

Item #1
Larae Tucker
Conditional Use Permit
3673 Virginia Beach Boulevard
District 5
Lynnhaven
May 10, 2017

CONSENT

An application of Larae Tucker for a Conditional Use Permit (Automobile Service Station) on property located at 3673 Virginia Beach Boulevard, District 5, Lynnhaven. GPIN: 1487-54-7128-0000.

CONDITIONS

1. When the site is redeveloped, it shall be in substantial conformance with the submitted site layout exhibit entitled, "VB BLVD & ROSEMONT 7-ELEVEN PRELIMINARY LAYOUT PLAN," prepared by Blakeway Surveying, Engineering and Environmental, dated February 27, 2017, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
2. The exterior of the proposed building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations entitled, "REVIEW BOARD BUILDING, DUMPSTER ENCLOSURE, AND CANOPY ELEVATIONS," prepared by K2M Design, and dated February 8, 2017, which have been exhibited to the Virginia Beach City Council and are on file in the Virginia Beach Planning Department.
3. The freestanding sign shall be monument style with a brick base that matches the building and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit entitled, "7-Eleven #38165 3673 Virginia Beach Boulevard," prepared by Harbinger, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
4. Signage for the site shall be limited to:
 - a. Directional signs
 - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base to match the building brick and two (2) building and/or canopy signs
 - c. Striping on the canopy shall be limited to ten (10) feet on each side of the canopy or one-quarter of the length of each side. Signage on the canopy shall not be internally or externally illuminated
 - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site
5. A Landscape Plan shall be submitted at the time of final site plan review reflective of the location and plant material depicted on the site layout exhibit referenced in Condition 1 above. Said Plan shall adhere to all requirements of the Virginia Beach Landscaping Guide.
6. The dumpster shall be enclosed with a solid brick wall in a color to match the building and any required screening shall be installed in accordance with Section 245 (e) of the Zoning Ordinance.

7. No outdoor vending machines and/or display of merchandise shall be permitted.
8. No vacuum or air pumps shall be located closer than 20 feet to either Virginia Beach Boulevard or North Rosemont Road. All vacuums and air pumps shall be screened with evergreen plant material, of a size and species acceptable to the Development Service Center's Landscape Architect, all of which shall be depicted on the Landscape Plan.

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

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

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

Steven Romine appeared before the Commission on behalf of the applicant.

Item #2
Larae Tucker
Conditional Use Permit
1300 N. Great Neck Road
District 5
Lynnhaven
May 10, 2017

CONSENT

An application of Larae Tucker for a Conditional Use Permit (Automobile Service Station) on property located at 1300 N. Great Neck Road, District 5, Lynnhaven. GPIN: 2408-27-6277-0000.

CONDITIONS

1. When the site is redeveloped, it shall be in substantial conformance with the submitted site layout exhibit entitled, "N. GREAT NECK RD. 7-ELEVEN PRELIMINARY LAYOUT PLAN," prepared by Blakeway Surveying, Engineering and Environmental, dated January 30, 2017, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
2. The exterior of the proposed building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations entitled, "REVIEW BOARD BUILDING, DUMPSTER ENCLOSURE, AND CANOPY ELEVATIONS," prepared by K2M Design, and dated February 8, 2017, which have been exhibited to the Virginia Beach City Council and are on file in the Virginia Beach Planning Department.
3. The freestanding sign shall be monument style with a brick base that matches the building and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit entitled, "7-Eleven #38161 1300 N Great Neck Road," prepared by Harbinger, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
4. Signage for the site shall be limited to:
 - a. Directional signs
 - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base to match the building brick and two (2) building and/or canopy signs
 - c. Striping on the canopy shall be limited to ten (10) feet on each side of the canopy or one-quarter of the length of each side. Signage on the canopy shall not be internally or externally illuminated
 - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site
5. A Landscape Plan shall be submitted at the time of final site plan review reflective of the location and plant material depicted on the site layout exhibit referenced in Condition 1 above. Said Plan shall adhere to all requirements of the Virginia Beach Landscaping Guide.
6. The dumpster shall be enclosed with a solid brick wall in a color to match the building and any required screening shall be installed in accordance with Section 245 (e) of the Zoning Ordinance.

