So, it is 50 inclusive under warrant or repair?

Bob Thornton: Have we confused the staff? We have. I thought so.

Karen Kwasny: I think it is 49.

Jan Rucinski: 49 vehicles for sale and or repair.

Carolyn Smith: So, if there as 49, there is no more than eight are permitted to be on the site for auto repair.

Donald Horsley: Condition 3 changes from five to eight. That makes that simple. The previous Use Permit controls the other apart of it.

Jack Wall: You're making it a reduction from 10.

Item #1

Ralph J & Debbie M. Nahra

Page 13

Rick White: The parking places I don't have any problem with but the ten I really need to be safe when a truck brings them in cars, two of them can be out front obviously. They don't have to be stuck.

Donald Horsley: We are going to count those two of as part of your 41.

Rick White: That is what I am getting at. So we stay at 10 for repair.

Donald Horsley: No, we're going to stay at eight for repair. If you want to count two of them as vehicles for sale you can do it. We don't think there is enough room in the back for 10 vehicles.

Rick White: They don't have to be in the back.

Donald Horsley: That is what we just told you.

Bob Thornton: At some point, you're not going to be able to turn around. That is what we don't want. The front part is going to be crowded.

Rick White: Today when everyone goes home and they go by 225 First Colonial Road, you will see how I keep them. There is a real rat hole I went in by there, very hard to get around. I don't overload the lot whatever the lot will hold, I don't do it, but anyways.

Donald Horsley: We appreciate what you're trying to do.

Bob Thornton: Are you ready to make a motion? Jack.

Jack Wall: I got one thing. The condition for the lights, I think it is number 17. That is going to be modified. It pretty much already says the outdoor lighting shall be shielded to direct light and glare which probably needs to say, and then said lighting and glare shall be deflected. That should stay. And that should be the last sentence, except on the east side of the property.

Mike Inman: 20 feet anywhere except on the west side where it has to be 14 feet.

Bob Thornton: You all have it? Got it? I need a motion.

Donald Horsley: So moved. Does Ed have it?

Bob Thornton: Carolyn.

Carolyn Smith: I just want to be clear because I don't want to have any more misunderstanding. So, are we limiting the total number of vehicle to 49?

Bob Thornton: Yes.

Dee Oliver: Yes.

Carolyn Smith: Yes, and eight of those may be permitted for auto repair?

Dee Oliver: Yes.

Carolyn Smith: Okay. I got it.

Jan Rucinski: If something comes in from his purchasing to be able to put a couple of those out in the front, then I'm not sure when we're saying only can be for repair.

Ronald Ripley: For the reason and the other application was sales, not repairs. We're trying to keep it that way. It needs to stay for sales than repairs.

Mike Iman: We're trying to accommodate his need for repairs.

Jan Rucinski: I understand that.

Dee Oliver: I make a motion.

Bob Thornton: A motion from Commissioner Oliver

Dee Oliver: I am going to make a motion that the total number of repaired cars will be moved from five to eight on condition 3. And that the lights on the west side of the property will be 14 feet in nature and on the east side can be 20 feet.

Jack Wall: I'll second it.

Bob Thornton: Jack seconded it.

Bob Thornton: We're ready to vote.

Carolyn Smith: Excuse me. You didn't put a limit on the number of vehicles.

Dee Oliver: And the limit of vehicles will be 49.

Carolyn Smith: Okay. Thank you

Mike Inman: I'll second that.

Bob Thornton: Okay. Are we ready?

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			
OLIVER	AYE			
REDMOND				ABSENT

Item #1
Ralph J & Debbie M. Nahra
Page 15

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 Ralph Nahra with the no more than 49 cars, repair for sale , no more than 8 cars maximum for repair, 20 foot lighting on the east side and 14 on the west side.

Bob Thornton: 14 up against the residential.

Carolyn Smith: He got it.

Bob Thornton: Thank you for your patience and thank you for your application.

Jan Rucinski: Good luck to you.

Rick White: Yeah, thanks a lot guys.

Item #2
R & R Tattoo, L.L.C.
Conditional use Permit
1479 General Booth Boulevard
District 6
Beach
April 12, 2017

CONSENT

An application of R & R Tattoo, L.L.C. for a Conditional Use Permit (Tattoo Parlor) on property located at 1479 General Booth Boulevard, District 6, Beach. GPIN: 2415-56-5895-0000.