7. No outdoor vending machines and/or display of merchandise shall be permitted.
8. No vacuum or air pumps shall be located closer than 20 feet to either North Great Neck Road or First Colonial Road. All vacuums and air pumps shall be screened with evergreen plant material, of a size and species acceptable to the Development Service Center's Landscape Architect, all of which shall be depicted on the Landscape Plan.

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

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

By a vote of 10-0, the Commission approved item 2 for consent.

Steve Romine appeared before the Commission on behalf of the applicant.

Item #3
Larae Tucker
Modification of Conditions
2101 General Booth Boulevard
District 6
Princess Anne
May 10, 2017

CONSENT

An application of Larae Tucker for a Modification of Conditions (Automobile Service Station) on property located at 2101 General Booth Boulevard, District 7, Princess Anne. GPIN: 2414-18-1717-0000.

CONDITIONS

1. When the site is redeveloped, it shall be in substantial conformance with the submitted site layout exhibit entitled, "GENERAL BOOTH AND LONDON BRIDGE PRELIMINARY LAYOUT PLAN," prepared by Blakeway Surveying, Engineering and Environmental, dated February 27, 2017, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
2. The exterior of the proposed building, fuel canopy, and dumpster enclosure shall substantially adhere in appearance, size and materials to the elevations entitled, "REVIEW BOARD BUILDING, DUMPSTER ENCLOSURE, AND CANOPY ELEVATIONS," prepared by K2M Design, and dated February 8, 2017, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
3. The freestanding sign shall be monument style with a brick base that matches the brick exterior of the new convenience store building and substantially adhere in appearance, size and materials to the submitted freestanding sign exhibit entitled, "7-Eleven #38162 2101 General Booth Boulevard," prepared by Harbinger, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
4. Signage for the site shall be limited to:
 - a. Directional signs.
 - b. One (1) monument-style freestanding sign, no more than eight (8) feet in height, set on a brick base to match the building brick and two (2) building and/or canopy signs.
 - c. Striping on the canopy shall be limited to ten (10) feet on each side of the canopy or one-quarter of the length of each side. Signage on the canopy shall not be internally or externally illuminated.
 - d. There shall be no other signs, neon signs, or neon accents installed on any wall area of the building, on the windows and/or doors, canopy, light poles or any other portion of the site.
5. A Landscape Plan shall be submitted at the time of final site plan review reflective of the location and plant material depicted on the site layout exhibit referenced in Condition 1 above. Said plan shall adhere to all requirements of the Virginia Beach Landscaping Guide.

6. The dumpster shall be enclosed with a solid brick wall in a color to match the building and any required screening shall be installed in accordance with Section 245 (e) of the Zoning Ordinance.
7. No outdoor vending machines and/or display of merchandise shall be permitted.
8. No vacuum or air pumps shall be located in any area closer to General Booth Boulevard than the closest façade of the building on that side. All vacuums and air pumps shall be screened with evergreen plant material, of a size and species acceptable to the Development Service Center’s Landscape Architect, all of which shall be depicted on the Landscape Plan.
9. Prior to the release of the site plan, the existing 10-foot landscape/scenic easement shall be relocated to accommodate the proposed improvements adjacent to the right-of-way along General Booth Boulevard.
10. Prior to the release of the site plan, the existing no ingress/egress easement shall be vacated and shall be reestablished along the London Bridge Road and General Booth Boulevard with the exception of the only access points being those depicted on the site layout exhibit referenced in Condition 1.

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

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

By a vote of 10-0, the Commission approved item 3 for consent.

Steven Romine appeared before the Commission on behalf of the applicant.

Item #4
Adventureworks, Inc.
Modification of Conditions
1252 & 1304 Prosperity Road
District 6
Beach
May 10, 2017

CONSENT

An application of Adventureworks, Inc. for a Modification of Conditions on property located at 1252 & 1304 Prosperity Road, District 6, Beach. GPINS: 2415-88-2856-0000 & 2415-88-9903-0000.