CONDITIONS

1. A business license for the Tattoo Parlor shall not be issued to the applicant without the approval of the Health Department for consistency with the provisions of Chapter 23 of the City Code.
2. The actual application of tattoos shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any onsite signage for the tattoo establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and the proposed sign package shall be submitted to the Zoning Administrator for review and acceptance prior to the issuance of a sign permit.

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

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

By a vote of 9-0, the Commission approved item 2 for consent.

The applicant Anthony Riccio appeared before the Commission.

Item #3
Robert Seim, L.L.C.
Conditional Rezoning
216 N. Budding Avenue & 4217 Virginia Beach Boulevard
District 5
Lynnhaven
April 12, 2017

CONSENT

An application of Robert Seim, L.L.C. for a Conditional Rezoning (B-2 Community Business & R-5D Residential to Conditional B-2 Community Business on property located at 216 N. Budding Avenue & 4217 Virginia Beach Boulevard, District 5, Lynnhaven. GPINS: 1477-95-3193-0000; 1477-95-3092-0000.

PROFFERS

PROFFER 1:

When Parcel B is developed, the Property shall be combined into one (1) Parcel, redeveloped and landscaped substantially in conformance with the Exhibit entitled, "REZONING EXHIBIT ATLANTIC EYE CARE FAMILY VISION CENTER 4217 Virginia Beach Boulevard, Virginia Beach, Virginia", dated January 4, 2017, prepared by WPL, which has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning "Layout Plan."

PROFFER 2:

The following "USES" shall not be permitted on the Property:

- a. Assembly uses;
- b. Automobile museums, repair garages, engine repair, and service stations;
- c. Bars or nightclubs;
- d. Beverage manufacturing shops;
- e. Boat sales;
- f. Body piercing establishments;
- g. Bulk storage yard;
- h. Car wash;
- i. Craft breweries; or distilleries;
- j. Eating and drinking establishments with drive-through windows;
- k. Grocery stores;
- l. Heliports;
- m. Liquor store;
- n. Motor vehicle sales or rentals;
- o. Mobile home sales;
- p. Tattoo parlors; or
- q. Wine tasting rooms.

PROFFER 3:

Further conditions may be required by the Grantee during Site Plan review and administration of applicable City codes by all cognizant City agencies and departments to meet all applicable City code requirements. Any references hereinabove to the B-2 Zoning District and to the requirements and regulations applicable thereto refer to the Zoning Ordinance and Subdivision Ordinance of the City of

Virginia Beach, Virginia, in force as of the date of approval of this Agreement by City Council, which are by this reference incorporated herein.

Eddie Bourdon: There is one thing that is not in the write up but I'm just going to put it out there. Dr. Seim's existing Unconditional B-2 parcel is only 16,200 square feet and thus is non-conforming. With this, in addition to getting rid of the potential uses that would not be compatible with the neighborhood, incompatible uses would make the lot conforming, which was not something that was written up, but it is something that is important to know. 20,000 square feet is the minimal lot size for B-2 parcel. It is only 16,200 square feet now. So, thank you.

Dee Oliver: Thank you.

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

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

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

Item #4
Reed Enterprises, Inc.
Conditional Use Permit
3249 Dam Neck Road
District 7
Princess Anne
April 12, 2017

CONSENT

An application of Reed Enterprises, Inc. for a Conditional Use Permit (Automobile Repair Garage) on property located at 3249 Dam Neck Road, District 7, Princess Anne. GPIN: 1495-14-6175-0000.

CONDITIONS

1. The conditions of the 2016 and 2005 Conditional Use Permits for Motor Vehicle Sales and Rentals and Auto Repair Establishment shall remain in effect.
2. All motor vehicle repairs and painting shall take place inside the building.
3. No outside storage of vehicles in a state of obvious disrepair shall be permitted.
4. No outside storage of equipment, parts or materials shall be permitted.
5. No tires, merchandise, or parts for sale shall be displayed outside.
6. The Conditional Use Permit for the Automobile Repair Garage shall expire within three (3) years of the approval or upon the opening of the Automobile Repair Garage on the adjacent property located at GPIN 1495138628, whichever occurs first.

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

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

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

Item #4
Reed Enterprises, Inc.
Page 2

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

Item #5
USF S&H Virginia, L.L.C.
Conditional Use Permit
1650 General Booth Boulevard
District 7
Princess Anne
April 12, 2017

CONSENT

An application of USF S&H Virginia, L.L.C. for a Conditional Use Permit (Indoor Recreation Facility) on property located at 1650 General Booth Boulevard, District 7, Princess Anne. GPIN: 2415-54-1078-0000.