1. The paintball, laser tag, and zip line tour areas (parking, play, and otherwise) shall be located in the areas depicted on the site layout plan that has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning. Any expansion beyond those limits depicted on the Plan shall require additional review and approval of a modification of these conditions by the City Council.
2. The paintball and laser tag area, and the zip line tour area shall be distinct and separate areas.
3. The applicant shall provide on-site restroom facilities in accordance with the Americans with Disabilities Act and the City's Plumbing Code in terms of potable water and sanitary sewer.
4. A minimum of two handicap parking spaces, one of which must be van accessible, and a path leading to the outdoor recreational activities, shall be provided in accordance with the Americans with Disabilities Act and be depicted on a site layout plan to the Building Official.
5. There shall be a minimum of one individual that is First Aid and CPR certified on-site during all hours of operation.
6. No use, as conditioned herein, shall cause public inconvenience, annoyance, or disturbance to the tranquility of the adjacent residential area or otherwise interfere with the reasonable use and enjoyment of the neighboring property by reason of excessive noise, traffic, or overflow parking or any other nuisance.
7. If any land disturbance is proposed within the 50-foot Southern Rivers buffer, a variance request shall be submitted to the Department of Planning and Community Development (PCD) for review; however, the PCD is under no obligation to approval such a variance.
8. A separate permit from the Planning and Community Development Department / Zoning Office is required for any signage installed on the site. A drawing of any proposed signage shall be submitted to the Planning Director and deemed actable by the Planning Director prior to the issuance of a permit.

Modification of Conditions (Paintball Park)

1. The hours of operation of the paintball and laser tag areas shall be limited to 9:00 a.m. to dusk.

Modification of Conditions (Zip Line Course)

1. The hours of operation shall be limited to between 9:00 a.m. to dusk, with the exception of an evening zip line tour that may take place once a month between April 1st through October 31st on either a Friday or Saturday evening and shall not operate between the hours of 10:00 p.m. and 9:00 a.m.
2. The applicant shall submit all necessary plans and obtain all necessary permits and inspections from the Planning and Community Development Department / Permit and Inspections Division, the Health Department, and the Fire Department prior to operation.
3. Final site plans of installation of platforms shall be submitted to the Army Corp of Engineers for determination of impacts to jurisdictional wetlands.

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

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

By a vote of 10-0, the Commission approved item 4 for consent.

Jennifer Halverson appeared before the Commission on behalf of the applicant.

Item #5
Titan Investment Group, Inc.
Subdivision Variance
5024 Bonney Road and Adjacent Parcel
District 2
Kempsville
May 10, 2017

CONSENT

An application of Titan Investment Group, Inc. for a Subdivision Variance (Section 4.4(b) and (d) of the Subdivision Regulations) on property located at 5024 Bonney Road and adjacent parcels, District 2, Kempsville. GPINS: 1467-90-5806-0000 & 1467-91-4021-0000.

CONDITIONS

1. The site shall be redeveloped substantially as shown on the submitted site layout exhibit entitled, "Landscape Exhibit / Subdivision Variance Titan Investment Group, Inc.," dated April 13, 2017 and prepared by WPL Landscape Architects, Land Surveyors, Civil Engineers. Said plan has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
2. When the property is redeveloped, the duplex dwellings constructed shall be in substantial conformance with the architectural features, materials, size and appearance depicted on the submitted elevations entitled "PROPOSED DUPLEX," prepared by Construction Services and Management and dated April 10, 2017 and April 17, 2017. Said elevations have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning and Community Development.
3. When the property is redeveloped, plantings reflective of the size, type and location of the plantings depicted on the site layout exhibit referenced in Condition 1 shall be installed and maintained. Any dead, diseased or dying plant shall be replaced.
4. A final plat shall be recorded with the Clerk of Court depicting both Lot 1A and 2A substantially as shown on the submitted layout plan entitled, "PRELIMINARY RESUBDIVISION OF BARRON INVESTMENT, INC. AS SHOWN ON PLAT SHOWING PROPERTY TO BE CONVEYED TO LEE W. SMITH BY CHERRY ROUSE," dated February 1, 2017, prepared by WPL Landscape, Architecture, Land Surveying and Civil Engineering. Said layout plan has been exhibited to the Virginia Beach City Council and is on file with the Virginia Beach Department of Planning and Community Development.
5. Legal ingress/egress for Lot 2A shall be maintained at all times, through ingress/egress easement(s). Said easement(s) shall be depicted and recorded on the final plat.
6. When the property is redeveloped, both dwelling units on each lot shall have individual connections to City water and City sanitary sewer services, unless otherwise authorized by the Department of Public Utilities. A private utility easement deemed acceptable by the Department of Public Utilities shall be recorded to permit such connections.