CONDITIONS

1. The exterior building design, size and materials of the portion of the building occupied by the Applicant shall be substantially in adherence with the submitted elevation exhibits entitled "EXTERIOR ELEVATIONS FOR ONELIFE FITNESS – DAM NECK GENERAL BOOTH BLVD, VIRGINIA BEACH VIRGINIA – ELEVATIONS OPTION A (Front Elevation and Side Elevation)" dated January 25, 2017, and prepared by Bernlohr Architects. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Planning Department.
2. Any onsite signage shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and the proposed sign package shall be submitted to the Zoning Administrator for review and acceptance prior to the issuance of a sign permit.
3. A Certificate of Occupancy shall be obtained prior to the operation of the Indoor Recreation Facility on this site.

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

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

Item #5
USF S&H Virginia, L.L.C.
Page 2

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

Robert Beamon appeared before the Commission on behalf of the applicant.

Item #6
Valvoline Instant Oil Change
Conditional Use Permit
2888 & 2890 Virginia Beach Boulevard
District 6
Beach
April 12, 2017

CONSENT

An application of Valvoline instant Oil Change for a Conditional Use Permit (Automobile Repair Garage) on property located at 2888 & 2890 Virginia Beach Boulevard, District 6, Beach. GPINS: 1497-36-5137-0000; 1497-36-4119-0000.

CONDITIONS

1. With the exception of any modifications required by any of these conditions, the site shall be developed and maintained substantially in conformance with the submitted site layout entitled "Site Plan" dated 03/20/17, and prepared by Ceso. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Planning Department.
2. The Landscape Plan shall be developed and maintained substantially in conformance with the submitted layout entitled "Site Landscape Plan" on page 8 of this report.
3. The design, size and materials of the building shall be substantially in adherence, with the submitted elevation exhibits entitled "Valvoline Instant Oil Change Two Bay Right Hand Prototype Design (Exterior Elevations – Left Elevation, Right Elevation, Front Elevation, and Rear Elevation)" prepared by Ceso. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Planning Department.
4. As depicted on the site layout referenced in Conditions 1, a one-foot no ingress/egress easement shall be recorded along the property line at Virginia Beach Boulevard and North Lynnhaven Road west of the proposed entrance along Virginia Beach Boulevard to limit additional ingress/egress on Virginia Beach Boulevard and North Lynnhaven Road.
5. The freestanding sign shall be monument style with a brick base that matches the building, and shall be no taller than eight feet as measured from the ground to the top of the sign.
6. Any onsite signage shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, other than individual channel letters lighted with internal neon and as approved by the Zoning Administrator, or electronic display signs or accents, installed on any wall area of the exterior of the building, in or on the windows, or on the doors. There shall be no window signage permitted. The building signage shall not be a "box sign" and the proposed sign package shall be submitted to the Zoning Administrator for review and acceptance prior to the issuance of a sign permit.
7. All vehicle repairs shall take place inside the building.
8. No outside storage of equipment, parts, or materials shall be permitted.

9. There shall be no outside storage or display of tires.
10. No outside storage of vehicles in a state of obvious disrepair shall be permitted. If vehicles in this condition require storage, then such vehicles shall be stored within the building.
11. There shall be no storage containers outside the building or in parking spaces.
12. The dumpster shall be enclosed with either a solid fence or a wall constructed of brick that matches the building, not less than six-feet in height, and any required screening shall be installed in accordance with Section 245(e) of the Zoning Ordinance and the City of Virginia Beach Landscaping Guide.
13. There shall be no decorative pennants, feather flags, streamers, air dancers, inflatables or other similar advertising items located on the site.

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

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

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

R.J. Nutter appeared before the Commission on behalf of the applicant.

Item #7
Mary Anne Decker
Enlargement of a Non-Conforming Use
409 27th Street
District 6
Beach
April 12, 2017

REGULAR

Bob Thornton: Call our next item Madame Secretary.

Jan Rucinski: Okay. Our next item is item 7, Mary Ann Decker. An application for an expansion of Non-conforming Use on property located at 409 27th Street, District 6, Beach. Do we have a representative here? If you could, please come forward, and state your name for the record.

Mary Anne Decker: Yes, I'm, Mary Ann Decker and I along with my daughter Karie Stakem live at the 409 27th Street. I live in Unit B and she lives in Unit A. We bought it so that we could live close but separate, with the hope of modernizing somewhat and making some improvements so we are requesting a one story addition on the property that would give us part of our living space, half bathrooms on the first floor, and a one car garage. Our plan is that I will be there for the rest of my life and with the hope that if I need, at some point to have a first floor bedroom, and I can't climb the stairs that the office space may be turned in to a bedroom.

Bob Thornton: Thank you.

Mary Anne Decker: That is pretty much it.

Bob Thornton: Does anybody have any questions for Ms. Decker? Standby, we probably will before the afternoon is up.

Jan Rucinski: Okay, we have one speaker in opposition and that is James Gruszeczka. State your name for the record.

James Gruszeczka: Good afternoon. James Cruszeceka. I had an attorney who was supposed to represent me but he had a scheduling problem. So I am going to have to wing it. First I would like to say I'm representing 406 and 407 27th Street. Also, I would like to say that since Ms. Decker purchased the property she's done nothing but good things for the neighborhood. It is nice to have someone to occupy the residence and she's done good improvements to it, gardening and the exterior stuff. My complaints are, I submitted an application several years ago but I went through Zoning to try and get my non-conforming use to have a bathroom and a closet for my residence. They told me I would have to give up a rental unit. For that reason, I don't understand why she should be approved, and I shouldn't be approved. So, and next door is a single-family residence which is 407. I live at 406. My mother lives at 407. That is a single-family residence. Again, at the Oceanfront is a mosh. There are multiple non-conformities especially within the 400 block of 27th street. So, I got off track her for a second. Sorry. And my concern is it does change and if they do get this addition, it could turn into more rental units, which does happen down at the Oceanfront, unfortunately, because it is unique are down there. I have property throughout Virginia Beach and Tidewater, and the Oceanfront is unique, very unique. And if

Item #7
Mary Anne Decker
Page 2

she does get approved, I would like one stipulation and that's the alley on 27th ½ Street. It needs to be finished because right now it is just grass growing between 407 and 409, matching and connecting with existing road. It has cost me 100 foot by 20 foot paving. If this does get approved, I will be applying for a non-conforming use also. That is it for me.

Bob Thornton: Thanks. Are there any questions?

Dee Oliver: Can you show us where your home is? There is a point right up there in relationship to where. Are you next door?

James Gruszczyk: One is right there to the right to the east. That is my mother's house. I am right here. Mine is right there. Hers is right there.

Dee Oliver: The one next to the applicant. That is a single-family home?

James Gruszczyk: That is correct.

Dee Oliver: And your house is single-family home also?

James Gruszczyk: No, it is not. It is non-conforming.

Dee Oliver: How many units do you have in yours?

James Gruszczyk: Four units.

Dee Oliver: But, you have four units?

James Gruszczyk: That's correct

Dee Oliver: Do you rent out all four units?

James Gruszczyk: That is correct.

Dee Oliver: Do you reside there?

James Gruszczyk: Yes, I do. I have resided there for years.

Dee Oliver: Great. Thank you.

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

James Gruszczyk: Thank you much.

Jan Rucinski: We have no more speakers.

Judy Calp: I didn't sign up to speak, but I did send in a letter. I'm opposed.

Jan Rucinski: Ed, can you give her a card?

Bob Thornton: Just state your name for the record.

Judy Calp: I'm Judy Calp. And I live there. This is my family home across the street at 410 27th Street. It has been a family home since 1953, and I don't see the plans for what she's changing but she might not have intentions on changing that but eventually it would be changed to rental. Her plans have a huge deck with a sliding glass door and inside it has a bathroom over here, it has another bathroom for her site on the other side, and that could be very easy with a sliding glass door closed in this area and you have another rental place and you could possibly do with something with this garage and nobody would know it because this is going to be all enclosed. And, you wouldn't know what they were doing. If that happened, anywhere along the line, there would not be enough parking for that many vehicles, with a street that already has parking problems, and a lot with the people that work down there and coming back and parking for summer, I am opposed to it, and I just wanted my voice to be heard.

Bob Thornton: Thank you. Are there any questions? Thank you.

Jan Rucinski: We have no more speakers.

Bob Thornton: So that applicant you may come and give some rebuttal if you like and we'll close the hearing.

Mary Anne Decker: Of course I can't say what will happen.

Ed Weeden: Ma'am, state your name again for the record.