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

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

By a vote of 10-0, the Commission approved item 5 for consent.

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

Item #6
Connie L. Hiebert
Conditional Use Permit
2905 Bamberg Place
District 3
Rose Hall
May 10, 2017

CONSENT

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

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. Pre-release cages, depicted on the site layout, shall be equipped with a double-door system for the protection of the handler and of the wildlife.
6. All wildlife 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 Rucinski to approve item 6.

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

Item #6
Connie L. Hiebert
Page 2

By a vote of 10-0, the Commission approved item 6 for consent.

The applicant Connie L. Hiebert appeared before the Commission.

Item #7
Ocean Bay Homes, Inc.
Alternative Compliance
Southeast Corner of 30th Street, Arctic Avenue and 29 ½ Street
District 6
Beach
May 10, 2017

CONSENT

An application of Ocean Bay Homes, Inc. for an Alternative Compliance on the Southeast Corner of 30th Street, Arctic Avenue and 29 ½ Street, District 6, Beach. GPIN: 2418-91-9518-0000; 2428-01-1534-0000; 2418-91-9469-0000; 2428-01-0661-0000; 2418-89-9579-0000; 2428-01-0610-0000.

CONDITIONS

1. With the exception of any modifications required by any of these conditions or as a result of development site plan review, the improvements to the site shall be substantially as shown on the proposed site layout and landscaping "Revised Site Plan for 15 Row Homes" exhibit included in this report. 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 Building Code or as part of the final site plan review, the structures on the site shall be substantially as shown on the proposed elevations and renderings included in this report. Said drawings have been exhibited to the City Council and are on file in the Department of Planning.
3. The exterior materials shall consist of cementitious fiber siding, board and batten, and shake as well as architectural shingles and standing seam metal roofing.
4. At the time of installation, and during subsequent maintenance and/or replacement of the plant material on the site, the planting plan shall be substantially as shown on the proposed site layout and landscaping exhibit referenced in Condition #1. All plant material 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 proposed site layout and landscaping exhibit.
5. For 30th Street, Arctic Avenue, and 29th ½ Street, the applicant shall make all proposed right-of-way improvements and any additional improvements further required as part of development site plan review.
6. All mechanical equipment shall be screened from view from the public right-of-way. The location and screening of receptacles for trash and recycling shall follow the applicable City standards.

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

AYE 10

NAY 0

ABS 0

ABSENT 1

Item #7
Ocean Bay Homes, Inc.
Page 2

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

By a vote of 10-0, the Commission approved item 7 for consent.

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

Item #8

City of Virginia Beach

An Ordinance to Amend Sections 111, 203, 230, 901, 1001 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort Form-Based Code pertaining to the definition, parking requirements, conditional requirements and the establishment as a Conditional Use in the Business, Industrial and Oceanfront Resort Form-Based Code Districts of Craft Wineries

May 10, 2017

CONSENT

An Ordinance to Amend Sections 111, 203, 230, 901, 1001 of the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort Form-Based Code pertaining to the definition, parking requirements, conditional requirements and the establishment as a Conditional Use in the Business, Industrial and Oceanfront Resort Form-Based Code Districts of Craft Wineries.

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

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

By a vote of 10-0, the Commission approved item 8 for consent.

Kevin Kemp appeared before the Commission.

Item D1
DHW Joint Venture, L.L.C.
Conditional Rezoning
5833 Sandpit Road and Nearby Parcels
District 4
Bayside
May 10, 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-3 Apartment on property located at 5833 Sandpit Road and nearby parcels, District 4, Bayside. GPIN: 1459805796; 1459815016; 1459816140; 1459817013; 1459818232; 1459910373; 1459912208; 1459900680; 1459902964; 1459914202.

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

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

By a vote of 10-0, the Commission deferred item D1.

Lisa Murphy appeared before the Commission requesting the deferral.