Mary Anne Decker: Oh, I'm sorry, I am Mary Anne Decker. I can't say what will happen after I die. I don't live there. Our intent is to live there. It is not to have any kind of rental units there. I would assume it is visible from Baltic. The property you can see from Baltic Avenue, I can't imagine that you can build something there that nobody would know as rental units. That is not our intent. Our intent is to live there.

Bob Thornton: Thank you.

Ronald Ripley: May I ask a quick question?

Bob Thornton: Ron?

Ronald Ripley: The front of your house faces the neighbors. Are you changing the front of the house?

Mary Anne Decker: We are replacing windows.

Ronald Ripley: It's all the same.

Item #7
Mary Anne Decker
Page 4

Mary Anne Decker: It is wooden cedar shake.

Ronald Ripley: Okay, thank you.

Bob Thornton: Dee?

Dee Oliver: What is the square footage of the expanded living space that you are adding on? Do you know?

Mary Anne Decker: I would have to calculate it. I think it is 434 square feet of maybe 12' x 12'.

Dee Oliver: 454 square feet. I think the previous speaker said she has seen plans. The one we have doesn't exactly depict exactly what is going in, where the bathroom is or anything. Do you have? We don't have it on ours.

Bob Thornton: It is on page 7.

Dee Oliver: Not that detail. So, you're adding two bathrooms?

Mary Anne Decker: The unit on the left, which is my daughter's side, will be adding a half bath there, and then on my side, we were putting in a full bath, and then the office.

Dee Oliver: Okay.

Mary Anne Decker: The garage, that was all for me, for my car, so I can access from my side but we both share access to the deck.

Dee Oliver: And you have with the garage, you are also putting in four parking spaces?

Mary Anne Decker: Yes. I believe that is required by the City.

Dee Oliver: Okay.

Mary Anne Decker: We right now have no parking. There are no curb cuts in the front.

Dee Oliver: Thank you.

Bob Thornton: Jan?

Jan Rucinski: So, from your side how would you get to the covered deck?

Mary Anne Decker: It will be either a sliding glass door or French doors.

Jan Rucinski: So her side is only getting the half bath addition and you're getting a full bathroom.

Item #7

Mary Anne Decker

Page 5

Mary Anne Decker: This is my daughter Karie. This is her side over here. And this is my side. So right here are sliding glass doors. It will be sliding or French doors going right there.

Jan Rucinski: And then she'll have doors in the hallway and bathroom, so she is just getting a bathroom, and you're getting a bathroom and a room?

Mary Anne Decker: Right.

Bob Thornton: Are there any other questions? Mike?

Mike Inman: I just want to have an observation based on this plat that we have. Not that one, but the one that is in our materials says that the existing structure, not counting porches is a 1,094 square feet, which is 255, and that is two units in a 1,000 square feet.

Mary Anne Decker: I think that square footage is for the first floor.

Mike Inman: First floor? Okay.

Mary Anne Decker: I think so because I think we each have about 1,000 square feet. They are two-story units.

Mike Inman: Okay.

Mary Anne Decker: I think that is based on land coverage square footage of the building to land.

Mike Inman: So, it will be basically 2,000 or 2,200 square feet for both floors, the existing structure.

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

Mary Anne Decker: Thank you.

Jan Rucinski: I have no more speakers.

Bob Thornton: Okay. I will say that we close the public hearing and we discuss it amongst ourselves. Dave?

David Weiner: I'll start. I know Kevin brought this up this morning about this gentleman and previous years he came in for a non-conforming and we really weren't sure why it didn't get approval, but unfortunately it didn't. That to me doesn't have too much to do with today with the application in front of us. Sorry that happened, but we could put that in the future. Because dressing up the house and fixing it up and fixing up the neighborhood, I have no problem about this project.

Bob Thornton: Karen?

Karen Kwasny: You have to piggy back you have to book end with what happened previously while unfortunate, and you'll likely come back with something else. It is similar to what might happen in the

Item #7
Mary Anne Decker
Page 6

future and she passes away and the house is sold or the daughter loses the house and it is sold. We can't control either one of those by controlling this right now. You have provided really nice improvements to the house. That would be all that I have to say.

Bob Thornton: Ron?

Ronald Ripley: I think the application is in keeping with the neighborhood and if you look at the ordinance of that neighborhood it encourages that you have additional dwellings, you can turn a garage into an additional unit or you can have two families living on the property, and this is just a duplex. All they are doing is improving the duplex because is it non-conforming use but it may be non-conforming but it is in keeping with the neighborhood, so I don't think there is anything that these ladies are doing that is not unreasonable and the neighbors are not going to see anything different. She has testified that she is not changing the front of it. The front is going to look the same. I'm in favor of the application.

Bob Thornton: Jack?

Jack Wall: I value the individuals that came in to speak. I value their opinion that came in to speak against it. I think the addition of the square footage and the aesthetics of the addition, I think it will add value to the home itself, and that itself will add value to the street, so, I'm in favor.

Mike Inman: I think it is a relatively modest addition to the duplex structure expanding the reasonable amount of extra square footage in a well-done manner.

Bob Thornton: Jan?

Jan Rucinski: I also think it is a great application and they are working on putting in the parking for them so they are not going to have to rely on on-street parking also. I think being able to put a car in that garage and the parking spaces in the back of the unit, are beneficial.

Bob Thornton: David?

Davie Weiner: I'm able to approve item 7.

Bob Thornton: Do I have a second?

Karen Kwasny: I'll second it.

Bob Thornton: Alright. I'll give it to Karen.

	AYE 9	NAY 0	ABS 0	ABSENT 2
HODGSON				ABSENT
HORSLEY	AYE			
INMAN	AYE			
KWASNY	AYE			

Item #7
Mary Anne Decker
Page 7

OLIVER	AYE	
REDMOND		ABSENT
RIPLEY	AYE	
RUCINSKI	AYE	
THORNTON	AYE	
WALL	AYE	
WEINER	AYE	

By a vote of 9-0, the Planning Commission has approved the application of Mary Anne Decker.

Bob Thornton: Thank you. Is there any other business that needs to come before us? If not, on behalf of my Commissioners, I would like to thank everyone for attending the meeting today. Thanks to the Planning Director and his staff for their excellent work this month. The meeting is adjourned.

Item #8
DHW Joint Venture, L.L.C.
Conditional Rezoning
5833 Sandpit Road & Nearby Parcels
District 4
Bayside
April 12, 2017

DEFERRED

An application of DHW Joint Venture, L.L.C. for a Conditional Rezoning (R-5D Residential Duplex & I-1 Light Industrial to Conditional A-36 Apartment) on property located at 5833 Sandpit Road and nearby parcels, District 4 Bayside. GPINS: 1459-80-5796-0000; 1459-81-5016-0000; 1459-81-6140-0000; 1459-81-7013-0000; 1459-81-8232-0000; 1459-91-0373-0000; 1459-91-2208-0000; 1459-90-0680-0000; 1459-90-2964-0000; 1459-91-4202-0000.

A motion was made by Commissioner Horsley and seconded by Commissioner Inman to defer item 8.

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

By a vote of 9-0, the Commission deferred item 8.

Lisa Murphy appeared before the Commission requesting deferral of item 8.

Item 9

An Ordinance to Amend Section 1005 of the City Zoning Ordinance pertaining to the Size of Signs in the Industrial District

April 12, 2017

DEFERRAL

An Ordinance to Amend Section 1005 of the City Zoning Ordinance pertaining to the Size of Signs in the Industrial District.

A motion was made by Commissioner Horsley and seconded by Commissioner Inman to defer item 9.

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

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

Item #10
Smartmouth Brewing Co., L.L.C.
Conditional Use Permit
313 32nd Street
District 6
Beach
April 12, 2017

CONSENT

An application of Smartmouth Brewing Co., L.L.C. for a Conditional Use Permit (Open-Air Market) on property located at 313 32nd Street, District 6, Beach. GPIN: 2418-92-8642-0000.

CONDITIONS

1. Unless otherwise approved for a Special Event Permit, one food truck shall be permitted within twenty feet of the northern façade of the existing structure, as depicted on the proposed location exhibit titled, "Open Air Market CUP – Food Truck Exhibit."
2. A permanent power source shall be provided on-site such that generators are not routinely relied upon. The operation of the food truck shall not disturb the tranquility of residential areas or other areas in close proximity or otherwise interfere with the reasonable use and enjoyment of neighboring property by reason of excessive noise, traffic, or overflow parking.
3. The food truck shall not operate outside of the hours of operation of the Craft Brewery.
4. The location of the food truck shall not interrupt the vehicular circulation or availability of the minimum number of required parking spaces for the Craft Brewery.

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

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

By a vote of 9-0, the Commission has approved item 10 for consent.

Item #D1

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

April 12, 2017

CONSENT

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 Horsley to approve item D1.

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

By a vote of 9-0, the Commission approved item D1.

Mark Reed appeared before the Commission.